



Chair and Honorable Rep. Thompon
and the Select Committee to Investigate
the January 6th Attack on the U.S. Capitol
Longworth House Office Building
Washington, DC 20515

April 19, 2022

Dear Chair and Honorable Rep. Thompson and Members of the Select Committee,

The Colorado Ethics Institute (CEI) is a nonprofit working to ensure public officials comply with ethics codes, transparency rules, and their oaths of office. CEI is also committed to protecting the democratic process through transparency around elections and election administration.

As part of that work we filed Colorado Open Records Act (CORA) requests for documentation of John Eastman's expenses and reimbursements¹ as well as certain email communications² while employed by the University of Colorado-Boulder's Benson Center for the Study of Western Civilization from August of 2020 until May of 2021.

Eastman's employment at CU-Boulder during the critical months of the 2020 election made him a person of interest in Colorado, but the public conversation around his involvement with the Trump campaign seems to revolve mostly around his faculty position with Chapman University. It appears from Eastman's Dec. 2021 deposition that you are aware of his "Gmail" and "Chapman University" email accounts (*p. 10, lines 20-23*), but you may not be aware that he used a University of Colorado email account to communicate about the 2020 election as well.

Attached you will find:

- More than a dozen documents containing email communications between Eastman and state Rep. Russ Diamond, R-Pa., in which Eastman offers edits to legislative resolutions, reviews communications, and suggests tactics Pennsylvania lawmakers could take to seat an alternate set of electors. [CU-CORA-001067, CU-CORA-001073, CU-CORA-001075, CU-CORA-001079, CU-CORA-001082, CU-CORA-001086, CU-CORA-001102, CU-CORA-001106, CU-CORA-001498, CU-CORA-001506, CU-CORA-001508, CU-CORA-001835, CU-CORA-001841]
- An email in which Rep. Diamond introduces Republican House Majority Leader Kerry Benninghoff to Eastman with the following: "Kerry, Dr. Eastman is responsible for

¹ "Records of all expenditures by and reimbursements to Eastman from Jan. 28, 2020 to present."

² Emails sent or received by john.eastman@cu.edu between 11/01/2020 and 1/31/2021 that include any of the following: "Philadelphia," OR "Penn," OR "January 6," OR "scenario," OR "Pence" OR "Trump," OR "Elect*" OR "Rudy" OR "Powell" OR "Bruce Marks" OR "Four Seasons" OR "Willard".

opening my eyes to ***our ability to exercise our plenary authority to decertify presidential electors (without ANY 'evidence' of retail 'voter fraud')*** ...”

[CU-CORA-002328]

- A record in which the stated purpose for a November 2020 Philadelphia trip was for Eastman to participate in "The American National Character (ANC) Project" symposium put on by the Benson Center and the Ryan Foundation. *[CU-CORA-000908]* (Asked in his Dec. 9 deposition if he traveled to "Philadelphia in connection with your participation in a panel on federalism and separation of powers at the Federalist Society National Lawyers Conference that took place in November 2020?" Eastman pleaded the Fifth [It should be noted that the conference, according to its website, was held virtually.])
- A spreadsheet from CU-Boulder showing Eastman requested nearly \$500 in reimbursements for the November 2020 Philadelphia trip. *[pages 8-10 of the attached]*
- A reimbursement request, later rejected by CU-Boulder, for in-flight Wi-Fi for the November 2020 Philadelphia trip. Eastman's expressed business purpose for the request: "I do a lot of media, particularly following the election the day before the trip. So I need access to my email and to other internet-based resources even while traveling. ..." *[CU-CORA-000908 and CU-CORA-001198]*
- A Dec. 3 email in which Eastman says he "got called yesterday to provide testimony this afternoon before the Georgia Senate Subcommittee on the Election..." It is not clear who called and asked him to testify *[CU-CORA-001030]*
- A Dec. 9, email from Eastman (using his Chapman account) to Benson Center Director Dan Jacobson in which he advises: "President Trump asked me to represent him in filing a motion to intervene in the pending litigation at the Supreme Court. Nothing on the pleading mentions Univ. of Colorado, but I wanted to give you a heads up anyway. It was just filed a few moments ago." *[CU-CORA-001286]*
- Dec. 2020 emails in which, citing Eastman's work for Trump, he and Benson Center Director Dan Jacobson were asked whether they were aware of CU-Boulder's "'1/6th rule' in terms of consulting while holding a position at CU." *[CU-CORA-001336, CU-CORA-001950, CU-CORA-001952]*
- Jan. 2021 emails in which Eastman, former CU Regent Steve Bosley, and Earl L. Wright, Chairman of the Board of Directors of AMG National Trust Bank and a board member of the Colorado-based Common Sense Institute, arrange a zoom call to discuss "Hillary, Bribes and election steeling" (sic) forwarded by former Overstock CEO Patrick M. Byrne. *[CU-CORA-002755 and CU-CORA-002795]*
- A Jan. 2019 letter to Eastman *[491742206-Eastman-offer-letter, pages 4-7 of the attached]* confirming dates of employment at CU-Boulder as an at-will employee; advising he will be issued a university computer; and informing him of laws that employees "must affirm in writing that they will support the constitutions of the United States and of Colorado."
- An email in which Eastman is asked by CU alum and Steamboat Institute emerging leader Carter Mateer about his claim of receiving "a grant to pursue post election litigation." *[CU-CORA-000007]*

The scope of records we've come across to date is limited, as the reimbursements for Eastman's Philadelphia trip prompted a narrowly focused CORA request that produced the documents included in this communication. An Oct. 2, 2021, article [in the New York Times](#) indicated Eastman's work in Philadelphia was not solely reserved for the symposium.

Mr. Eastman's role in Mr. Trump's efforts to remain in power began the weekend after the election in Philadelphia, where Mr. Eastman had traveled for an academic conference. At a nearby hotel, Mr. Trump's closest aides, including Corey Lewandowski, were putting together a legal brief to challenge the results in Pennsylvania. ...

Now, confronting election results that showed Mr. Trump lost, one of Mr. Trump's aides reached out to Mr. Eastman to see whether he could come over to the hotel to help Mr. Trump's team.

Mr. Eastman said he was only in the room for 15 minutes before being ushered out — but it was long enough, he said, for him to catch Covid-19 there, and he became ill for several weeks. By the time he felt better, it was the beginning of December — when Mr. Trump called to see whether Mr. Eastman could help bring legal action directly before the Supreme Court. In the days that followed, Mr. Eastman filed two briefs with the Supreme Court on Mr. Trump's behalf, but those efforts quickly failed.

As you know, a federal judge earlier this year declared efforts to overturn the election by Eastman and Trump as, “a coup in search of a legal theory.” Greg Jacobs, former chief counsel to Vice President Mike Pence, has said that Eastman admitted that his plan wouldn't stand up to scrutiny by the Supreme Court and would likely lose 9-0 (*Jan. 2021 deposition of Jacobs, p.110, Lines 13-25*). And yet, to this day Eastman seems unmoved. In March, he urged Wisconsin lawmakers to decertify Joe Biden's victory (*ABC News, April 11, 2022*), and his efforts to shield 37,000 pages of emails sent using the Chapman University account (*Politico, April 18, 2022*) are ongoing.

To the best of my knowledge, these communications from Eastman's CU-Boulder email account have not been previously disclosed to the Select Committee. In order to compile the most complete record of his activities possible, you would be well-advised to thoroughly review the attached, to request and review all communications sent to and from Eastman during his tenure at CU-Boulder, and to review the contents of his university-issued computer.

Please feel free to contact me at curtis@coloradoethicsinstitute.org if you have questions.

Sincerely,



Curtis Hubbard
Colorado Ethics Institute



Benson Center for the Study
of Western Civilization

UNIVERSITY OF COLORADO **BOULDER**

Benjamin Slater Hale
Interim Director
Benson Center for the Study
Of Western Civilization
Fostering Intellectual Diversity

[Redacted]
[Redacted]
Campus Box [Redacted]
University of Colorado Boulder
Boulder, CO 80309

January 28, 2020

John C. Eastman
Henry Salvatori Professor of Law & Community Service
Dale E. Fowler School of Law at Chapman University
One University Dr.
Orange, CA 92866

Dear John:

I am pleased to offer you a 100% appointment to the faculty of the University of Colorado Boulder as Scholar in Residence in the Benson Center for the Study of Western Civilization, with a working title of Visiting Scholar in Conservative Thought & Policy. This offer is made upon the recommendation of the Benson Center for the Study of Western Civilization with the concurrence of the Associate Dean of the College of the Arts and Sciences and the Vice Provost and Associate Vice Chancellor for Faculty Affairs, and is subject to final approval by the Provost and Executive Vice Chancellor for Academic Affairs of the University of Colorado Boulder.

Subject to approval by the Provost, your service will begin on August 17, 2020. This appointment will end no later than May 7, 2021. Your initial academic year salary will be \$185,000. This is a non-tenure track appointment and is non-renewable.

In order to assist you with your relocation, the University will reimburse the actual moving and transportation costs for you to relocate, up to a maximum of \$6,000 and subject to University policy. This payment will be available after your effective start date at the University.

You will be provided with a computer, funded by the Benson Center for the Study of Western Civilization, which will remain the property of the University of Colorado but will be for your exclusive use so long as you remain a member of the faculty.

You will be given a \$20,000 start-up account from the Benson Center. These funds may be used for travel, research, and teaching related purposes. There are other monies and staff support available for CTP related events to pay for honoraria, travel, advertising, etc.

Your normal classroom teaching assignments will include four courses per academic year (2 courses per semester). You will also be expected to initiate a speaker series each semester



Benson Center for the Study
of Western Civilization

UNIVERSITY OF COLORADO BOULDER

Benjamin Slater Hale [REDACTED]
Interim Director [REDACTED]
Benson Center for the Study Campus Box [REDACTED]
Of Western Civilization University of Colorado Boulder
Fostering Intellectual Diversity Boulder, CO 80309

aimed at a general audience comprising campus and community. Furthermore, you will be expected to do outreach and to speak with various groups. By accepting this position, you agree to perform duties and responsibilities which are in the area of your expertise or academic interest, or are otherwise appropriate, and which are assigned to you consistent with your rights and responsibilities as a faculty member, and the policies and procedures of the University and of your academic unit.

By accepting this appointment, you agree to comply with all resolutions, rules and regulations adopted by the Board of Regents, and with policies and regulations adopted by the campus, department, school, college or other academic unit in which your appointment is made, consistent with the policies and procedures of the University and your rights and responsibilities as a faculty member. For additional information, please see the following links at:

<https://www.cu.edu/regents/Laws/article-05.html>

<https://www.cu.edu/content/faculty-handbook>

<https://www.cu.edu/sites/default/files/2027.pdf>

The laws of the state of Colorado require that faculty members of the University who are citizens of the United States affirm in writing that they will support the constitutions of the United States and of Colorado, and that they will faithfully execute the duties of their employment. The required faculty pledge form is enclosed.

State law specifically requires that you be an employee-at-will in your non-tenure track position and that the following paragraph be included in this letter of offer.

Your employment contract is subject to termination by either party to such contract at any time during its term, and you shall be deemed to be an employee-at-will. No compensation, whether as a buy-out of the remaining term of the contract, as liquidated damages, or as any other form of remuneration, shall be owed or paid to you upon or after termination of such contract except for compensation that was earned prior to the date of termination.

This offer is contingent upon the satisfactory completion of a criminal background check as required by the University. You will receive an e-mail from the University's external vendor, HireRight Customer Support (customersupport@hireright.com) that will direct you to complete the authorization form on-line. The background check must be completed prior to employment. By accepting this offer you verify that you've read the University's background check requirements, including your self-disclosure obligation which begins from



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UNIVERSITY OF COLORADO BOULDER

Benjamin Slater Hale
Interim Director
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Of Western Civilization
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[Redacted]
Campus Box [Redacted]
University of Colorado Boulder
Boulder, CO 80309

the date of acceptance, available on the web at:

<http://www.colorado.edu/policies/background-check-policy>.

All new faculty at the University of Colorado Boulder are required to complete training on sexual misconduct, discrimination and harassment. A CU Identikey is required in order to access the training. You will receive an e-mail from your college or school personnel coordinator once your Identikey has been established. Once your Identikey is in place, please visit the following web address located on the Office of Institutional Equity and Compliance (OIEC) website for instructions on how to complete the required training: <http://www.colorado.edu/institutionalequity/training-and-education>.

The on-line training must be completed prior to the in-person campus New Faculty Orientation to be held on August 17, 2020. OIEC recommends that the on-line training be completed as close to the in-person orientation as possible so as to reinforce content.

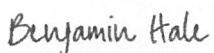
If your work involves export-controlled technology, your work may be contingent upon obtaining authorization from the US Department of State or Commerce. The Office of Export Controls can assist in making this determination and applying for authorization. Contact: exportcontrol@colorado.edu.

If you have any questions about available benefits as a faculty member, please contact Benefits, part of Employee Services, at (303) 860-4200, option 3. You have 31 days from your hire date to enroll in any benefits programs. If your appointment begins on the first of the month, medical and dental coverage begin on that date. If your appointment begins on any other date, coverage begins the first day of the following month. Your specific start date and benefits eligibility are determined by University policy. For additional information, please see the following link at: <https://www.cu.edu/employee-services/benefits/>.

In order that a recommendation for appointment may be submitted to the Provost on your behalf, please notify me by February 15, 2020, of your willingness to accept this position by electronically-signing this document via DocuSign.

We look forward to your acceptance of this offer and your contributions to the University.

Sincerely,

DocuSigned by:

97AF587F7A364BF...
Benjamin S. Hale, Interim Faculty Director

2/5/2020

Date



Benson Center for the Study
of Western Civilization

UNIVERSITY OF COLORADO BOULDER

Benjamin Slater Hale
Interim Director
Benson Center for the Study
Of Western Civilization
Fostering Intellectual Diversity

[Redacted]
[Redacted]
Campus Box [Redacted]
University of Colorado Boulder
Boulder, CO 80309

Benson Center for the Study of Western Civilization

Concurred by:

DocuSigned by:

Theresa Hernandez

E8C014AE1E38408...
Theresa D. Hernández, Associate Dean
College of Arts and Sciences

2/5/2020

Date

DocuSigned by:

Michele S. Moses

Michele S. Moses, Vice Provost and Associate
Vice Chancellor for Faculty Affairs

2/5/2020

Date

DS

OFA

I accept this offer of the faculty position described above, with the understanding that this offer is conditional upon approval of my appointment by the Provost of the University of Colorado Boulder.

DocuSigned by:

John Eastman

D1611D1C8C9F48D...
John C. Eastman

jeastman@chapman.edu

Candidate email address

2/5/2020

Date

I decline this offer.

2/5/2020

John C. Eastman

Date

Candidate: Please proceed to the final page of this document to provide additional required information.

Employee	Division	Report Name	Sent for Payment	Date
Boulder		Eastman, John Charle: Eastman CWCV September 2020	Oct 5, 2020 12:00:00 AM	
Boulder		Eastman, John Charle: Eastman MCH March 2021	#####	
Boulder		Eastman, John Charle: Eastman Philadelphia Nov 2020	Dec 8, 2020 12:00:00 AM	
Boulder		Eastman, John Charle: Eastman Philadelphia Nov 2020	Dec 8, 2020 12:00:00 AM	
Boulder		Eastman, John Charle: Eastman Philadelphia Nov 2020	Dec 8, 2020 12:00:00 AM	
Boulder		Eastman, John Charle: Eastman Philadelphia Nov 2020		1-Dec-20

Expense Type	Account Code	Payment Type	Merchant
Peripherals < \$5000 (501400)	501400	Cash / Out of Pocket	
Registration Fees-Conference/Event (553000)	553000	Cash / Out of Pocket	
Fixed Meals	700200	Cash / Out of Pocket	
Personal Travel Allowance (enter negative amount)	700200	Cash / Out of Pocket	
Transportation	700200	Cash / Out of Pocket	
Internet Airfare Reimbursement		Cash / Out of Pocket	

Merchant City/Location	Entry	Approved	Amount
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			108.83
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			65
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			98.5
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			-4.75
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			152.61
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			246.36
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Message

From: Carter Mateer [REDACTED]
Sent: 11/2/2020 6:26:16 PM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Thank you again and election litigation

Dear John,

Thank you again for having Paula and I over at your house on Friday. We really enjoyed spending time with you all. I remember you mentioned that night about having a grant to pursue post election litigation.

I'm interested in learning more and see if there is any way I could support your efforts. How can I help?

Best,

Carter Mateer

Message

From: John Eastman [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=192D43D8DB2949C9ADFA27C5CBFD02A1-JOE4895]
Sent: 12/1/2020 1:19:40 PM
To: Lily T Welch [lily.welch@colorado.edu]
Subject: RE: Eastman travel reimbursement

I do a lot of media, particularly following the election the day before the trip. So I need access to my email and to other internet-based resources even while traveling.

From: Lily T Welch <lily.welch@colorado.edu>
Sent: Tuesday, December 1, 2020 1:15 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: FW: Eastman travel reimbursement

Hi John,

Can you please send a quick statement on why internet was needed for both flights? It doesn't have to be complicated. Thank you.

Lily Welch
Program Manager
Benson Center for the Study of Western Civilization
University of Colorado Boulder
Boulder, Colorado 80309
T 303 492-0330
lily.welch@colorado.edu



From: Hannah Flatten <Hannah.Flatten@Colorado.EDU>
Date: Tuesday, December 1, 2020 at 1:13 PM
To: Lily Welch <lily.welch@colorado.edu>
Subject: RE: Eastman travel reimbursement

Hi Lily,

Can you get a statement from Dr. Eastman as to why internet access was needed on both flights/how it pertained to University business?

Thanks,
Hannah

From: Lily T Welch <lily.welch@colorado.edu>
Sent: Monday, November 30, 2020 1:45 PM
To: Hannah Flatten <Hannah.Flatten@Colorado.EDU>
Subject: Eastman travel reimbursement

Hi Hannah,

Attached please find a travel reimbursement form and receipts for John Eastman. He and Elizabeth traveled for a conference earlier this month after receiving the necessary approvals in Concur.

The full business purpose is below.

The conference is part of a multi-year endeavor called "The American National Character (ANC) Project." The first phase of this important work, launched in Philadelphia in 2017 in a colloquium focused on investigating the sources of fragmentation among the American people and seeking to articulate the principles and practices that can reunite them as one people. The project originated from a historical foundation in George Washington's repeated observation at the Founding that "we have a national character to develop."

Among other efforts, Dr. Allen and 2019-20 Benson Center Visiting Scholar in Conservative Thought and Policy Dr. Colleen Sheehan spearheaded a Benson Center--Ryan Foundation collaboration in 2019-20 to engage nationally recognized participants (among them, Diana Schaub, Robert Zimmer, Stephen Cambone, Danielle Allen) to deliver a series of well-regarded free, public lectures and faculty seminars on the CU Boulder campus.

The Fall 2020 conference in Philadelphia is the culmination of the ANC project.

Thank you.

Lily Welch
Program Manager
Benson Center for the Study of Western Civilization
University of Colorado Boulder
Boulder, Colorado 80309
T 303 492-0330
lily.welch@colorado.edu



Message

From: John Eastman [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=192D43D8DB2949C9ADFA27C5CBFD02A1-JOE4895]
Sent: 12/3/2020 9:13:56 PM
To: Daniel Jacobson [Daniel.Jacobson@colorado.edu]
Subject: RE: Testimony in Georgia today

Here's the link to my testimony. Begins at 4:54:00

<https://livestream.com/accounts/26021522/events/8730585/videos/214364915>

John

From: Daniel Jacobson <Daniel.Jacobson@colorado.edu>
Sent: Thursday, December 3, 2020 1:23 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Re: Testimony in Georgia today

No apologies necessary. Good luck with the committee, I hope it goes well.

- D.

On Dec 3, 2020, at 12:54 PM, John Eastman <John.Eastman@colorado.edu> wrote:

Thank you. And apologies in advance for what I expect may be a lot of incoming. But these issues are too important, and my expertise on the particular questions too well know, for me to take a pass.

John

From: Daniel Jacobson <Daniel.Jacobson@colorado.edu>
Sent: Thursday, December 3, 2020 10:46 AM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Re: Testimony in Georgia today

Thanks for keeping me posted, John — but that is your current position, you are in good standing, and you should be able to use it. Your opinions are your own, of course, but that is stated explicitly. (Which shouldn't be necessary but is a good precaution to take these days.)

Best,
Dan

On Dec 3, 2020, at 12:15 PM, John Eastman <John.Eastman@colorado.edu> wrote:

Dan,

I got called yesterday to provide testimony this afternoon before the Georgia Senate Subcommittee on the Election, given my expertise on the subject. (Similar to testimony I provided before the Florida Legislature back in 2000).

I normally include my institutional affiliations (with an appropriate disclaimer) on my testimony. Given the sensitivity of all things Eastman this year, I thought I would run it by you to get your thoughts.

Below is what the cover page would look like.

Let me know your thoughts as soon as possible, as I believe I am scheduled to go on about 2 pm Mountain time.

John

The Constitutional Authority of State Legislatures To Choose Electors

Testimony of
Dr. John C. Eastman^[1]

Henry Salvatori Professor of Law & Community Service and former Dean
Chapman University's Dale E. Fowler School of Law

2020-21 Visiting Scholar of Conservative Thought and Policy
The Benson Center for the Study of Western Civilization
University of Colorado Boulder

Founding Director, The Claremont Institute's
Center for Constitutional Jurisprudence

before the
Georgia Senate Judiciary Committee
Subcommittee on State Elections Processes

Hearing to Assess Elections Improprieties and to Evaluate the Election Process
to Ensure the Integrity of Georgia's Voting System.

December 3, 2020

^[1] Dr. Eastman has an M.A. and Ph.D. in Government from the Claremont Graduate School, a J.D. from the University of Chicago Law School, and a B.A. in Politics and Economics from the University of Dallas. Institutional affiliations listed for identification purposes only. The views presented by Dr. Eastman are his own, and do not necessarily reflect the views of the Institutions with which he is affiliated.

Message

From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 12/4/2020 6:13:49 PM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Your Georgia testimony

Professor Eastman-

I found your testimony before the Georgia Senate to be compelling. Here in Pennsylvania, numerous other frustrated colleagues and I are searching for legislative solutions to our current national predicament.

Forgive me, as I am not an attorney, but my takeaway from your testimony was the following. Please review and let me know if it is an accurate assessment of what you said during your presentation and the Q & A portion.

Because the US Constitution vests the authority to create election law in the state legislatures, and because Pennsylvania's judicial and executive branches issued decisions and guidance which contravene the election law the Pennsylvania state legislature created, resulting in an unlawful election, the state legislature can exercise its plenary authority to appoint presidential electors, regardless of restraints existing within Pennsylvania's constitution and statutes, because of the supremacy clause of the US Constitution and because the act of appointing presidential electors is a function of the US Constitution.

I am working on a legislative instrument based on this premise, after reading through *McPherson v. Blacker*. If make takeaway is inaccurate or not precise enough, I would greatly appreciate your input.

Further, it was my understanding that you stated that the FL legislature during Bush v. Gore in 2000 was based on matching simple resolutions in the FL House and Senate, as opposed to a joint resolution or a concurrent resolution. Is that accurate?

Thank you so very much for your time and consideration. I can be reached at 717.383.3025 if you believe a verbal discussion would be better suited to review these questions I have.

Respectfully,

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
www.RepDiamond.com

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the sender and delete the message and material from all computers.

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Message

From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 12/4/2020 7:51:53 PM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Re: Your Georgia testimony
Attachments: Plenary Authority Resolution.docx

Thank you so much, sir!

Attached is a resolution I drafted to reflect that premise. If you would kindly review and provide constructive criticism, it would be greatly appreciated as I am not formally schooled in the law.

RD

From: John Eastman <John.Eastman@colorado.edu>
Sent: Friday, December 4, 2020 9:22:09 PM
To: Russ Diamond <rdiamond@pahousegop.com>
Subject: RE: Your Georgia testimony

You're summary is spot on.

I have not been able to locate the old resolutions from Florida, which I helped draft. But here's a NY Times article about them. <https://www.nytimes.com/2000/12/12/us/contesting-vote-legislature-committees-approve-resolutions-allowing-florida.html>

It appears that they were done as a joint resolution—i.e., a legislative resolution requiring approval by each house of the legislature but not the signature of the Governor. I believe that is consistent with the plenary authority provided by Article II, and also consistent with the role the legislature plays (alone, without the governor) in deciding whether or not to ratify a U.S. Constitutional amendment.

What happened in Florida is that both the House and Senate had drafted identical resolutions, and those had passed out of committee on a party-line vote. Floor votes in both chambers were scheduled for the Tuesday and Wednesday following, but the Supreme Court's decision in *Bush v. Gore* mooted the issue.

Hope that helps. Feel free to send any follow-up questions you have, or call me at 714-943-9983.

John

P.S. I do not think the letter to members of your state congressional delegation was helpful. Our side can object to the slate of electors all they want. An objection, signed in writing by at least 1 member of the House and 1 member of the Senate, results in the two houses breaking into their separate chambers to resolve the objection. ONLY IF *both houses* then agree to the objection is the slate deemed invalid. If the House doesn't agree to the objection, as is almost certain (the vote here being by majority rather than by state), then the objection is not sustained and the slate is counted. See 3 U.S.C. § 15. So don't let your colleagues rest on that letter.

From: Russ Diamond <rdiamond@pahousegop.com>
Sent: Friday, December 4, 2020 6:14 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Your Georgia testimony

Professor Eastman-

I found your testimony before the Georgia Senate to be compelling. Here in Pennsylvania, numerous other frustrated colleagues and I are searching for legislative solutions to our current national predicament.

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A RESOLUTION

Declaring and affirming plenary authority in appointing presidential electors.

WHEREAS, Article I, Section 4, Clause 1 of the United States Constitution empowers state legislatures, including the General Assembly of the Commonwealth of Pennsylvania, to prescribe the “Times, Places, and Manner” of conducting elections; and

WHEREAS, Article II, Section 1, Clause 2 of the United States Constitution empowers state legislatures, including the General Assembly of the Commonwealth of Pennsylvania, to direct the manner of appointing electors for President and Vice President of the United States; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has exercised its authority to establish election administration procedures for the Commonwealth, known as the Pennsylvania Election Code; and

WHEREAS, the Pennsylvania Election Code requires all mail-in ballots to be received by eight o’clock P.M. on the day of the election; and

WHEREAS, the Pennsylvania Election Code requires election officials at polling places to authenticate the signatures of in-person voters; and

WHEREAS, the Pennsylvania Election Code requires that county boards of elections shall not meet to conduct a pre-canvass of all absentee and mail-in ballots until seven o’clock A.M. on Election Day, during which time defects on mail-in ballots would be identified; and

WHEREAS, the Pennsylvania Election Code prohibits the counting of defective absentee or mail-in ballots; and

WHEREAS, the Pennsylvania Election Code authorizes “watchers,” selected by candidates and political parties, to observe the process of canvassing absentee and mail-in ballots; and

WHEREAS, the Commonwealth conducted an election on November 3, 2020 for federal offices, including selecting electors for President and Vice President of the United States; and

WHEREAS, on September 17, 2020, less than seven weeks before the November 3, 2020 election, the Supreme Court of the Commonwealth of Pennsylvania unlawfully and unilaterally extended the deadline for mail-in ballots to be received, mandated that ballots mailed without a postmark would be presumed to be received timely, and could be accepted without a verified voter signature; and

WHEREAS, on October 23, 2020, less than two weeks before the November 3, 2020 election and upon a petition from the Secretary of the Commonwealth, the Supreme Court of the Commonwealth of Pennsylvania ruled that county Boards of Election need not authenticate signatures for mail-in ballots, thereby treating in-person and mail-in voters dissimilarly and eliminating a critical safeguard against potential election crime; and

WHEREAS, on November 2, 2020, the night before the November 3, 2020 election and prior to the prescribed time for pre-canvassing mail-in ballots, the office of the Secretary of the Commonwealth encouraged certain counties to notify party and candidate representatives of mail-in voters whose ballots contained defects; and

WHEREAS, heavily Democrat counties permitted mail-in voters to cure ballot defects while heavily Republican counties followed the law and invalidated defective ballots; and

WHEREAS, in certain counties in the Commonwealth, watchers were not permitted to meaningfully observe the pre-canvassing and canvassing activities relating to absentee and mail-in ballots; and

WHEREAS, officials in the Executive and Judicial branches of the Commonwealth infringed upon the General Assembly's authority under the United States Constitution by issuing decisions and providing guidance which contravened, frustrated and substantially modified the express provisions of the Pennsylvania Election Code; and

WHEREAS, election officials in certain counties of the Commonwealth acted upon the unlawful decisions and guidance of the Executive and Judicial branches of the Commonwealth; and

WHEREAS, election officials in certain counties of the Commonwealth took further actions in contravention of the Pennsylvania Election Code; and

WHEREAS, in *McPherson v. Blacker* 146 U.S. 1 (1892), the Supreme Court of United States examined Article II, Section 1, Clause 2 of the United States Constitution and held “that from the formation of the government until now the practical construction of the clause has conceded plenary power to the state legislatures in the matter of the appointment of electors;” and

WHEREAS, in *McPherson v. Blacker* the Supreme Court of United States also held “that from the formation of the government until now the practical construction of the clause has conceded plenary power to the state legislatures in the matter of the appointment of electors;” and

WHEREAS, in *McPherson v. Blacker* the Supreme Court of United States further held that "The appointment of these electors is thus placed absolutely and wholly with the legislatures of the several States. They may be chosen by the legislature, or the legislature may provide that they shall be elected by the people of the State at large, or in districts, as are members of Congress, which was the case formerly in many States; and it is, no doubt, competent for the legislature to authorize the governor, or the Supreme Court of the State, or any other agent of its will, to appoint these electors. This power is conferred upon the legislatures of the States by the Constitution of the United States, and cannot be taken from them or modified by their State constitutions any more than can their power to elect Senators of the United States. Whatever provisions may be made by statute, or by the state constitution, to choose electors by the people, there is no doubt of the right of the legislature to resume the power at any time, for it can neither be taken away nor abdicated. (Senate Rep. 1st Sess. 43 Cong. No. 395)”; and

WHEREAS, Article VI, Section 2, Clause 2 of the United States Constitution states “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding;”

WHEREAS, 3 U.S.C. §2. states "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct;” and

THEREFORE, be it RESOLVED that the Pennsylvania General Assembly —

1. Declares the aforementioned to be findings of fact; and
2. Condemns all unlawful infringement on the General Assembly’s authority pursuant to the United States Constitution to regulate the “Times, Places, and Manner” of conducting elections; and

3. Declares the November 3, 2020 election of presidential electors to be unlawful, and the results thereof null and void; and
4. Declares that the Commonwealth of Pennsylvania has failed to make a choice on the day prescribed by law; and
5. Declares its intent to exercise plenary authority in appointing presidential electors as provided by Article II, Section 1, Clause 2 of the United States Constitution ; and
6. Declares the right to pursue the aforementioned under the authority and protection of Article VI, Section 2, Clause 2 of the United States.

Message

From: John Eastman [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=192D43D8DB2949C9ADFA27C5CBFD02A1-JOE4895]
Sent: 12/4/2020 9:25:56 PM
To: Russ Diamond [rdiamond@pahousegop.com]
Subject: RE: Your Georgia testimony
Attachments: Plenary Authority Resolution - JCE.docx

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One big question, though. Do you want to only go half way, and require another resolution to actual choose a slate of electors? Or should you do it all in one resolution? I don't know the dynamic of your Legislature, so can't answer that. But my intuition is that it would be better to do what you need to do in one fell swoop.

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For example, depending on how many ballots were counted that were received after the statutory deadline (say 10,000 for example's purpose), those 10,000 votes need to be discarded, and you can take the absentee ballot ratio for each candidate in the counties where late-received ballots were illegally counted and deduct the pro-rated amount from each candidate's total.

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Then, having done that math, you'd be left with a significant Trump lead that would bolster the argument for the Legislature adopting a slate of Trump electors – perfectly within your authority to do anyway, but now bolstered by the untainted popular vote. That would help provide some cover.

I would also include after paragraph 3 a specific legislative determination that the slate of electors certified by the governor under the illegally-conducted election are also null and void.

Hope this helps.

John

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What happened in Florida is that both the House and Senate had drafted identical resolutions, and those had passed out of committee on a party-line vote. Floor votes in both chambers were scheduled for the Tuesday and Wednesday following, but the Supreme Court's decision in *Bush v. Gore* mooted the issue.

Hope that helps. Feel free to send any follow-up questions you have, or call me at 714-943-9983.

John

P.S. I do not think the letter to members of your state congressional delegation was helpful. Our side can object to the slate of electors all they want. An objection, signed in writing by at least 1 member of the House and 1 member of the Senate, results in the two houses breaking into their separate chambers to resolve the objection. ONLY IF *both houses* then agree to the objection is the slate deemed invalid. If the House doesn't agree to the objection, as is almost certain (the vote here being by majority rather than by state), then the objection is not sustained and the slate is counted. See 3 U.S.C. § 15. So don't let your colleagues rest on that letter.

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To: John Eastman <John.Eastman@colorado.edu>
Subject: Your Georgia testimony

Professor Eastman-

I found your testimony before the Georgia Senate to be compelling. Here in Pennsylvania, numerous other frustrated colleagues and I are searching for legislative solutions to our current national predicament.

Forgive me, as I am not an attorney, but my takeaway from your testimony was the following. Please review and let me know if it is an accurate assessment of what you said during your presentation and the Q & A portion.

Because the US Constitution vests the authority to create election law in the state legislatures, and because Pennsylvania's judicial and executive branches issued decisions and guidance which contravene the election

law the Pennsylvania state legislature created, resulting in an unlawful election, the state legislature can exercise its plenary authority to appoint presidential electors, regardless of restraints existing within Pennsylvania's constitution and statutes, because of the supremacy clause of the US Constitution and because the act of appointing presidential electors is a function of the US Constitution.

I am working on a legislative instrument based on this premise, after reading through *McPherson v. Blacker*. If make takeaway is inaccurate or not precise enough, I would greatly appreciate your input.

Further, it was my understanding that you stated that the FL legislature during Bush v. Gore in 2000 was based on matching simple resolutions in the FL House and Senate, as opposed to a joint resolution or a concurrent resolution. Is that accurate?

Thank you so very much for your time and consideration. I can be reached at 717.383.3025 if you believe a verbal discussion would be better suited to review these questions I have.

Respectfully,

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
www.RepDiamond.com

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WHEREAS, Article II, Section 1, Clause 2 of the United States Constitution empowers state legislatures, including the General Assembly of the Commonwealth of Pennsylvania, to direct the manner of appointing electors for President and Vice President of the United States; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has exercised its authority to establish election administration procedures for the Commonwealth, known as the Pennsylvania Election Code; and

WHEREAS, the Pennsylvania Election Code requires all mail-in ballots to be received by eight o’clock P.M. on the day of the election; and

WHEREAS, the Pennsylvania Election Code requires election officials at polling places to authenticate the signatures of in-person voters; and

WHEREAS, the Pennsylvania Election Code requires that county boards of elections shall not meet to conduct a pre-canvass of all absentee and mail-in ballots until seven o’clock A.M. on Election Day, during which time defects on mail-in ballots would be identified; and

WHEREAS, the Pennsylvania Election Code prohibits the counting of defective absentee or mail-in ballots; and

WHEREAS, the Pennsylvania Election Code authorizes “watchers,” selected by candidates and political parties, to observe the process of canvassing absentee and mail-in ballots; and

WHEREAS, the Commonwealth conducted an election on November 3, 2020 for federal offices, including selecting electors for President and Vice President of the United States; and

WHEREAS, on September 17, 2020, less than seven weeks before the November 3, 2020 election, the Supreme Court of the Commonwealth of Pennsylvania unlawfully and unilaterally extended the deadline for mail-in ballots to be received, mandated that ballots mailed without a postmark would be presumed to be received timely, and could be accepted without a verified voter signature; and

WHEREAS, on October 23, 2020, less than two weeks before the November 3, 2020 election and upon a petition from the Secretary of the Commonwealth, the Supreme Court of the Commonwealth of Pennsylvania ruled that county Boards of Election need not authenticate signatures for mail-in ballots, thereby treating in-person and mail-in voters dissimilarly and eliminating a critical safeguard against potential election crime; and

WHEREAS, on November 2, 2020, the night before the November 3, 2020 election and prior to the prescribed time for pre-canvassing mail-in ballots, the office of the Secretary of the Commonwealth encouraged certain counties to notify party and candidate representatives of mail-in voters whose ballots contained defects; and

WHEREAS, heavily Democrat counties permitted mail-in voters to cure ballot defects while heavily Republican counties followed the law and invalidated defective ballots; and

WHEREAS, in certain counties in the Commonwealth, watchers were not permitted to meaningfully observe the pre-canvassing and canvassing activities relating to absentee and mail-in ballots; and

WHEREAS, officials in the Executive and Judicial branches of the Commonwealth infringed upon the General Assembly's authority under the United States Constitution by issuing decisions and providing guidance which contravened, frustrated and substantially modified the express provisions of the Pennsylvania Election Code; and

WHEREAS, election officials in certain counties of the Commonwealth acted upon the unlawful decisions and guidance of the Executive and Judicial branches of the Commonwealth; and

WHEREAS, election officials in certain counties of the Commonwealth took further actions in contravention of the Pennsylvania Election Code; and

WHEREAS, in *McPherson v. Blacker* 146 U.S. 1 (1892), the Supreme Court of United States examined Article II, Section 1, Clause 2 of the United States Constitution and held “that from the formation of the government until now the practical construction of the clause has conceded plenary power to the state legislatures in the matter of the appointment of electors;” and

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WHEREAS, Article VI, Section 2, Clause 2 of the United States Constitution states “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding;”

WHEREAS, in *Bush v. Gore* the Supreme Court of the United States held that “When the state legislature vests the right to vote for President in its people, the right to vote *as the legislature has prescribed* is fundamental.” *Bush v. Gore*, 531 U.S. 98, 104 (2000) (emphasis added); and

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WHEREAS, 3 U.S.C. §2. states “Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct;” and

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3. Declares the November 3, 2020 election of presidential electors to be unlawful, and the results thereof null and void; and
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6. Declares the right to pursue the aforementioned under the authority and protection of Article VI, Section 2, Clause 2 of the United States.

Message

From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 12/4/2020 9:46:19 PM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Re: Your Georgia testimony

Thanks so much.

Honestly, the Trump legal team was not exactly stellar at PA's hearing, failed to provide the affidavits of their witnesses, and made a glaring error by purporting that more ballots had been returned than mailed out.

It is for this reason that I so latched onto your comments that actual fraud is irrelevant when the election itself is unlawful.

I will take a look at this in the morning. Thank you so very much!

RD

From: John Eastman <John.Eastman@colorado.edu>
Sent: Friday, December 4, 2020 11:25:56 PM
To: Russ Diamond <rdiamond@pahousegop.com>
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From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 12/5/2020 7:41:31 AM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Re: Your Georgia testimony
Attachments: Plenary Authority - Edited12.05.20.docx

Professor Eastman-

I have taken your suggestion of including a clause to appoint the electors. Not sure if the form or placement is appropriate or not.

I ran this by another group of constitutional attorneys who believe that while the case law citations from *McPherson v. Blacker* and *Bush v. Gore* are important, it would be preferable to omit them from this legislative instrument so we are not bound to them, or anything else in those cases. Your thoughts?

Also, the highlighted portions within the attached are optional, as I am not so sure if we should declare a "failure" to appoint electors until after Dec 15. Would appreciate your thoughts on that as well.

Thank you so much.

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
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Then, having done that math, you'd be left with a significant Trump lead that would bolster the argument for the Legislature adopting a slate of Trump electors – perfectly within your authority to do anyway, but now bolstered by the untainted popular vote. That would help provide some cover.

I would also include after paragraph 3 a specific legislative determination that the slate of electors certified by the governor under the illegally-conducted election are also null and void.

Hope this helps.

John

From: Russ Diamond <rdiamond@pahousegop.com>
Sent: Friday, December 4, 2020 7:52 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Re: Your Georgia testimony

Thank you so much, sir!

Attached is a resolution I drafted to reflect that premise. If you would kindly review and provide constructive criticism, it would be greatly appreciated as I am not formally schooled in the law.

RD

From: John Eastman <John.Eastman@colorado.edu>
Sent: Friday, December 4, 2020 9:22:09 PM
To: Russ Diamond <rdiamond@pahousegop.com>
Subject: RE: Your Georgia testimony

You're summary is spot on.

I have not been able to locate the old resolutions from Florida, which I helped draft. But here's a NY Times article about them. <https://www.nytimes.com/2000/12/12/us/contesting-vote-legislature-committees-approve-resolutions-allowing-florida.html>

It appears that they were done as a joint resolution—i.e., a legislative resolution requiring approval by each house of the legislature but not the signature of the Governor. I believe that is consistent with the plenary authority provided by Article II, and also consistent with the role the legislature plays (alone, without the governor) in deciding whether or not to ratify a U.S. Constitutional amendment.

What happened in Florida is that both the House and Senate had drafted identical resolutions, and those had passed out of committee on a party-line vote. Floor votes in both chambers were scheduled for the Tuesday and Wednesday following, but the Supreme Court's decision in *Bush v. Gore* mooted the issue.

Hope that helps. Feel free to send any follow-up questions you have, or call me at 714-943-9983.

John

P.S. I do not think the letter to members of your state congressional delegation was helpful. Our side can object to the slate of electors all they want. An objection, signed in writing by at least 1 member of the House and 1 member of the Senate, results in the two houses breaking into their separate chambers to resolve the objection. ONLY IF *both houses* then agree to the objection is the slate deemed invalid. If the House doesn't agree to the objection, as is almost certain (the vote here being by majority rather than by state), then the objection is not sustained and the slate is counted. See 3 U.S.C. § 15. So don't let your colleagues rest on that letter.

From: Russ Diamond <rdiamond@pahousegop.com>

Sent: Friday, December 4, 2020 6:14 PM

To: John Eastman <John.Eastman@colorado.edu>

Subject: Your Georgia testimony

Professor Eastman-

I found your testimony before the Georgia Senate to be compelling. Here in Pennsylvania, numerous other frustrated colleagues and I are searching for legislative solutions to our current national predicament.

Forgive me, as I am not an attorney, but my takeaway from your testimony was the following. Please review and let me know if it is an accurate assessment of what you said during your presentation and the Q & A portion.

Because the US Constitution vests the authority to create election law in the state legislatures, and because Pennsylvania's judicial and executive branches issued decisions and guidance which contravene the election law the Pennsylvania state legislature created, resulting in an unlawful election, the state legislature can exercise its plenary authority to appoint presidential electors, regardless of restraints existing within Pennsylvania's constitution and statutes, because of the supremacy clause of the US Constitution and because the act of appointing presidential electors is a function of the US Constitution.

I am working on a legislative instrument based on this premise, after reading through *McPherson v. Blacker*. If make takeaway is inaccurate or not precise enough, I would greatly appreciate your input.

Further, it was my understanding that you stated that the FL legislature during Bush v. Gore in 2000 was based on matching simple resolutions in the FL House and Senate, as opposed to a joint resolution or a concurrent resolution. Is that accurate?

Thank you so very much for your time and consideration. I can be reached at 717.383.3025 if you believe a verbal discussion would be better suited to review these questions I have.

Respectfully,

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com

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A JOINT RESOLUTION

Declaring, affirming, and exercising the plenary power of the legislature of the Commonwealth of Pennsylvania in appointing presidential electors, in response to significant evidence of unlawful activities taking place in the November 3, 2020 Pennsylvania General Election.

WHEREAS, Article I, Section 4, Clause 1 of the United States Constitution empowers state legislatures, including the General Assembly of the Commonwealth of Pennsylvania, to prescribe the “Times, Places, and Manner” of conducting elections; and

WHEREAS, Article II, Section 1, Clause 2 of the United States Constitution empowers state legislatures, including the General Assembly of the Commonwealth of Pennsylvania, to direct the manner of appointing electors for President and Vice President of the United States; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has exercised its authority to establish election administration procedures for the Commonwealth, known as the Pennsylvania Election Code; and

WHEREAS, the Pennsylvania Election Code requires all mail-in ballots to be received by eight o’clock P.M. on the day of the election; and

WHEREAS, the Pennsylvania Election Code requires election officials at polling places to authenticate the signatures of in-person voters; and

WHEREAS, the Pennsylvania Election Code requires that county boards of elections shall not meet to conduct a pre-canvass of all absentee and mail-in ballots until seven o’clock A.M. on Election Day, during which time defects on mail-in ballots would be identified; and

WHEREAS, the Pennsylvania Election Code prohibits the counting of defective absentee or mail-in ballots; and

WHEREAS, the Pennsylvania Election Code authorizes “watchers,” selected by candidates and political parties, to observe the process of canvassing absentee and mail-in ballots; and

WHEREAS, the Commonwealth conducted an election on November 3, 2020 for federal offices, including selecting electors for President and Vice President of the United States; and

WHEREAS, on September 17, 2020, less than seven weeks before the November 3, 2020 election, the Supreme Court of the Commonwealth of Pennsylvania unlawfully and unilaterally extended the deadline for mail-in ballots to be received, mandated that ballots mailed without a postmark would be presumed to be received timely, and could be accepted without a verified voter signature; and

WHEREAS, on October 23, 2020, less than two weeks before the November 3, 2020 election and upon a petition from the Secretary of the Commonwealth, the Supreme Court of the Commonwealth of Pennsylvania ruled that county Boards of Election need not authenticate signatures for mail-in ballots, thereby treating in-person and mail-in voters dissimilarly and eliminating a critical safeguard against potential election crime; and

WHEREAS, on November 2, 2020, the night before the November 3, 2020 election and prior to the prescribed time for pre-canvassing mail-in ballots, the office of the Secretary of the Commonwealth encouraged certain counties to notify party and candidate representatives of mail-in voters whose ballots contained defects; and

WHEREAS, heavily Democrat counties permitted mail-in voters to cure ballot defects while heavily Republican counties followed the law and invalidated defective ballots; and

WHEREAS, in certain counties in the Commonwealth, watchers were not permitted to meaningfully observe the pre-canvassing and canvassing activities relating to absentee and mail-in ballots; and

WHEREAS, officials in the Executive and Judicial branches of the Commonwealth infringed upon the General Assembly's authority under the United States Constitution by issuing decisions and providing guidance which contravened, frustrated and substantially modified the express provisions of the Pennsylvania Election Code; and

WHEREAS, election officials in certain counties of the Commonwealth acted upon the unlawful decisions and guidance of the Executive and Judicial branches of the Commonwealth; and

WHEREAS, election officials in certain counties of the Commonwealth took further actions in contravention of the Pennsylvania Election Code; and

WHEREAS, Article VI, Section 2, Clause 2 of the United States Constitution states “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding;”

WHEREAS, 3 U.S.C. §2. states "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct;" and

WHEREAS, due to unlawful events in the process itself of electing the Electors on the day prescribed by law;

THEREFORE, be it RESOLVED that the Pennsylvania General Assembly —

1. Declares the aforementioned to be findings of fact; and
2. Condemns all unlawful infringement on the General Assembly’s authority pursuant to the United States Constitution to regulate the “Times, Places, and Manner” of conducting elections; and
3. Declares the November 3, 2020 election of presidential electors to be unlawful, and the results thereof null and void; and
4. Declares that the Commonwealth of Pennsylvania has failed to make a choice on the day prescribed by law; and
5. Exercises plenary authority in appointing presidential electors as provided by Article II, Section 1, Clause 2 of the United States Constitution, in accordance with 3 U.S.C. §2 the electors shall be appointed by the legislature of the Commonwealth of Pennsylvania; and
6. Appoints the following qualified individuals as the presidential electors for the Commonwealth of Pennsylvania:
 - a) Elector 1
 - b) Elector 2
 - c) Elector 3
 - d) Elector 4
 - e) Elector 5
 - f) Elector 6
 - g) Elector 7

- h) Elector 8
- i) Elector 9
- j) Elector 10
- k) Elector 11
- l) Elector 12
- m) Elector 13
- n) Elector 14
- o) Elector 15
- p) Elector 16
- q) Elector 17
- r) Elector 18
- s) Elector 19
- t) Elector 20; and

7. Declares the right to pursue the aforementioned under the authority and protection of Article VI, Section 2, Clause 2 of the United States.

Message

From: John Eastman [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=192D43D8DB2949C9ADFA27C5CBFD02A1-JOE44895]
Sent: 12/7/2020 12:28:24 PM
To: Lily T Welch [lily.welch@colorado.edu]
Subject: RE: Eastman travel reimbursement

No problem. Thanks.

From: Lily T Welch <lily.welch@colorado.edu>
Sent: Monday, December 7, 2020 12:24 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: FW: Eastman travel reimbursement

Hi John,

I wanted to give you a heads up that the FSC is not going to reimburse the internet charge but you should see something from them in the near future about the rest being reimbursed.

Thanks.

Lily Welch
Program Manager
Benson Center for the Study of Western Civilization
University of Colorado Boulder
Boulder, Colorado 80309
T 303 492-0330
lily.welch@colorado.edu



From: Hannah Flatten <Hannah.Flatten@Colorado.EDU>
Date: Tuesday, December 1, 2020 at 2:33 PM
To: Lily Welch <lily.welch@colorado.edu>
Subject: RE: Eastman travel reimbursement

Hi Lily,

Unfortunately this would be considered a personal expense and is not reimbursable.

Best,
Hannah

From: Lily T Welch <lily.welch@colorado.edu>
Sent: Tuesday, December 1, 2020 1:20 PM
To: Hannah Flatten <Hannah.Flatten@Colorado.EDU>
Subject: Re: Eastman travel reimbursement

From John Eastman, "I do a lot of media, particularly following the election the day before the trip. So I need access to my email and to other internet-based resources even while traveling. "

Lily Welch
Program Manager
Benson Center for the Study of Western Civilization
University of Colorado Boulder
Boulder, Colorado 80309
T 303 492-0330
lily.welch@colorado.edu



From: Hannah Flatten <Hannah.Flatten@Colorado.EDU>
Date: Tuesday, December 1, 2020 at 1:13 PM
To: Lily Welch <lily.welch@colorado.edu>
Subject: RE: Eastman travel reimbursement

Hi Lily,

Can you get a statement from Dr. Eastman as to why internet access was needed on both flights/how it pertained to University business?

Thanks,
Hannah

From: Lily T Welch <lily.welch@colorado.edu>
Sent: Monday, November 30, 2020 1:45 PM
To: Hannah Flatten <Hannah.Flatten@Colorado.EDU>
Subject: Eastman travel reimbursement

Hi Hannah,

Attached please find a travel reimbursement form and receipts for John Eastman. He and Elizabeth traveled for a conference earlier this month after receiving the necessary approvals in Concur.

The full business purpose is below.

The conference is part of a multi-year endeavor called "The American National Character (ANC) Project." The first phase of this important work, launched in Philadelphia in 2017 in a colloquium focused on investigating the sources of fragmentation among the American people and seeking to articulate the principles and practices that can reunite them as one people. The project originated from a historical foundation in George Washington's repeated observation at the Founding that "we have a national character to develop."

Among other efforts, Dr. Allen and 2019-20 Benson Center Visiting Scholar in Conservative Thought and Policy Dr. Colleen Sheehan spearheaded a Benson Center--Ryan Foundation collaboration in 2019-20 to engage nationally

recognized participants (among them, Diana Schaub, Robert Zimmer, Stephen Cambone, Danielle Allen) to deliver a series of well-regarded free, public lectures and faculty seminars on the CU Boulder campus. The Fall 2020 conference in Philadelphia is the culmination of the ANC project.

Thank you.

Lily Welch
Program Manager
Benson Center for the Study of Western Civilization
University of Colorado Boulder
Boulder, Colorado 80309
T 303 492-0330
lily.welch@colorado.edu



Message

From: Daniel Jacobson [Daniel.Jacobson@colorado.edu]
Sent: 12/9/2020 2:03:44 PM
To: Eastman, John [jeastman@chapman.edu]
Subject: Re: Heads up

External Message

Thanks, John. I watched your testimony the other day. Hope to chat with you about this sometime over a glass of wine. Good luck!

- D.

On Dec 9, 2020, at 4:01 PM, Eastman, John <jeastman@chapman.edu> wrote:

Dan,

President Trump asked me to represent him in filing a motion to intervene in the pending litigation at the Supreme Court. Nothing on the pleading mentions Univ. of Colorado, but I wanted to give you a heads up anyway. It was just filed a few moments ago.

John

NOTE: This email originated from outside Chapman's network. Do not click links or open attachments unless you recognize the sender and know content is safe.

Message

From: Betty A Kilsdonk [Betty.Kilsdonk@Colorado.EDU]
Sent: 12/10/2020 2:35:48 PM
To: John Eastman [John.Eastman@colorado.edu]
CC: Daniel Jacobson [Daniel.Jacobson@colorado.edu]
Subject: FW: consulting

Hi John – this is the request I referred to in our phone call.

The link below is the same one I provided earlier. Please review and complete as necessary to be in compliance with university consulting policy.

Thank you

Betty

From: David S Brown <david.s.brown@colorado.edu>
Subject: consulting
Date: December 10, 2020 at 4:05:16 PM EST
To: Daniel Jacobson <Daniel.Jacobson@colorado.edu>
Cc: James White <James.White@colorado.edu>

Hi Daniel. I don't believe we've met, I didn't get the chance to interview you, but I help Associate Dean Hernandez with the Benson Center. I noticed that Professor Eastman has signed on as lead counsel for Donald Trump and just wanted to make sure that you and he were aware of the '1/6th rule' in terms of consulting while holding a position at CU.

I'm still learning the many rules and regulations and just wanted to make sure that you were getting the proper information to keep the folks at the Benson Center informed. I'm pasting the link to the appropriate web page for your examination. Please let me know if you have any questions.

<https://www.colorado.edu/facultyaffairs/sites/default/files/attached-files/one-sixth-rule.pdf>

Hope all is well-

db

David S. Brown
Divisional Dean of Social Sciences
College of Arts & Sciences
University of Colorado Boulder

Message

From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 12/13/2020 12:22:48 PM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Electoral College

Dr. Eastman-

Some activists believe it would be helpful and wise to send the letter below to the Governor and the Secretary of the Commonwealth before the electors meet tomorrow. Pls review and let me know your thoughts ASAP. [REDACTED]

TO: Wolf, Boockvar
CC: The Electoral College, US Congress, VP Pence, Archivist of the United States

This Official Notice shall serve as Official Objection by members Pennsylvania General Assembly to the purported slate of electors of President and Vice President of the United States, resulting from an unprecedented failed election held in the Commonwealth of Pennsylvania on November 3, 2020, in violation of constitutional requirements and the Pennsylvania Election Code.

Article II, § 1, Clause 4, of the U.S. Constitution grants Congress authority to determine *the Date on which the electors vote*, and 3 USC § 7 sets that date for December 14, 2020. Therefore, we hereby Demand that the purported slate of electors, which we deem to be unlawful and disqualified, NOT be seated at the scheduled Electoral College meeting to be held on Monday, December 14, 2020.

We will interpret your seating of unlawful and disqualified electors as an act in defiance of this Demand Notice, and an intentional arbitrary act on your part to advance Pennsylvania's failed election results from the state level to the federal level.

Article II, Section 1, Clause 2 of the US Constitution empowers state legislatures to direct the manner of appointing electors for President and Vice President of the United States. The General Assembly has done so via the Pennsylvania Election Code.

Pennsylvania's judicial and executive branches issued decisions and guidance that contravene the Pennsylvania Election Code prior to the 2020 General Election. Election officials in certain PA counties acted upon those decisions and guidance, and took further actions that contravene the Election Code, during the 2020 General Election process.

As such, the 2020 General Election process, which purports to have selected and/or appointed presidential electors, was unlawful, void ab initio, and the results thereof invalid, and Pennsylvania has failed to appoint presidential electors on the day prescribed by law in 3 U.S. Code § 1.

3 U.S. Code § 2 states "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct." When acting under 3 U.S. Code § 2 to appoint presidential electors after such a failure, the General Assembly has plenary authority under Article II, § 1, Clause 2 of the Constitution of the United States. This plenary authority is a federal, not state, authority.

We hereby claim the plenary power of the General Assembly to appoint a lawful slate of electors for the 2020 election at our earliest possible opportunity in accordance with the Constitution of the United States, the 12th Amendment, and federal law.

Therefore, we hereby Demand that you immediately Cease and Desist all efforts to seat unlawful electors of President and Vice President of the United States on Monday, December 14, 2020.

Respectfully,

GA Member signatures

Thank you,

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
www.RepDiamond.com

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Message

From: John Eastman [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=192D43D8DB2949C9ADFA27C5CBFD02A1-JOEA4895]
Sent: 12/13/2020 1:26:44 PM
To: Russ Diamond [rdiamond@pahousegop.com]
Subject: RE: Electoral College

I think the veiled threat is probably over the top, and since there is no way that the Gov is going to oblige, why take that tack? Why not just assert the right to appoint an alternate slate of electors and have them meet and vote on Monday as well.

From: Russ Diamond <rdiamond@pahousegop.com>
Sent: Sunday, December 13, 2020 12:23 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Electoral College

Dr. Eastman-

Some activists believe it would be helpful and wise to send the letter below to the Governor and the Secretary of the Commonwealth before the electors meet tomorrow. Pls review and let me know your thoughts ASAP. 717.383.3025

TO: Wolf, Boockvar
CC: The Electoral College, US Congress, VP Pence, Archivist of the United States

This Official Notice shall serve as Official Objection by members Pennsylvania General Assembly to the purported slate of electors of President and Vice President of the United States, resulting from an unprecedented failed election held in the Commonwealth of Pennsylvania on November 3, 2020, in violation of constitutional requirements and the Pennsylvania Election Code.

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We will interpret your seating of unlawful and disqualified electors as an act in defiance of this Demand Notice, and an intentional arbitrary act on your part to advance Pennsylvania's failed election results from the state level to the federal level.

Article II, Section 1, Clause 2 of the US Constitution empowers state legislatures to direct the manner of appointing electors for President and Vice President of the United States. The General Assembly has done so via the Pennsylvania Election Code.

Pennsylvania's judicial and executive branches issued decisions and guidance that contravene the Pennsylvania Election Code prior to the 2020 General Election. Election officials in certain PA counties acted upon those decisions and guidance, and took further actions that contravene the Election Code, during the 2020 General Election process.

As such, the 2020 General Election process, which purports to have selected and/or appointed presidential electors, was unlawful, void ab initio, and the results thereof invalid, and Pennsylvania has failed to appoint presidential electors on the day prescribed by law in 3 U.S. Code § 1.

3 U.S. Code § 2 states "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct." When acting under 3 U.S. Code § 2 to appoint presidential electors after such a failure, the General Assembly has plenary authority under Article II, § 1, Clause 2 of the Constitution of the United States. This plenary authority is a federal, not state, authority.

We hereby claim the plenary power of the General Assembly to appoint a lawful slate of electors for the 2020 election at our earliest possible opportunity in accordance with the Constitution of the United States, the 12th Amendment, and federal law.

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GA Member signatures

Thank you,

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
www.RepDiamond.com

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Message

From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 12/13/2020 1:35:04 PM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Re: Electoral College

That was my thought as well. We will not gain a majority to do so, but I understand the R electors may be meeting tomorrow. Are you saying such a letter could serve to assert that right instead?

RD

From: John Eastman <John.Eastman@colorado.edu>
Sent: Sunday, December 13, 2020 3:26:44 PM
To: Russ Diamond <rdiamond@pahousegop.com>
Subject: RE: Electoral College

I think the veiled threat is probably over the top, and since there is no way that the Gov is going to oblige, why take that tack? Why not just assert the right to appoint an alternate slate of electors and have them meet and vote on Monday as well.

From: Russ Diamond <rdiamond@pahousegop.com>
Sent: Sunday, December 13, 2020 12:23 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Electoral College

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As such, the 2020 General Election process, which purports to have selected and/or appointed presidential electors, was unlawful, void ab initio, and the results thereof invalid, and Pennsylvania has failed to appoint presidential electors on the day prescribed by law in 3 U.S. Code § 1.

3 U.S. Code § 2 states "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct." When acting under 3 U.S. Code § 2 to appoint presidential electors after such a failure, the General Assembly has plenary authority under Article II, § 1, Clause 2 of the Constitution of the United States. This plenary authority is a federal, not state, authority.

We hereby claim the plenary power of the General Assembly to appoint a lawful slate of electors for the 2020 election at our earliest possible opportunity in accordance with the Constitution of the United States, the 12th Amendment, and federal law.

Therefore, we hereby Demand that you immediately Cease and Desist all efforts to seat unlawful electors of President and Vice President of the United States on Monday, December 14, 2020.

Respectfully,

GA Member signatures

Thank you,

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
www.RepDiamond.com

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Message

From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 12/20/2020 6:34:33 PM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Trump v. Boockvar

Just wanted to thank you for your work on this case. Fits well with our efforts here.

Respectfully,

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
www.RepDiamond.com

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Message

From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 12/20/2020 8:57:39 PM
To: John Eastman [John.Eastman@colorado.edu]
Subject: Re: Trump v. Boockvar

God willing!

RD

From: John Eastman <John.Eastman@colorado.edu>
Sent: Sunday, December 20, 2020 8:51:11 PM
To: Russ Diamond <rdiamond@pahousegop.com>
Subject: RE: Trump v. Boockvar

Thank you. I hope that there is enough in there to shore up the spines of your colleagues, even if the Supreme Court does not act on it.

From: Russ Diamond <rdiamond@pahousegop.com>
Sent: Sunday, December 20, 2020 6:35 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Trump v. Boockvar

Just wanted to thank you for your work on this case. Fits well with our efforts here.

Respectfully,

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
www.RepDiamond.com

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Message

From: John Eastman [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=192D43D8DB2949C9ADFA27C5CBFD02A1-JOE4895]
Sent: 12/23/2020 10:46:06 AM
To: Daniel Jacobson [Daniel.Jacobson@colorado.edu]
Subject: RE: correct form for John to use
Attachments: 20201223 - Letter to Dean White.docx

Dan,

Looks as though the "form" was created on Dec. 11 by someone in University Counsel's office. Guess we now have a "applies to Eastman only" policy here.

Here's the letter I propose to send to Dean White. Let me know today if you have any thoughts.

John

From: Daniel Jacobson <Daniel.Jacobson@colorado.edu>
Sent: Thursday, December 17, 2020 2:12 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Re: correct form for John to use

Having looked over the form before sending it, your worries don't surprise me, John. I can discuss it with you once my grades are in, but I'm afraid I won't be able to give you much guidance here. I had never seen this form or knew about its existence until the email from up the academic food chain telling me to "ensure" that you fill it out.

- D.

On Dec 17, 2020, at 3:24 PM, John Eastman <John.Eastman@colorado.edu> wrote:

Dan,

On first, very quick look, I am troubled by this form. It asks me to "Confirm that all outside employment will be performed ... outside regular work hours." It is written as though it applies to staff who are on a 9 to 5 schedule, which is completely inapposite to a professor (visiting professors in this sense are no different than tenure or tenure track faculty).

Also, what constitutes "regular working hours" after classes are concluded for the semester?

Let's discuss.

John

From: Daniel Jacobson <Daniel.Jacobson@colorado.edu>
Sent: Thursday, December 17, 2020 10:49 AM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Fwd: correct form for John to use

Hi John,

I'm now being told that you need to fill out this form instead. (I have no further information than this email, below.) Will you do that?

Thanks,
Dan

Begin forwarded message:

From: James White <James.White@colorado.edu>
Subject: correct form for John to use
Date: December 16, 2020 at 6:51:44 PM EST
To: Daniel Jacobson <Daniel.Jacobson@colorado.edu>
Cc: Anna M Jensen <Anna.Jensen@colorado.edu>, David S Brown
<david.s.brown@colorado.edu>

Hi Dan,

I have just learned that the one-sixth rule does not apply to John Eastman. My apologies for sending you and him down that path.

The correct form is attached. As his supervisor, can you have a look at it and ensure that he fills it out, please? I realize it may be after the fact, but we need to have it on file.

Thanks,
Jim

James W.C. White
Interim Dean, College of Arts and Sciences
University of Colorado Boulder
303 492 7294

Dr. John C. Eastman
2020-2021 Visiting Scholar in Conservative Thought and Policy
Benson Center for the Study of Western Civilization
University of Colorado Boulder

December 23, 2020

James W.C. White
Interim Dean, College of Arts and Sciences
University of Colorado Boulder

Re: Application for Approval of Regular and Periodic Consulting Activities

Dear Interim Dean White:

Dan Jacobson forward to me your note requesting that I complete a form titled “REQUEST TO ENGAGE IN OUTSIDE EMPLOYMENT.” I understand that you were just conveying the form from a different shop in the University, but I find it highly irregular, for several reasons. First, the language in the form treats me as a 9-5 staff member of the University, when my employment contract quite clearly indicates that my appointment is as a member of the faculty. Second, judging from the metadata in the document, the form appears to have been drafted by Sarah Pritchard, Senior Associate Counsel for the University, on December 11—just a few days after my representation of President Donald Trump before the Supreme Court of the United States became public. It therefore appears to have been designed specifically for me, in response to my political affiliation and views and therefore contrary to the University’s prohibition on discrimination based on political affiliation or political philosophy. Third, I do not agree with the principal assertion in that form, buried in a footnote, that the “conflict of interest rules (including APS 5012) and other applicable laws and policies, the processes outlined in APS 1044 and “the 1/6 Rule” apply to external work proposed by tenured and tenure track faculty.” My employment contract specifies that I am appointed as a member of the faculty, subject to the benefits and duties of other faculty. That would include the ability to engage in outside employment on the same terms as other faculty. The instructions on the form you originally requested that I complete, “Application for Approval of Regular and Periodic Consulting Activities,” expressly applies to anyone holding a faculty title, not just tenured and tenure-track faculty. Finally, and most significantly, application of such a policy to me, a member of the faculty, would therefore be a breach of my employment contract, which specifies that my appointment is as a member of the faculty.

I would be happy to discuss with you further, or even meet with University Counsel, as you think appropriate. In the meantime, I will continue to operate pursuant to the terms of my employment contract, and the rules and regulations applicable to faculty.

And on that score, my reporting obligations under the form entitled “APPLICATION FOR APPROVAL OF REGULAR AND PERIODIC CONSULTING ACTIVITIES” have not yet

been triggered. That form notes that it must be completed only if I answer “Yes” to either “A” or “B”. “A” asks whether I am being compensated for the activity beyond actual expenses. As of now, the answer is “No,” as I have been doing this on a volunteer basis, as permitted under federal law. See 11 C.F.R. § 100.74. “B” asks whether the consulting activity is “regularly scheduled or predictable.” The answer there is clearly “No” as well—I could not in my wildest imagination have anticipated that I would be asked by the President of the United States to represent him before the Supreme Court.

I will note that there has been some discussion from officials with the campaign whether they might put me on a paid retainer. If that happens, I will complete the form and submit it to you. As the instructions note, “Faculty members who engage in professional activities for additional remuneration that are not predictable or anticipated are expected to inform their chairman and/or dean, in writing, about such activities as soon as possible.”

I do have one question, though. I have done all of this work since the conclusion of classes, and it will most likely be completed before the beginning of classes in the Spring. Am I not free to spend my holiday break as I wish?

Sincerely,

John C. Eastman

Message

From: Russ Diamond [rdiamond@pahousegop.com]
Sent: 1/2/2021 3:23:23 PM
To: John Eastman [John.Eastman@colorado.edu]; Kerry Benninghoff [Kbenning@pahousegop.com]
Subject: INTRODUCTION re: plenary authority and presidential electors

John Eastman, meet Kerry Benninghoff. Kerry Benninghoff, meet John Eastman.

Kerry, Dr. Eastman is responsible for opening my eyes to our ability to exercise our plenary authority to decertify presidential electors (without ANY "evidence" of retail "voter fraud") via testimony he provided to the Georgia Senate. He was also gracious enough to offer feedback and advice on the resolution I introduced on the last day of the 2019-20 legislative to claw back the presidential electors. Most recently, he is counsel on the *Trump v. Boockvar* case currently before the US Supreme Court, which perfectly states the pertinent issues in Pennsylvania, some of which you cited and signed onto in the letter to Congress asking them to object to Pennsylvania's electors. His co-counsel in the *Trump v. Boockvar* case is none other than Bruce Marks, of *Stinson v. Marks* fame.

John, Leader Benninghoff is the Majority Leader of the PA House of Representatives. I am not sure he fully understands the plenary authority issue, how it separates the presidential election from our own elections which are held simultaneous with the presidential, or why we should exercise that authority at this time. He is concerned - and rightfully so - about the future of our majority caucus if we take this issue up before Congress meets on January 6. I am concerned about the future of our caucus, and our Republic, if we don't.

I have great respect for you both, and pray you can find a way to communicate personally in the next day or so.

Representative Russ Diamond
102nd Legislative District

rdiamond@pahousegop.com
www.RepDiamond.com

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Message

From: John Eastman [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=192D43D8DB2949C9ADFA27C5CBFD02A1-JOE4895]
Sent: 1/9/2021 5:47:28 PM
To: Earl L. Wright [REDACTED]
CC: Steve Bosley [REDACTED]
Subject: RE: Hillary, Bribes and election steeling - Patrick M Byrne

Guys,

I have met with Patrick. There is huge relevance to this, and I have actually had very high-level meetings about it. We should talk more about it when I'm in Boulder next week, and also about how to respond to Dan Jacobson's scurrilous letter just sent on behalf of the Benson Center, falsely accusing me of making allegations for which I had no evidence when I had already advised him that I had documented evidence for every statement I have made through this whole intense process.

John

From: Earl L. Wright <[REDACTED]>
Sent: Saturday, January 9, 2021 3:38 PM
To: John Eastman <John.Eastman@colorado.edu>
Cc: Steve Bosley <[REDACTED]>
Subject: FW: Hillary, Bribes and election steeling - Patrick M Byrne

Are you aware of any relevance in this? Person who sent this to me is respected business man and West Point grad.

From: Gary Wright [REDACTED]
Sent: Saturday, January 9, 2021 2:00 PM
Subject: Fwd: Hillary, Bribes and election steeling - Patrick M Byrne

This explains a lot... stay to the end for what just happened

Fasten your seat belt and click on the YouTube video below. Patrick Byrne is the former CEO of Overstock.

<https://video.parler.com/Hk/ie/HkieqTmiJx2w.mp4>

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Message

From: Steve Bosley [mailto:Steve.Bosley@colorado.edu]
Sent: 1/10/2021 9:02:43 PM
To: John Eastman [John.Eastman@colorado.edu]; Earl Wright [mailto:Earl.Wright@colorado.edu]
Subject: Re: Hillary, Bribes and election steeling - Patrick M Byrne

I'm ok with zoom

On Sun, Jan 10, 2021, 8:44 PM John Eastman <John.Eastman@colorado.edu> wrote:

Just saw this second one. Does Zoom work? If so, I'll send a link.

John

From: Steve Bosley [mailto:Steve.Bosley@colorado.edu]
Sent: Sunday, January 10, 2021 8:21 PM
To: John Eastman <John.Eastman@colorado.edu>
Subject: Re: Hillary, Bribes and election steeling - Patrick M Byrne

10:30 AM tomorrow

On Sun, Jan 10, 2021, 8:20 PM Steve Bosley [mailto:Steve.Bosley@colorado.edu] wrote:

John

Earl has 10:30 open. Will that work for you?

Steve

On Sun, Jan 10, 2021, 7:55 PM John Eastman <John.Eastman@colorado.edu> wrote:

Are you two up for a phone conference, the three of us? I'm clear the rest of the evening and all day tomorrow.

John

From: Earl L. Wright [REDACTED]
Sent: Saturday, January 9, 2021 3:38 PM
To: John Eastman <John.Eastman@colorado.edu>
Cc: Steve Bosley [REDACTED]
Subject: FW: Hillary, Bribes and election steeling - Patrick M Byrne

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