

Strongest Evidence of Guilt: A Chart Tracking Trump's Knowledge and Intent in Efforts to Overturn the Election

By Ryan Goodman, Justin Hendrix and Clara Apt

Just Security, July 11, 2022

The January 6th House Select Committee has produced substantial evidence about former President Donald Trump's knowledge and beliefs as he tried to overturn the 2020 election. This body of evidence carries potentially great legal (and moral) weight. That's because several of Trump's actions would amount to criminal (and morally outrageous) conduct if he acted with particular forms of knowledge and intent.

The Chart below presents key factual findings - concerning evidence of Trump's knowledge and beliefs when trying to overturn the election - based primarily on the Committee's work to date.

Since before the hearings began, public commentary has focused, in large part, on whether Trump knew he had lost the election. That quandary is [irrelevant](#) to the criminal intent required for several of the most relevant federal and state crimes. It is an important yet limited way to think of the evidence of knowledge and intent that prosecutors could rely upon in bringing charges.

The following list highlights just some of the information presented in the Chart below.

- Lying about victory on Election Night (Nov 3-Nov. 4 early AM)
- Manufacturing false allegations of election fraud (December 3, 2020-early January, 2021)
- Trying to force Department of Justice officials to lie about the department's findings of election fraud (late December, 2020 - Jan. 3, 2021)
- Advancing false claims of election fraud after being told by senior DOJ and campaign officials of irrefutable flaws in the claims (Dec. 2020 - Jan. 6, 2021).
- Lying about communications with federal and state officials in efforts to pressure them (Jan. 2-Jan. 6, 2021)

The Chart contains several more entries describing related actions, knowledge, and beliefs.

The Chart is not exhaustive. For example, it does not address Trump's state of knowledge about the legal duties of the vice president on January 6. It does not address Trump's knowledge and direction of the false slates of electors. And it does not address Trump's knowledge that some of his supporters were armed when he directed them to the Capitol and his endorsement of their actions in private communications in the Oval Office. This evidence – and the use of political violence in particular – may directly inform how one views other parts of the record, that is, of an individual who was willing to support almost any means possible to overturn the election. What follows is a body of evidence that very clearly shows other aspects of Trump's knowledge and beliefs, aspects of the record which have not received this level of documentation or the attention they deserve.

TABLE OF CONTENTS

- [1. Lies about DOJ investigations](#)
- [2. Lies about Pence’s agreement on legal authority](#)
- [3. Lies about phone call with Georgia Secretary of State Brad Raffensperger](#)
- [4. Red Mirage 1.0 - Falsely claims victory on Election Night](#)
- [5. Red Mirage 2.0 - False claims of third party validators on Election Night](#)
- [6. Absence of actual evidence of fraud - Trump legal team](#)
- [7. Manufacturing conspiracy: Fulton County State Farm Arena “suitcases”](#)
- [8. Willful blindness/disinterest in actual evidence](#)
- [9. Claims of more votes than voters in Philadelphia](#)
- [10. Dominion allegations](#)
- [11. Undocumented immigrants voting in Arizona](#)

Chart: President Trump’s Knowledge and Intent in Efforts to Overturn the Election	
1. Lies about DOJ investigations	
What Trump Knew	What Trump Said/Did
<p>Topline: Trump knew that the DOJ had taken extraordinary action to investigate allegations of fraud but found no evidence of widespread fraud. Trump repeatedly expresses his dismay in private communications with DOJ officials.</p>	<p>Topline: Trump initially says publicly that DOJ is “missing in action” and Attorney General William Barr “hasn’t looked” into allegations of fraud (this is false at the time, and Trump knows it is false). Trump later pushes DOJ officials to say the department has found the election to be “corrupt” and to send a letter to Georgia and other states that says DOJ has found significant evidence of widespread fraud (he knows that DOJ has not) and encourages those states to decertify on that basis.</p>
<p>The record is replete with examples. Here are some highlights:</p> <p>Nov. 23, 2020: Barr meets with Trump. The A.G. tells Trump he has expanded DOJ and FBI authority to investigate credible allegations (see his unprecedented Nov. 9 memorandum), but DOJ has not found credible allegations of fraud.</p> <p>Barr testifies: “I said ... our role is to investigate fraud. And if – and we’ll look at something if it’s – if it’s specific, credible, and could have affected the outcome of the election. And – and we’re doing that, and it’s just not – they’re not – they’re just not meritorious.”</p>	<p style="text-align: center;">Phase 1 - Denial of DOJ investigation</p> <p>Nov. 29, 2020: Fox News interview:</p> <p>BARTIROMO: Where is the DOJ and the FBI in all of this, Mr. President? You have laid out some serious charges here. Shouldn't this be something that the FBI is investigating? Are they?</p> <p>TRUMP (talks before question ends): Missing in action.</p> <p>BARTIROMO: Is the DOJ investigating?</p>

Aside: [Betrayal: The Final Act of the Trump Show](#), by Jonathan Karl, p. 192-93 reporting:

“Mr. President, if we get specific and credible information of fraud, we will go out and look at it,’ Barr responded, reminding him of the controversial directive he had issued giving US attorneys the green light to investigate credible allegations of election fraud. ‘I have overruled people at DOJ to give us that latitude. I’m going to use my judgment as to what we’re going to look at.’

[White House Chief of Staff] Meadows didn’t say much at this meeting, but [White House Counsel] Cipollone backed up Barr. ‘Mr. President, let the department do its work,’ the White House counsel said. ‘If there’s something to look at, I’m sure they’re going to look at it.’ ...

As for the allegations of fraud, Barr told Trump he fully expected the Justice Department to come under attack for not uncovering evidence. ‘You have to expect that all you’re going to be hearing from Giuliani and the rest of these people is that Justice isn’t looking at stuff,’ Barr said. ‘They’re out there promising fraud and they’re empty-handed. And now people need an explanation of why is there no evidence. Well, **their answer is, ‘Justice isn’t looking at it.’ But the problem isn’t the absence of Justice, the problem is the absence of evidence.’”**

Dec. 1, 2020: In Oval Office meeting with Trump, Barr goes allegation by allegation of fraud explaining why each is bogus (Barr testimony [hearing 1](#) and [hearing 2](#); Leonnig and Rucker [book](#); Karl [book](#)).

Dec. 24, 2020: In a 15-20 minute phone conversation, Trump calls Jeffrey Rosen on his first official day as Acting Attorney General. Trump says that his view is there was widespread election fraud. Rosen [testifies](#): “I had told him that our reviews had not shown that to be the case.”

Dec. 27, 2020: In a two-hour phone conversation with Trump, Rosen, former Acting Deputy Attorney General Richard Donoghue, DOJ officials tell Trump they have

TRUMP: **Missing in action.** I can't tell you where they are. I ask are they looking at it. Everyone says yes they are looking at it. ... I know FBI and FBI is great at the levels that we talk about. But it is inconceivable. **You would think if you are the FBI or Department of Justice this is, this is the biggest thing they could be looking at. I have not seen anything. They just keep moving along and go onto the next president.”**

Dec. 3, 2020: Trump response to reporter’s question:

REPORTER: President, can I ask you to respond to the comments by your Attorney General, who indicated he has not seen, at this point, any evidence of fraud, enough to overturn the election results? Given that, why is now not the time to concede?

TRUMP: Well, **he hasn't done anything, so he hasn't looked. When he looks**, he'll see the kind of evidence that right now, you're seeing in the Georgia Senate. They're going through hearings right now in Georgia, and they're finding tremendous volumes. **So they haven't looked very hard**, which is a disappointment, to be honest with you because it's massive fraud, whether you go to Wisconsin, where we just filed a case, or Michigan or if you look at what's happening in Georgia as an example, or Pennsylvania, if you look at Nevada, which is moving along very rapidly or Arizona. You saw those numbers come out yesterday. We found massive fraud and in other states also. This is probably the most fraudulent election that anyone's ever seen.

Phase 2 - Pressure on DOJ to make false public statement

Dec. 27, 2020: In a phone call with Rosen and Donoghue, Trump explicitly tells the DOJ leadership: **“Just say the election was corrupt and leave the rest to me and the Republican Congressmen”** (Donoghue [testimony](#); Donoghue contemporaneous [handwritten notes](#)).

Describing the Dec. 27 meeting:

REP. KINZINGER: Even though he had been told that

conducted many investigations and found the allegations meritless (Rosen [testimony](#); Donoghue [testimony](#); Donoghue contemporaneous [hand-written notes](#)).

Donoghue testimony: "It was incumbent on — on me to **make it very clear to the President** what **our investigations** had revealed, and that we had concluded based on actual investigations, actual witness interviews, actual reviews of documents that **these allegations simply had no merit.**"

Dec. 23, 2020-Jan. 3, 2021: Trump complains DOJ has not done enough.

BENNIE THOMPSON: From the time you took over from Attorney General Barr until January 3rd, how often did President Trump contact you or the department to push allegations of election fraud?

JEFFREY A. ROSEN: So between December 23rd and January 3rd, the President either called me or met with me virtually every day with one or two exceptions like Christmas Day.

...

The common element of all of this was the President expressing his dissatisfaction that the Justice Department in his view had not done enough to investigate election fraud.

Donoghue testifies: "As we got later in the month of December, the President's entreaties became more urgent. He became more adamant that we weren't doing our job."

Dec. 31, 2020: In a White House meeting with Rosen, Donoghue, Cipollone, Meadows, and Patrick Philbin (Rosen SJC [testimony](#), p. 138; Donoghue testimony, p. 117), **Trump expresses that DOJ "still haven't found the fraud"** (Rosen SJC [testimony](#), p. 139).

there was no evidence of fraud, did the President keep saying that the department was quote, "**Obligated to tell people that this was an illegal corrupt election.**"

RICHARD DONOGHUE: That's also an exact quote from the President. Yes.

After Rosen and Donoghue rebuff the president, Trump appears to **threaten to fire** the DOJ senior leader(s). Donoghue's notes read: "People tell me Jeff Clark is great, I should put him in. People want me to replace DOJ leadership" (see also [testimony](#)).

Transcribed [interview](#):

DONOGHUE: So he wanted us to say it was corrupt, you know, for whatever reason. I'll leave that to him or others to explain or determine. But he wanted us to say that it was corrupt. And this was consistent with some things he said at other points about, the Department should publicly say that the election is corrupt or suspect or not reliable. At one point, he mentioned the possibility of having a press conference. We told him we were not going to do that.

Q: Yeah.

DONOGHUE: So this was something that was brought up more than once.

Q: Yeah. So, again, **there was a focus on public statements that something was corrupt, as opposed to trying specifically to get to the bottom of the individual allegations.**

DONOGHUE: Right.

Phase 3 - The "murder-suicide pact"

Dec. 28, 2020: Clark sends his "[Proof of Concept](#)" letter to Rosen and Donoghue for them to sign. The first two sentences of the draft letter read:

"The Department of Justice is investigating various irregularities in the 2020 election for President of the United States. The Department will update you as we are able on investigatory progress, but **at this time we have identified significant concerns that may have impacted the outcome of the election in multiple**

States, including the State of Georgia.”

In [writing](#), Donoghue replies, “there’s no chance that I would sign this letter or anything like it” and that there’s “nothing that would support the statement” about the Department having found widespread election fraud. In testimony, Donoghue [stated](#):

“More importantly, this was not based on fact. This was actually contrary to the facts as developed by department investigations over the last several weeks and months.”

On or after Dec. 28, 2020: Trump asks Rosen to sign the letter (Rosen [testimony](#))

Dec. 31, 2020: After expressing dismay that DOJ “still haven’t found the fraud” (Rosen SJC [testimony](#), p. 139), Trump **again threatens to fire Rosen and Donoghue**. Trump says that people have told him to “get rid of both” of them and to “put Jeffrey Clark in” (Donoghue SJC [testimony](#), p. 118).

Dec. 31, 2020-Jan. 3, 2021: Trump and Clark **threaten to fire Rosen if he does not sign and send the letter** (Rosen SJC [testimony](#), p. 144).

Jan. 3, 2021: Clark [tells](#) Rosen Trump has offered him the job as attorney general and Clark has accepted (Rosen SJC [testimony](#); select committee [testimony](#)). **White House logs identify Clark as “Acting Attorney General”** by 4:22pm. Everyone understands, and it is made explicit in the Oval Office meeting, that this action is **so Clark can send the letter** as acting attorney general.

At a 6:15pm Oval Office meeting that lasts for 2-3 hours, Trump ultimately backs down when faced with a threat of mass resignations throughout the DOJ and White House Counsel’s office.

Aside: In the Jan. 3 Oval Office meeting with Trump, White House Counsel Pat Cipollone calls the letter a **“murder-suicide pact”** (Steven Engle [testimony](#); Donoghue [testimony](#)). White House Counsel Eric Herschmann tells Clark sending the letter would be “a felony” (Herschmann [testimony](#)).

[Return to Table of Contents](#)

2. Lies about Pence's agreement on legal authority

For weeks leading up to and including Jan. 6: In several communications with Trump, Pence is steadfast that as President of the Senate he does not have the authority to reject electoral votes or otherwise suspend the electoral count (Greg Jacob [testimony](#) (“never budged from the position”); Marc Short [testimony](#) (“was not wavering”); Pence [public statement](#) on Feb 4, 2022).

Jan. 5, 2021: Trump releases a statement falsely saying, “The Vice President and I are in **total agreement** that the Vice President has the power to act. ... He can decertify the results or send them back to the states for change and certification ... He can also ... send them to the House of Representatives.”:



- JANUARY 5, 2020 -

Statement from President Donald J. Trump

“The New York Times report regarding comments Vice President Pence supposedly made to me today is fake news. He never said that. The Vice President and I are in total agreement that the Vice President has the power to act.

“The November 3rd election was corrupt in contested states, and in particular it was not in accordance with the Constitution in that they made large scale changes to election rules and regulations as dictated by local judges and politicians, not by state legislators. This means that it was illegal.

“Our Vice President has several options under the U.S. Constitution. He can decertify the results or send them back to the states for change and certification. He can also decertify the illegal and corrupt results and send them to the House of Representatives for the one vote for one state tabulation.”

Trump senior advisor Jason Miller [testimony](#): “**He dictated most of it.** I mean, typically on these — typically on these, I might have a couple of wording suggestions, or maybe I'd, you know, have a — a sense or a rough framework or something of that. But I — I know with — specifically on this one that it was me and him on the phone talking through it, and **ultimately the way this came out was the way that he wanted to.**”

Pence's general counsel, Greg Jacob [testimony](#): “We are **shocked** and disappointed because whoever had written and put that statement out, it was **categorically untrue.**”

Pence's chief of staff, Marc Short on call with Jason Miller [testimony](#): “I was irritated and expressed displeasure that a statement could have gone out that **misrepresented** the vice president's viewpoint **without consultation.**”

[Return to Table of Contents](#)

3. Lies about phone call with Georgia Secretary of State Brad Raffensperger about Raffensperger's responses to fraud allegations

Jan. 2, 2021: Trump has a private phone call with Raffensperger, in which the Georgia Secretary of State and other Georgia officials refute, point-by-point, Trump's allegations of voter fraud.

Jan. 3, 2021: In a tweet, Trump makes false statements about the conversation:



Jan. 3, 2021: Raffensperger releases a full [audio recording](#) of the phone call, and later publicly [states](#) that he has done so because of Trump’s [“false”](#) statement about their private conversation.

[Return to Table of Contents](#)

**4. Red Mirage 1.0 - Falsely claims victory on Election Night
(including false statements about specific states and about what the head of the Fox News decision desk said)**

What Trump Knew	What Trump Said/Did
<p>Topline: Closest aides informed Trump of the “red mirage” as they had in 2016, and they told him not to declare victory.</p>	<p>Topline: Using the red mirage, Trump declared victory and made several related false statements.</p>
<p>Trump campaign manager Bill Stepien testimony:</p> <p>BILL STEPIEN: I recounted back to that conversation with him in which I said — just like I said in 2016 it was going to be a long night. I — I told him in 2020 that, you know, there were — it was going to be a — a process again. As, you know, the early returns are going to be, you know, positive. Then we're gonna, you know, be watching the returns of — of ballots as, you know, they rolled in thereafter.</p> <p>Q: Isn't it fair to say you're trying to present a — a — what you thought would be a realistic picture of what might happen over the course of that night, being election night?</p> <p>BILL STEPIEN: That night in the days that followed. Yeah. I — I — I always — I always, you know, I always told the</p>	<p>President Trump’s Election Night speech:</p> <p>“This is a fraud on the American public. This is an embarrassment to our country. We were getting ready to win this election. Frankly, we did win this election. We did win this election. ... We want all voting to stop. We don’t want them to find any ballots at four o’clock in the morning and add them to the list.”</p> <p>“It’s also clear that we have won Georgia. We’re up by 2.5% or 117,000 votes with only 7% left. They’re never going to catch us. They can’t catch us. Likewise we’ve clearly won North Carolina.”</p> <p>“Most importantly, we’re winning Pennsylvania by a tremendous amount of votes. ... it’s going to be almost impossible to catch. And we’re coming into good Pennsylvania areas where they happen to like your</p>

President the truth. And, you know I — I, you know, I think he expected that from me. And I **told him** it was going to be a process. It was going to be, you know — you know, **we're gonna have to wait and see** how this turned out. So I — I — just like I did in 2016, I did the same thing in 2020.

Bill Stepien [testimony](#): “It was far too early to be making any calls like that. Ballots – ballots were still being counted, Ballots were still going to be counted for days. And **it was far too early to be making any proclamation like that.**”

“My belief, **my recommendation** was to say that votes are still being counted. It’s too early to – to tell. Too early to call the race. But, you know, we are proud of the race we – we run – we ran and, you know, we think – we think we’re in a – in a good position. And we’ll have something more to say about this, you know, the next day or the next day whenever we had something to say.

...
[The President] **thought I was wrong.** He told me so. And, you know, that they were going to, you know, go in it – **he was going – to go in a different direction.**”

Jason Miller’s [testimony](#): “I remember saying that I – to the best of my memory, and **I was saying that we should not go and declare victory until we had a better sense of the numbers.**”

Bill Barr [testimony](#): “**Right out of the box on election night, the President claimed that there was major fraud underway. I mean, this happened as far as I could tell before there was actually any potential of looking at evidence. And it seemed to be based on the dynamic that — 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. And I **didn't think much of that because** people had been talking for weeks and **everyone understood for weeks that that was going to be what happened on election night.**”

president. So we’ll **probably expand that.**”

“**We’re winning Michigan** by — I’ll tell you, I looked at the numbers, I said ‘Whoa,’ I said ‘Wow, that’s a lot’ — by almost 300,000 votes. And **65% of the vote** is in. And **we’re winning Wisconsin.** ... So **we won by 107,000 votes with 81% of the vote, that’s Michigan.**”

Snopes [Fact Check](#) adds: “It’s not clear to what Trump was referring when he appeared to contradict himself by saying he had ‘won by 107,000 votes with 81% of the vote’ in Michigan.”

“If you look and you see Arizona, we have a lot of life in that. ... **The gentleman that called it,** I watched tonight. **He said, ‘Well, we think it’s fairly unlikely that he could catch.’** Well, fairly unlikely? And we don’t even need it. We don’t need that. That was just a state that if we would have gotten it, it would have been nice. Arizona.”

Snopes [Fact Check](#):

“‘The gentleman that called it,’ as Trump described him, was Arnon Mishkin from Fox News’ decision desk. Contrary to Trump’s claim, Mishkin did not say it was merely ‘fairly unlikely’ that Trump could overtake Biden, he said he was **absolutely certain** that Biden would win.

See [Trump’s ‘Major Fraud’ Speech, Fact-Checked](#), Snopes, Nov. 4, 2020 (including fact checks same day of claims about Arizona, Georgia, North Carolina (false at the time), Pennsylvania); Fact check: [Trump makes series of egregious false claims in Election Night address](#), CNN, Nov, 4 2020 ([updated](#)); [Trump’s Falsehood-Filled Speech on the Election, FactCheck](#), Nov. 4, 2020.

Aside: Jonathan Swan reported (on [Nov. 1, 2020](#) and [January 16, 2021](#)) that Trump planned well in advance of election night to declare victory even if he lost.

[Return to Table of Contents](#)

5. Red Mirage 2.0 - False claims of third party validators on Election Night

What Trump Knew	What Trump Said/Did
<p>Trump family and aides describe the atmosphere on election night as nervous and unsure.</p> <p>Jason Miller testimony:</p> <p>Q: Can you just describe the atmosphere? What were people expecting that night when you got to the White House?</p> <p>JASON MILLER: I think that there was typically, for people who show up there on election night to be a self-select more positive environment. I think people were a little bit nervous not knowing what was going to happen with the red wave or the red mirage as the debate was being carried out.</p> <p>...</p> <p>Q: And so was it anger kind of directed towards Fox News for making a call more so than a disappointment that maybe the campaign lost Arizona?</p> <p>JASON MILLER: All of the above.</p> <p>Q: So both? Anger and disappointment?</p> <p>JASON MILLER: Both disappointed with Fox and concerned that maybe our data or our numbers weren't accurate.</p> <hr/> <p>Ivanka Trump testimony: “The results were still being counted. It was becoming clear that the race would not be called on election night.”</p> <hr/> <p>Bill Stepien testimony: “It was far too early to be making any calls like that. Ballots – ballots were still being counted, Ballots were still going to be counted for days. And it was far too early to be making any proclamation like that.”</p> <hr/> <p>Jason Miller’s testimony: “I remember saying that I – to the best of my memory, and I was saying that we should not go and declare victory until we had a better sense of the numbers.”</p>	<p>Trump’s Election Night speech:</p> <p>“We were getting ready for a big celebration. We were winning everything and all of a sudden it was just called off. The results tonight have been phenomenal and we are getting ready... I mean, literally we were just all set to get outside and just celebrate.”</p> <hr/> <p>Nov. 25, 2020: President Trump’s remarks at Pennsylvania Republican legislators hearing:</p> <p>“Anybody watching television the night of the election was saying, ‘Wow.’ I was called by the biggest political people, ‘Congratulations, sir on a big win.’ And all of a sudden ballots were dumped all over the place.”</p> <p>“Nobody would've said, we even had a chance of losing. And all you had to do was take a look at the numbers at 10 o'clock in the evening when everybody thought the election was virtually over and then very weird things happened, but they're not weird to professionals. And they're not weird to Dominion and other people that operate machines. And they're not weird to the people that handle the ballots, where they were flooding the market.”</p> <hr/> <p>Dec. 2, 2020, press conference:</p> <p>“It’s about ballots that poured in, and nobody but a few knew where they came from, but they were counted and they weren’t for me. It’s about big leads on election night, tremendous leads, leads where I was being congratulated for a decisive, easy victory. All of a sudden, by morning or a couple of days later, those leads rapidly evaporated. It’s about numbers of ballots that were sent that nobody know where they came from. It’s about machinery that was defective, machinery that was stopped during certain parts of the evening, miraculously to open with more votes.”</p> <hr/> <p>Dec. 5, 2020 rally speech in Georgia: “In fact, when I went to bed that night, everybody was calling, ‘Congratulations. You’re up 600,000 votes in</p>

Pennsylvania.’ Across all of the key swing states, there were impossibly low rejection rates, you saw that, for mail-in ballots, drastically less than the historic norm.”

Dec. 13, 2020, [Fox & Friends](#):

“I go home and I watch the television to see how we're doing. And by 10:30 in the evening, it was over. We won. **I got calls from everybody saying congrats, pros, people you know very well saying, congratulations. I say, let's not go so fast. I don't trust these machines.** And a lot of bad things happen with these people. And in essentially five or six states, the local people who run it rig the election and tens of thousands. Remember they stopped the counting in the evening.”

Dec. 9, 2020, Trump tweets:

At 10:00 P.M. on Election Evening, **we were at 97% win with the so-called “bookies”**

Dec. 13, 2020, [Fox & Friends](#):

The election was over at 10 o'clock in the evening. I had won. **It was 97, 98%. All of the bookies all over the world were saying the election is over. They wouldn't even take bets on it.** And then all of a sudden around 11 o'clock ballots start getting dropped.”

This is untrue. See [Fact check: Did ‘bookies’ say Trump was a 97% favorite to win on election night?](#), *McClatchy*, Dec. 10, 2020; [Trump Mocked For Odd Claim That 'Bookies' Favored Him On Election Eve](#), *Huffington Post*, Dec. 9, 2020.

[Return to Table of Contents](#)

6. Absence of actual evidence of fraud - Trump legal team

Arizona Speaker of the House Rusty Bowers testimony: “My recollection, [Trump personal attorney Rudy Giuliani] said, **‘We've got lots of theories. We just don't have the evidence.’** And I don't know if that was a gaffe or maybe he — he didn't think through what he said. But both myself and others in my group, the three in my group and my — my counsel, both remembered that specifically.”

Trump lawyer and associate Sidney Powell, defending herself in a defamation lawsuit brought by Dominion Voting Systems, [told](#) the court, **“No reasonable person would conclude that her statements were truly statements of fact.”**

The New York state court [opinion](#) suspending Giuliani’s bar license determined that Giuliani had knowingly made false allegations of widespread election fraud. As part of its decision, the court observed that Giuliani never provided affidavits or other documents to support his claims of election fraud (e.g., “respondent **fails to provide a scintilla of evidence** for any of the varying and wildly inconsistent numbers of dead people he factually represented voted in Philadelphia during the 2020 presidential election;” “Respondent’s general claim, **without providing this Court with any documentary support**, that he relied on ‘hundreds of pages of affidavits and declarations in [respondent’s] possession that document gross irregularities...’ will not suffice to controvert the specific findings that he knowingly made the false statements that are particularized below;” “**None of these affidavits were provided to the Court**” (re underage voters); “despite **having no evidence to refute the facts developed after investigation of public records**” (re dead people voting in Georgia); “**there was no data available from which to draw any conclusion**” and “**failed to produce any sources, whether ‘best’ or marginal, to support any of the figures he has presented to the public with authority**” (re undocumented immigrants voting in Arizona).

REP. ADAM SCHIFF: And when you asked him [Giuliani] for evidence of this fraud what did he say?

RUSTY BOWERS: He said that they did have proof. And I asked him, do you have names? For example, we have 200,000 illegal immigrants, some large number. Five or 6,000 dead people, et cetera. And I said, do you have their names? Yes? Will you give them to me? Yes. The President interrupted and said give the man what he needs, Rudy. And he said I — I will. And that happened on at least two occasions, that interchange in the conversation.

REP. ADAM SCHIFF: So Mr. Giuliani was claiming in the call that there were hundreds of thousands of undocumented people and thousands of dead people who had purportedly voted in the election?

RUSTY BOWERS: Yes.

REP. ADAM SCHIFF: And you asked him for evidence of that.

RUSTY BOWERS: I did.

REP. ADAM SCHIFF: And **did you ever receive from him that evidence either during the call after the call or to this day?**

RUSTY BOWERS: **Never.**

See also, [Giuliani in Public: “It’s a Fraud.” Giuliani in Court: “This Is Not a Fraud Case.”](#) *New York Times*, Nov. 18, 2020; [Donald Trump And His Lawyers Are Making Sweeping Allegations of Voter Fraud In Public. In Court, They Say No Such Thing](#), *Time*, Nov. 20, 2020.

[Return to Table of Contents](#)

7. Manufacturing conspiracy: Fulton County State Farm Arena “suitcases”

On **Dec. 3, 2020**, representatives of President Trump, including Rudy Giuliani, appeared before the Georgia State Senate’s Judiciary Subcommittee in a hearing on election fraud. They played snippets of video surveillance tape, which they claimed showed election workers in the State Farm Arena in Fulton County bringing suitcases of ballots to be secretly counted.

Their video evidence may best be described as [deceptive editing by omission](#).

As the New York state court that [suspended](#) Giuliani’s bar license explained:

“When viewed in full context and not as snippets, the videos do not show secreting and counting of illegal ballots.

...

If, as respondent claims, he reviewed the entire video, he **could not have reasonably reached a conclusion** that illegal votes were being counted.”

Giuliani “acknowledged that he had viewed the surveillance videos in their entirety” (p. 21).

Georgia Secretary of State Brad Raffensperger [wrote](#):

“Giuliani and his team **selectively sliced and diced the video** and conjured up a false narrative to fit his disinformation campaign. The deliberate deceit worked.”

On **Dec. 7, 2020**, Georgia election official Gabriel Sterling [stated](#):

“What’s really frustrating is **the President’s attorneys had this same videotape. They saw the exact same things the rest of us could see.** And **they chose to mislead state Senators and the public** about what was on that video. I’m quite sure that they will not characterize the video if they try to enter into evidence because that is **the kind of thing that can lead to sanctions because it’s obviously untrue.**

They knew it was untrue and they continue to do things like this.”

Note: During Trump’s phone call with Raffensperger, Cleta Mitchell said, “I will tell you. I’ve seen the tape. The full tape. So has Alex [B. Kaufman]. We’ve watched it.”

(See also Sterling [testimony](#) on “if you watch the entirety of the video.”)

Former U.S. Attorney BJ Pak [testified](#): “**Unfortunately, during the Senate hearing, Mr. Giuliani only played a clip that showed them pulling out the official ballot box** from under the table and referring to that as a smoking gun of fraud in — in Fulton County, **when in actuality in review of the entire video**, it showed that that was actually an official ballot box that was kept underneath the — the tables.”

Pak [testified](#): “I listened to the — the tapes and reviewed the videotape myself and that there was **nothing there. Giuliani was wrong in representing** that this was a suitcase full of ballots.”

Former Acting Deputy Attorney General Richard Donoghue [testimony on conversation with President Trump](#):

"I said, okay, well, with regard to Georgia, we 'looked at the tape, we interviewed the witnesses. There is no suitcase." The President kept fixating on this suitcase that supposedly had fraudulent ballots and that the suitcase was rolled out from under the table. And **I said, no, Sir, there is no suitcase. You can watch that video over and over; there is no suitcase.** There is a wheeled bin where they carry the ballots, and that's just how they move ballots around that facility. There's **nothing suspicious** about that at all.

I told him that there was 'no multiple scanning of the ballots.' One part of that allegation was that they were taking one ballot and scanning it through three or four or five times to rack up votes presumably for Vice President Biden. I told him that the video did not support that."

Former Acting Deputy Attorney General Richard Donoghue [testified](#): "**I told the President myself that several times in several conversations**, that these allegations about ballots being smuggled in in a suitcase and run through the machine several times, it was not true, that we looked at it. We looked at the video, we interviewed the witnesses, that it was not true."

Donoghue's statements to President Trump about the State Farm allegations included their phone conversation on Dec. 27 and meeting on Dec. 31 (transcribed [interview](#)).

Barr [testified](#): "The Fulton County allegations were — **had no merit**. They're — the — the ballots under the table were legitimate ball — ballots. They weren't in a suitcase. They had been pre-opened for eventually feeding into the machine, all the stuff about the water leak and that there was some subterfuge involved. We felt there was some confusion, but — but there was **no evidence** of a subterfuge to create an opportunity to feed things into the count. And so, we didn't see **any evidence** of — of fraud in the — in the Fulton County episode."

Aside: In their [book](#), Carol Leonnig and Philip Rucker report: "Barr told Trump he didn't buy it. The 'suitcases' were actually the standard boxes that Fulton County used to transport ballots to the central vote tallying center." This was presumably at the Dec. 14 meeting.

REP. SCHIFF: **These are the allegations that the Department of Justice, the attorney general, the Georgia Bureau of Investigation, and your office had all said were false. Is that right?**

BRAD RAFFENSPERGER: **Correct.** And even more importantly, when BJ Pak resigned as US attorney of the Northern District, President Trump appointed as acting US attorney of the Northern District Bobby Christine. And **Bobby Christine** looked at that and he was quoted by the AJC [*Atlanta Journal Constitution*] that he **found nothing, and he dismissed that case early also.**

REP. SCHIFF: Thank you, Mr. Secretary. The President references suitcases or trunks. Mr. Sterling, were the objects seen in these videos suitcases or trunks or were they just the ordinary containers that are used by election workers?

GABRIEL STERLING: They're stand — standard ballot carriers that allow for seals to be put on them so that they are tamper proof.

REP. SCHIFF: And finally, the **President claims that there was a minimum of 18,000 ballots somehow smuggled in all for Biden. I take it, gentlemen, that was also categorically false?**

GABRIEL STERLING: There's no — A, **there's no physical way he can know who those ballots were for.** But secondarily, we had — Fulton County for years, has been an issue in our state when it comes to elections. So we had a — they had a very difficult time during the primary — in large part because of COVID. So we had put them under a consent decree the secretary got negotiated where we had a monitor on site and his name was Carter

Jones.

And he took a notation. He had gone from State Farm to the English Street warehouse to look at Election Day activities. But before he left the State Farm arena, he noted how many ballots have been counted on each one of the machines. And when he came back after we found out they were working again, he took note again when they closed.

And I believe **the final number was something around 8,900 total ballots were scanned from the time he left to the time about 12:30 or 1:00 in the morning. So way below 18,000.**

Trump repeats the false claims about the State Farm Arena suitcases in his [phone conversation](#) with Georgia Secretary of State Raffensperger on Jan. 2 and in his [Ellipse speech](#) on Jan. 6.

The [brief](#) filed by the House General Counsel reports (with citations) that (1) on Dec. 3, Trump's YouTube channel posted the edited video clips asserting the false allegations (see also Trump [retweet](#)); (2) the Trump Campaign [ran](#) two Facebook ads on Dec. 11 and 23 featuring the selectively edited footage claiming that the video showed "[suitcases of ballots added in secret in Georgia](#)" (ads "approved by Donald J. Trump"); and (3) the Trump Campaign continued to run the ads after Donoghue's conversations with Trump. In a [tweet](#) on Jan. 3, Trump lied that Raffensperger had been unable or unwilling to address the "'ballots under the table' scam" in their private conversation the day before.

Note: Trump also made wildly divergent claims about the number of votes affected in the State Farm Arena conspiracy.

Dec. 5, 2020 [rally speech](#) in Georgia: "That's **10 times more than I need to win this state**. 10 times more. That's 10 times, **maybe more** than that, but it's 10 times more because we lost by a very close number."

[Note: Trump lost the state by 12,000 votes; 10 times would be **120,000 votes**.]

Jan. 2, 2021 [phone call](#) with GA Secretary of State: "We had at least **18,000** – that's on tape, we had them counted very painstakingly – 18,000 voters"

Later in same call: "The minimum number is 18,000 for [name] , but they think it's **probably about 56,000.**"

Later in same call (in apparent disagreement with his lawyer, Cleta Mitchell - timestamp at 26:40):

Mitchell: Our estimate is that there were roughly 18,000 ballots. We don't know that. If you know that —

Trump: — **it was 18,000 ballots, but they used each one three times.**

Mitchell: **Well, I don't know about that**, but I know —

Trump: — well, I do, because we had ours magnified out

[Note: 18,000 x 3 = 54,000.]

Jan. 6, 2021 [Ellipse speech](#): "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 Trump. Oh, that sounds fair. That was at 1:34 a.m.”

The New York state court [opinion](#) suspending Giuliani’s bar license determined that Giuliani had knowingly made false allegations of widespread election fraud. The court’s reasoning was based in part on the fact that Giuliani’s “numerical claims are so wildly divergent and irreconcilable, that they all cannot be true at the same time. Some of the wild divergences were even stated by respondent in the very same sentence.”

[Return to Table of Contents](#)

8. Willful blindness/Disinterest in actual evidence

1) Barr [testimony](#): “When I went into this and would, you know, tell him how crazy some of these allegations were, there was never — **there was never an indication of interest in what the actual facts were.**”

2) Barr [testimony](#): “After the election, he **didn't seem to be listening** and I didn't think it was, you know, that I was inclined not to stay around if he **wasn't listening to advice from me or his other cabinet secretaries.**”

3) Donoghue [testimony](#): “This gets back to the point that there were so many of these allegations that **when you gave him a very direct answer on one of them, he wouldn't fight us on it, but he would move to another allegation.**”

4) **Dec. 27, 2020** Trump phone call with senior DOJ leadership (Rosen and Donoghue)

In a phone call with Rosen and Donoghue, Trump explicitly tells the DOJ leadership: “**Just say the election was corrupt and leave the rest to me and the Republican Congressmen**” (Donoghue [testimony](#); Donoghue contemporaneous [handwritten notes](#)).

Describing the Dec. 27 meeting:

REP. KINZINGER: Even though he had been told that there was no evidence of fraud, did the President keep saying that the department was quote, “**Obligated to tell people that this was an illegal corrupt election.**”

RICHARD DONOGHUE: That's also an exact quote from the President. Yes.

5) Transcribed [interview](#):

DONOGHUE: So he wanted us to say it was corrupt, you know, for whatever reason. I'll leave that to him or others to explain or determine. But he wanted us to say that it was corrupt. And this was consistent with some things he said at other points about, the Department should publicly say that the election is corrupt or suspect or not reliable. At one point, he mentioned the possibility of having a press conference. We told him we were not going to do that.

Q: Yeah.

DONOGHUE: So this was something that was brought up more than once.

Q: Yeah. So, again, **there was a focus on public statements that something was corrupt, as opposed to trying specifically to get to the bottom of the individual allegations.**

DONOGHUE: **Right.**

6) **Jan. 2, 2021** phone call with Georgia Secretary of State Raffensperger:

From Select Committee [hearing](#) (June 21, 2022):

REP. SCHIFF:

Mr. Secretary, you were trying to push back when the President made these unsupported claims, whether they were about suitcases of ballots or that Biden votes were counted three times. Let's play the next clip.

[Audio of Jan. 2, 2021 phone call]

RAFFENSPERGER: Mr.. President, they did not put that. We did an audit of that, and we proved conclusively that they were not scanned three times. Yep. **Mr. President, we'll send you the link from WSB –**

TRUMP: **I don't care about a link, I don't need it. Brad, I have a much better link.**

[Audio ends.]

REP. SCHIFF: You told the president you would send him a link from WSB, which I understand is a local television station that had an unedited video from the State Farm Arena, but the president wasn't interested in that. He said he had a much better link.

7) Trump fired people on his Campaign who did not support false allegations (same with U.S. Attorney BJ Pak, and attempted same with Acting Attorney General Jeff Rosen).

Bill Stepien [testimony](#):

BILL STEPIEN: Sure. Previously, I described some of my frustration with some of the — the claims that people would throw at President Trump regarding, you know, you know, you need to look at this. You know, this happened in this state or that happened in that state. And it would be, you know — those would flow to us to — to — to look into.

I — I talked about that before I think.

UNKNOWN: Yep.

BILL STEPIEN: You know, this is an example of that. I recall — I recall in Arizona someone had thrown out, I believe this to be the claim, that there were thousands of illegal citizens, people not eligible to vote, kind of cast their

ballots in Arizona. Someone had thrown out that claim to President Trump. And with, you know, the margins being as close as they were as previously described, you know, that could potentially matter.

So, this — this wild claim is thrown out, which, you know, on its face didn't seem, you know, realistic or possible to me. I asked Alex to look at the — you know, the — the claim. And I — I haven't read his full email, but I recall that the response to that, the reality of that was not illegal citizens voting in the election, I think it was like overseas voters voting in the election. I — I — so, obviously, you know, people who were eligible to vote. [End videotape]

ZOE LOFGREN: **When these findings were passed up the chain to President Trump, he became frustrated and he replaced the campaign's legal team.** Let's play clip 14.

[Begin videotape]

BILL STEPIEN: You know, I think the president, it was during second week where things like you displayed were occurring, where he was, you know, growing increasingly unhappy with, you know, his team, you know, me less so because I was less involved at this point, but still me; growing increasingly unhappy with [Trump campaign senior advisor] Justin Clark. And that — that kind of, you know — you know, **paved the way for, you know, Justin to be moved out and Mayor Giuliani be moved in as the person in charge of, you know, the legal side of the campaign and, for all intents and purposes, the campaign** at that point.

[End videotape]

[Return to Table of Contents](#)

9. Claims of more votes than voters in Philadelphia

Special Note: The logical flaw in this allegation is clear and irrefutable, such that repeating the allegation after being made aware of the flaw indicates a deliberate effort to deceive.

What Trump Knew	What Trump Said
<p>Barr testimony (Barr told Trump on Nov. 23, Dec. 1, or Dec. 14, 2020):</p> <p>“The idea the President has repeatedly suggested that there was some kind of outpouring of unexpected votes in inner city areas like Philadelphia as recently as January 13th when he walked off the NPR set. He was asked by the interviewer, you know, what's — you know, what's your evidence of fraud?</p> <p>And he said more people voted in Philadelphia than there were voters. And that was absolute rubbish. The turnout in Philadelphia was in line with the state's turnout and in fact it was not is as — as impressive as many suburban counties. And there was nothing strange about the Philadelphia turnout. It wasn't like there was all these unexpected votes that came out in Philadelphia.</p> <p>So, you know, I think once you actually look at the votes and then if there's an obvious explanation, he — you know, for example, in Pennsylvania, Trump ran weaker</p>	<p>On Jan. 4, 2021, Trump speech at political rally in Georgia:</p> <p>“There’s an unexplained 400,000 vote discrepancy between the number of mail-in ballots in Pennsylvania sent out reported on November 2nd, 2020. And the number reported on November 4th. They can’t explain it. 400,000 previously unreported mail-in ballots, magically appeared. They couldn’t explain it. And all of a sudden they just happened to find 400,000. That’s a lot of people.”</p> <hr/> <p>On Jan. 6, 2021, Ellipse speech:</p> <p>“The day before the election, the state of Pennsylvania reported the number of absentee ballots that had been sent out. Yet this number was suddenly and drastically increased by 400,000 people. It was increased. Nobody knows where it came from, by 400,000 ballots, one</p>

than the Republican ticket generally. He ran weaker than two of the state candidates. He ran weaker than the Congressional delegate — delegation running for federal Congress, and he ran weaker than the — the Republican — I think, I haven't looked at this recently, but he generally was a weak element on the Republican ticket. So, that does not suggest that the election was stolen by fraud.

UNKNOWN: How about Pennsylvania and [former United States Attorney] Bill McSwain? **You were talking with the US attorney in Philadelphia about an alleged discrepancy between the number of absentee ballots issued and the number of ballots cast.**

WILLIAM BARR: Right. So, I — I — you know, that was a — a — one of the big ones for a period of time. I think — I think that was raised in Gettysburg by Giuliani or something like that, but it kept on being repeated. And I found it annoying because it didn't seem that it was right. So, I called — I called McSwain and he got back to me. He said no, the problem is that [Pennsylvania state senator] Mastriano, threw out a — threw out this number.

And what he [Mastriano] did was **he mixed apples and oranges. He took the number of applications for the Republican primary and he compared it to the number of absentee votes cast in the general election.** But once you actually go and look and **compare apples to apples, there's no discrepancy at all.** And, you know, that's one of the — I — I think at some point I covered that with the president.”

day after the election.

“It remains totally unexplained. They said, ‘Well, ah, we can't figure that.’ Now, that's many, many times what it would take to overthrow the state. Just that one element. Four hundred thousand ballots appeared from nowhere right after the election.”

[Return to Table of Contents](#)

10. Dominion allegations

What Trump Knew	What Trump Said/Did
<p>Before Nov. 19, 2020: An internal memo produced within the Trump Campaign debunks the outlandish conspiracy theories about Dominion voting machines that are publicly espoused by Trump lawyers Giuliani and Sidney Powell.</p> <hr/> <p>Note re Sidney Powell:</p> <p>Powell, defending herself in a defamation lawsuit brought by Dominion Voting Systems, told the court that</p>	<p>Vice Chair Liz Cheney stated: “President Trump persisted, repeating the false Dominion allegations in public at least a dozen more times even after his Attorney General told him, they were quote, ‘complete nonsense.’”</p> <hr/> <p>Dec. 2, 2020: Trump releases public remarks in which he states:</p> <p>“Here’s an example. This is Michigan. At 6:31 in the</p>

"no reasonable person would conclude that her statements were truly statements of fact."

Dec. 1, 2020: AG Barr informs Trump the Dominion allegations are baseless.

Barr [testimony](#):

"I reiterated that they've wasted a whole month on these claims — on the Dominion voting machines and they were **idiotic claims**.

And I specifically raised the Dominion voting machines, which I found to be **among the most disturbing allegations**. Disturbing in the sense that I saw **absolutely zero basis** for the allegations. But they were **made in such a sensational way** that they obviously were influencing a lot of people — members of the public that there was this systemic corruption in the system and that their votes didn't count and that these machines controlled by somebody else were actually determining it, which was complete nonsense.

And it was being laid out there. And **I told them that it was — it was crazy stuff and they were wasting their time on that. And it was doing a great, grave disservice to the country.**"

Dec. 14, 2020: Barr warns Trump about the Dominion allegations (re Antrim County, Michigan). Barr [testimony](#):

"When I walked in, sat down, he went off on a monologue saying that there was now definitive evidence involving fraud through the Dominion machines and a report had been prepared by a very reputable cybersecurity firm, which he identified as Allied Security Operations Group. And he held up the report and he had — and then he asked that a copy of it be made for me. And while a copy was being made, he said, you know this is absolute proof that the Dominion machines were rigged.

The report means that I am going to have a second term. And then he gave me a copy of the report. And as he talked more and more about it, I sat there flipping through the **poor report** and looking through it. And to be frank, it looked **very amateurish** to me, didn't have the credentials of the people involved, but I **didn't see any real qualifications**.

morning, a vote dump of 149,772 votes came in unexpectedly. We were winning by a lot. That batch was received in horror. On top of everything else, **we have a company that's very suspect. It's name is Dominion. With the turn of a dial with the change of a chip, you could press a button for Trump and the vote goes to Biden**. What kind of a system is this?

In one Michigan County, as an example, that used Dominion systems, they found that nearly 6,000 votes had been wrongly switched from Trump to Biden, and this is just the tip of the iceberg. This is what we caught. How many didn't we catch? Are there 100s of other examples throughout the country? Are there 1000s? We just got lucky and they called it a glitch, but we found numerous glitches that evening. 96% of the company's political donations went to Democrats, not surprisingly. And, frankly, when you look at who's running the company, who's in charge, who owns it, which we don't know, where are the votes counted? **Which we think are counted in foreign countries**, not in the United States, Dominion is a disaster. Election authorities in Texas have repeatedly blocked the deployment of Dominion systems due to concerns about security vulnerabilities and the potential for errors and outright fraud. Every district that uses Dominion systems must be carefully monitored and carefully investigated."

Dec. 5, 2020 [rally speech](#) in Georgia: "In one Michigan county using Dominion voting systems, nearly 6,000 votes were discovered that were wrongly switched from Trump to Biden. They called it a glitch. You know a glitch? Just like the machine broke. Numerous times we found glitches, and every single time, the glitch went a hundred percent to Biden and no percent to Trump. The same systems are used in 30 states."

Dec. 15, 2020: Trump [tweets](#):

"68% error rate in Michigan Voting Machines. Should be, by law, a tiny percentage of one percent."

(see also [retweet](#) on **Dec. 16, 2020**)

Dec. 17, 2020: Trump [retweets](#) a John Solomon tweet of a report from his media outlet, *JustTheNews*, headlined: "Lawyer says Dominion vote-flip in Michigan was due to software, not 'human error.'"

And the statements were made very conclusory like this — these machines were designed to, you know, engage in fraud or something to that effect, but I **didn't see any supporting information** for it. And I was somewhat demoralized because I thought, boy, if he really believes this stuff he has, you know, lost contact with — with it — he's become detached from reality if he really believes this stuff.

On the other hand, you know, when I went into this and would, you know, tell him how crazy some of these allegations were. There was never — there was never an indication of interest in what the actual facts were.”

Dec. 15, 2020: Oval Office meeting (with Pat Cipollone, Pat Philbin, Jeffrey Rosen, Richard Donoghue, Chad Mizelle, and Ken Cuccinelli), Donoghue testified before [Senate Judiciary Committee](#):

“The President raised the Antrim County matter. And he said something to the effect of, you know, ‘Have you guys seen this report? This is unbelievable. This is a disaster. They've got a 68 percent error rate. They used these machines all over the country’ and so on. ...

I recall Ken Cuccinelli saying, “The **hand count will be the gold standard. That will tell us whether that's true or not.**” And we should know in a day or two, or maybe three, at most, whether the hand recount supports or undermines the Allied report. And so there was nothing to be decided or to be done. It was just a matter of the President talking about the possible implications of this, if, in fact, the report was correct. And we all agreed that if there's a 68 percent error rate, then, yes, there's a huge problem for the country. But **let's not get ahead of ourselves.** The hand recount is underway and let's let that progress. And we should know in a day or two whether there's really anything to this.

He seemed satisfied with that response.”

Dec. 27, 2020: In a 90-minute phone call with the President and senior Justice Department officials, referencing a report produced by an outside group, Security Operations Group (ASOG), Donoghue [testifies](#):

“One that was **very clear** at that point was the Antrim County — the ASOG report that I mentioned earlier. Allied Security Operations Group released this **report that said 68 percent error rate.** There was in fact in

Dec. 19, 2020: Trump [retweets](#) former presidential assistant Peter Navarro’s report, which alleged election fraud that would swing the election in his favor.

The report claims that “at least one instance of a large and inexplicable vote switching and vote surge in favor of Joe Biden took place in Antrim County, Michigan – and it is associated with the controversial aforementioned Dominion-Smartmatic voting machine hardware-software combo. In this Republic stronghold, 6,000 votes were initially, and incorrectly, counted for Joe Biden...when a check was done, it was discovered that the 6,000 votes were actually for Donald J. Trump.”

A “subsequent forensic audit of the Antrim County vote tabulation found that the Dominion system had an astonishing error rate of 68 percent.”

Dec. 29, 2020: “White House Special Assistant and Oval Office Coordinator Molly Michael emailed a draft Supreme Court brief to Rosen, Donoghue, and Acting Solicitor General Jeffrey Wall. ...

In short, **Trump asked DOJ to petition the Supreme Court to overturn the election results.**

In support of the relief it sought, the proposed Supreme Court brief made a variety of false factual claims about the election... Among others, these included claims that:

...

A ‘forensic audit’ conducted by Allied Security Group found that ‘the Dominion voting system in **Antrim County** [Michigan] was designed to generate an **error rate as high as 81.96%.**”

- [Senate Judiciary Report](#); see also Steven Engel [testimony](#).

In a **Jan. 2, 2021 phone call** with Georgia Secretary of State Brad Raffensperger, Trump mentions Dominion ten times but says he does not need to raise specific allegations about the voting machines because of other fraud claims.

In a **Jan. 4, 2021 rally** in Georgia, Trump mentions Dominion seven times, including specific allegations

Antrim County a hand recount. Had nothing to do with the Department. The Department did not request that.

That was pursuant to litigation brought by other parties, but there was a hand recount. So they were able to compare the **hand recount** to what the machines had reported. And for the ballots that were actually counted by machine, more than 15,000, there was **one error, one ballot**. And I did a quick calculation and came up with **.0063 percent error rate**, which is well within tolerance.

And so I **made it very clear to the President** because he was so fixated on the ASOG report in the December 15th conversation that in fact our investigation revealed that the error rate was .0063 percent. So that, Mr. President, an example of **what people are telling you that is not true, and that you cannot and should not be relying on**. So that was one **very explicit** one.”

Donoghue written transcribed [interview](#):

“So I tried to, again, put this in perspective and to try to put it in very clear terms to the President. ... ‘We are doing our job. Much of the info you’re getting is false.’ And then I went into, ‘For instance, this thing from Michigan, this report about 68 percent error rate – reality is, it was only 0.0063 percent error rate, less than 1 in 15,000.’

So the President accepted that. He said, ‘Okay, fine. But what about the others?’”

Jan. 2, 2021: In Trump [phone call](#) with Raffensperger, the Secretary of State provided **strong if not definitive proof** that the Dominion allegations were false:

Raffensperger said: “I don’t believe that you’re really questioning the Dominion machines. 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. So I guess we can probably take that off the table. I don’t think there’s an issue about that.”

such as:

“Three events discussed at this hearing stand out and require a forensic auditor of the Dominion voting machines in Georgia to be immediately conducted. The governor will not let us do it. We've been asking them now since November 4th, the day after the election, he won't let us do it. Why won't he let us do it? There's only one reason I can think of. First the Dominion voting machines employed in Fulton County ... had an astounding 93.67 error rate, 93.67 error rate, in the scanning of ballots requiring a review panel to adjudicate or determine the voter’s intent.”

On **Jan. 6, 2021**, Trump’s [Ellipse speech](#):

“There is the highly troubling matter of Dominion Voting Systems. In one Michigan county alone, 6,000 votes were switched from Trump to Biden and the same systems are used in the majority of states in our country.” He also raises again the specific claim of a 93.67% error rate with Dominion machines in Fulton County.

[Return to Table of Contents](#)

11. Undocumented immigrants voting in Arizona

What Trump/Trump Campaign Knew	What Trump Said
<p>Bill Stepien testimony: “I recall in Arizona someone had thrown out, I believe this to be the claim, that there were thousands of illegal citizens, people not eligible to vote, kind of cast their ballots in Arizona. Someone had thrown out that claim to President Trump. And with, you know, the margins being as close as they were previously described, you know, that could potentially matter.</p> <p>So, this — this wild claim is thrown out, which, you know, on its face didn't seem, you know, realistic or possible to me. I asked Alex to look at the — you know, the — the claim. And I — I haven't read his full email, but I recall that the response to that, the reality of that was not illegal citizens voting in the election, I think it was like overseas voters voting in the election. I — I — so, obviously, you know, people who were eligible to vote.”</p> <p>According to Leonnig and Rucker’s book (p. 379), this episode occurred around mid-November 2020.</p>	<p>Rusty Bowers testimony: “[Giuliani] said that they did have proof [of fraud]. And I asked him, do you have names? For example, we have 200,000 illegal immigrants, some large number. Five or 6,000 dead people, et. cetera. And I said, ‘do you have their names?’ ‘Yes?’ ‘Will you give them to me?’ ‘Yes.’ The President interrupted and said, ‘Give the man what he needs, Rudy.’ And he said I — I will. And that happened on at least two occasions, that interchange in the conversation.”</p> <hr/> <p>Jan. 4, 2021: Trump, speaking at Georgia election rally:</p> <p>“In Arizona more than 36,000 votes were cast by non-citizens.”</p> <hr/> <p>Jan. 6, 2021: Trump, Ellipse rally speech:</p> <p>“In the state of Arizona, over 36,000 ballots were illegally cast by non-citizens.”</p>

[Return to Table of Contents](#)

END