

January 2, 2021

Look, we need only 11,000 votes.



Photo by Alex Wong/Getty Images



## 2

### **“I JUST WANT TO FIND 11,780 VOTES”**

In a now infamous telephone call on January 2, 2021, President Trump pressured Georgia Secretary of State Brad Raffensperger for more than an hour. The President confronted him with multiple conspiracy theories about the election—none of which were true. Raffensperger and other Georgia officials debunked these allegations, one after another, during their call. Under Raffensperger’s leadership, Georgia had, by that time, already conducted a statewide hand recount of all ballots. That recount and other post-election reviews proved that there was no widespread fraud, and that voting machines didn’t alter the outcome of the election.<sup>1</sup> This should have put President Trump’s allegations to rest. But, undeterred by the facts, the President badgered Raffensperger to overturn the Georgia results.

President Trump insisted that “the ballots are corrupt” and someone was “shredding” them.<sup>2</sup> He issued a thinly veiled threat, telling Raffensperger, “it is more illegal for you than it is for them because you know what they did and you’re not reporting it.”<sup>3</sup> Of course, the Georgia officials weren’t doing anything “illegal,” and there was nothing to “report.” Even so, President Trump suggested that both Raffensperger and his general counsel, Ryan Germany, could face criminal jeopardy.<sup>4</sup> “That’s a criminal, that’s a criminal offense. And you can’t let that happen,” the President said.<sup>5</sup> “That’s a big risk to you and to Ryan, your lawyer . . . I’m notifying you that you’re letting it happen.”<sup>6</sup>

And then the President made his demand. “So look. All I want to do is this. I just want to find 11,780 votes, which is one more than we have,” President Trump told Raffensperger.<sup>7</sup>

It was a stunning moment. The President of the United States was asking a State’s chief election officer to “find” enough votes to declare him the winner of an election he lost.

Raffensperger saw the President’s warning to him on January 2nd as a threat. “I felt then—and I still believe today—that this was a threat,” Raffensperger wrote in his book.<sup>8</sup> And this threat was multifaceted: first,

the President “notifying” Raffensperger and his team of criminal activity could be understood as directing the law-enforcement power of the Federal Government against them. While Raffensperger did not know for certain whether President Trump was threatening such an investigation, he knew Trump had “positional power” as President and appeared to be promising to “make [my] life miserable.”<sup>9</sup>

But the threat was also of a more insidious kind. As Raffensperger wrote in his book: “Others obviously thought [it was a threat], too, because some of Trump’s more radical followers have responded as if it was their duty to carry out this threat.”<sup>10</sup> Raffensperger's deputy held a press conference and publicly warned all Americans, including President Trump, that President Trump's rhetoric endangered innocent officials and private citizens, and fueled death threats against Georgia election workers, sexualized threats directed towards Raffensperger's wife, and harassment at the homes of Georgia election officials.<sup>11</sup> The January 2nd call promised more of the same. The upshot of President Trump's message to Raffensperger was: do what I ask, or you will pay.

President Trump's phone call with Secretary Raffensperger received widespread coverage after it was leaked. But Georgia was not the only State targeted by President Trump and his allies. The call was one element of a larger and more comprehensive effort—much of it unseen by and unknown to the general public—to overturn the votes cast by millions of American citizens across several States.

As Chapter 1 explained, the root of this effort was the “Big Lie”: President Trump and his allies publicly claiming that the election was rife with fraud that could have changed the result, even though the President's own advisors, and the Department of Justice, told the President time and time again that this was not the case.<sup>12</sup> But in parallel with this strategy, President Trump and his allies zeroed in on key battleground States the President had lost, leaning on Republican State officials to overrule voters, disregard valid vote counts, and deliver the States' electoral votes to the losing candidate. Had this scheme worked, President Trump could have, for the first time in American history, subverted the results of a lawful election to stay in power. His was a deeply anti-democratic plan: to co-opt State legislatures—through appeals to debunked theories of election fraud, or pure partisan politics—to replace Biden electors with Trump electors, so President Trump would win the electoral vote count in the joint session of Congress on January 6th.

Had enough State officials gone along with President Trump's plot, his attempt to stay in power might have worked. It is fortunate that a critical

mass of honorable officials withstood President Trump’s pressure to participate in this scheme. They and others who stood up to him closed off avenues for thwarting the election so that, by noon on January 6th, President Trump was left with one desperate, final gambit for holding on to power: sending his armed, angry supporters to the U.S. Capitol.

## 2.1 THE ELECTORAL COLLEGE, AND PRESIDENT TRUMP’S ATTEMPT TO SUBVERT IT

When Americans vote for a presidential candidate on election day, they are actually casting votes for that candidate’s proposed presidential electors to participate in the electoral college. After a State certifies its election results and announces a winner, it also issues a “certificate of ascertainment,” which contains the names of the duly chosen electoral college electors. The electors whose names appear as having received the most votes on the certificate of ascertainment will go on to participate in the electoral college, while a losing candidate’s proposed electors have no role to play and no standing to participate in the electoral college. This happens after every Presidential election, in each of the fifty States and the District of Columbia.

This process comes from a clause in the U.S. Constitution that gives States the power to choose electoral college electors according to State law.<sup>13</sup> That clause says that each State “shall appoint” electoral college electors “in such [m]anner as the Legislature thereof may direct.” All 50 States have decreed that electors will be selected by popular vote.

Tuesday, November 3rd, was the day established by Federal law as election day in 2020. Each State’s rules had been set—and courts had weighed in when certain rules were challenged. Polls opened around the country and votes came in, whether in person or via the mail, according to each State’s laws.

Over 154 million voters cast votes according to the rules in place on election day.<sup>14</sup> President Trump lost. He and his supporters went to court, filing long-shot legal challenges to the election, but they failed in courts around the country, before judges appointed by executives of both parties (including President Trump himself), and, for those judges who were elected, that are members of both parties.

Rather than abiding by the rule of law and accepting the courts’ rulings, President Trump and his advisors tried every which way to reverse the outcome at the State level. They pressured local and State elections officials to stop counting votes once it became clear that former Vice President Joseph Biden would prevail in the final count. They pressured Governors, secretaries of State, and local officials not to certify the popular vote in several swing States that former Vice-President Biden had won. And, when that did



not work, they pressured State legislators to disregard the vote counts and instead appoint Trump electors to vote in the electoral college.

This fundamentally anti-democratic effort was premised on the incorrect theory that, because the Constitution assigns to State legislatures the role of directing how electoral college electors are chosen (which every State legislature had done *before* the election, giving that power to the people at the ballot boxes) then the State legislatures could simply choose Trump/Pence electors *after* seeing the election results. In effect, President Trump and his advisors pushed for the rules to be changed after the election—even if it meant disenfranchising millions of Americans.

## 2.2 THE PLAN EMERGES

More than a month before the Presidential election, the media reported that the Trump Campaign was already developing a fallback plan that would focus on overturning certain election results at the State level. An article published on September 23, 2020, in *The Atlantic* explained, “[a]ccording to sources in the Republican Party at the State and national levels, the Trump Campaign is discussing contingency plans to bypass election results and appoint loyal electors in battleground States where Republicans hold the legislative majority.”<sup>15</sup> Ominously, the same reporting predicted, almost exactly, what would later come to pass: “With a justification based on claims of rampant fraud, Trump would ask State legislators to set aside the popular vote and exercise their power to choose a slate of electors directly.”<sup>16</sup>

Numerous senior Trump Campaign advisors—including Campaign Manager William Stepien, Deputy Campaign Manager and Senior Counsel Justin Clark, and President Trump’s lead attorney Rudolph Giuliani—all told the Select Committee that there was, indeed, a State-focused “strategy” or “track” to challenge the outcome of the election, which included pressing State legislators to challenge results in key States and to appoint new electoral college electors.<sup>17</sup>

“You know, in the days after election day, later in that first week, bleeding into the second, as our numbers and data looked bleaker, internally we knew that,” Stepien told the Select Committee.<sup>18</sup> “As the AP [Associated Press] called the race, I think some surrounding the President were looking for different avenues to pursue.” That’s when Stepien remembered the concept first coming up.<sup>19</sup>

Those around President Trump were pushing this idea, and pushing it hard.

Just two days after the election, President Trump’s son, Donald Trump, Jr., forwarded to White House Chief of Staff Mark Meadows a suggestion that “State Assemblies can step in and vote to put forward the electoral slate[,] Republicans control Pennsylvania, Wisconsin, Michigan, North Carolina, etc. we get Trump electors” and so “we either have a vote WE control and WE win OR it gets kicked to Congress 6 January . . .”<sup>20</sup> Chief of Staff Meadows responded: “Working on this for pa, ga and nc already.”<sup>21</sup>

Within one week after the election, Meadows had also sent or received several other similar messages:

“The state legislature can take over the electoral process”—Mark Meadows’s text to Georgia State Senator Marty Harbin.<sup>22</sup>

“Agreed”—Mark Meadows’s text to a different sender, who suggested that the Trump Administration “should get that out there” if they were “seriously considering the state legislature strategy.”<sup>23</sup>

“I will tell him”—Mark Meadows’s text to a sender who suggested President Trump “[s]tart building momentum for the state legislatures.”<sup>24</sup>

“I love it”—Mark Meadows’s text to Representative Andy Biggs, who relayed what he acknowledged as a “highly controversial” idea to have “Republican legislature’s (*sic*)” “appoint a look doors (*sic*) [electors].”<sup>25</sup>

“. . . Why can’t the states of GA NC PENN and other R controlled state houses declare this is BS (where conflicts and election not called that night) and just send their own electors . . . I wonder if POTUS knows this . . .”—former Secretary of Energy Rick Perry to Mark Meadows.<sup>26</sup>

Another White House official exploring such a plan less than a week after the election was Vince Haley, Deputy Assistant to the President for Policy, Strategy and Speechwriting. He suggested:

“. . . Imagine if every red state legislature slated zero electors. It would reveal that we are a red country. To do this we would have to jack this to the nth degree as a battle of tribes . . . .”<sup>27</sup>

Haley pushed this strategy in several texts and emails, including to Assistant to the President and Director of Presidential Personnel Johnny McEntee,<sup>28</sup> an individual Haley characterized as “a very trusted lieutenant” for President Trump, “a direct conveyor to Boss with ideas,” and “[a]t his side almost all the time.”<sup>29</sup>

For Haley, however, purported election fraud was a way to justify President Trump-friendly legislatures changing the outcome of the election, but there were other reasons for doing so, too. Election fraud was “only one rationale for slating Trump electors,” Haley told McEntee, and “[w]e should baldly assert” that State legislators “have the constitutional right to substitute their judgment for a certified majority of their constituents” if that prevents socialism.<sup>30</sup> Haley added, “[i]ndependent of the fraud—or really along with that argument—Harrisburg [Pennsylvania], Madison [Wisconsin], and Lansing [Michigan] do not have to sit idly by and submit themselves to rule by Beijing and Paris,” proposing that radio hosts “rally the grassroots to apply pressure to the weak kneed legislators in those states . . .”<sup>31</sup>

McEntee replied “Yes!” and then: “Let’s find the contact info for all these people now.”<sup>32</sup> Hours later, Haley sent him names and—in most cases—cell phone numbers for top GOP legislators in six States, suggesting “. . . for POTUS to invite them down for a WH meeting . . .”<sup>33</sup> The President would later call several named in that message, including Rusty Bowers and Karen Fann in Arizona; Lee Chatfield and Mike Shirkey in Michigan; and Jake Corman in Pennsylvania.<sup>34</sup>

Others weighed in with the President about a State-focused plan, too. Some were already looking ahead to January 6th.

On November 8th, former Speaker of the House Newt Gingrich met President Trump at the White House.<sup>35</sup> Two days later, he sent a follow-up note to the President’s executive assistant titled “please give to POTUS[,] newt.”<sup>36</sup> It suggested that “[t]he only way Trump loses is rigged system” and added that President Trump could encourage “GOP legislatures elect not to send in electors,” forcing a House vote by State delegations on January 6th that Gingrich expected President Trump would win.<sup>37</sup> Meadows replied: “Thanks Speaker.”<sup>38</sup>

Newsmax CEO Christopher Ruddy had President Trump’s ear and reportedly spoke with him by phone at least four times before December.<sup>39</sup> He forwarded a memo to other close advisors of the President recommending that the Trump team persuade one or more Republican-led chambers in Arizona, Georgia, Michigan, Pennsylvania, Wisconsin, and even Minnesota to “pick a separate competitive State slate of Electors,” which the memo predicted might turn January 6th into “a cat-fight in Congress wherein VP Pence is Presiding.”<sup>40</sup>

Attorney and conservative activist Cleta Mitchell was recruited by Mark Meadows immediately after the election to assist the Trump Campaign’s legal work.<sup>41</sup> By November 5th, she emailed Dr. John Eastman of Chapman University,<sup>42</sup> who would later play an outsized role pushing a theory about



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what Vice President Pence could or couldn't do during the January 6th joint session of Congress that is detailed in Chapter 5 of this Report. In her email, Mitchell asked Eastman to write a memo justifying an idea that State legislators “reclaim” the power to pick electors and asked, rhetorically, “Am I crazy?”<sup>43</sup> Dr. Eastman wrote the memo, entitled “The Constitutional Authority of State Legislatures to Choose Electors,” and sent it along for sharing “widely.”<sup>44</sup>

According to the Office of Presidential Scheduling, President Trump was scheduled to meet in the Oval Office on November 10th with Morgan Warstler and John Robison, Texas entrepreneurs close to former Governor Rick Perry.<sup>45</sup> The next day, Warstler tweeted that he “[w]as in Oval yesterday,”<sup>46</sup> and months later wrote that “I told whole Trump team in Oval” that “State legislatures can choose the electors-no matter what current state law OR state courts say.”<sup>47</sup>

After this apparent meeting, John Robison sent the White House an email entitled “URGENT follow up to our Tuesday Meeting with POTUS,” that he asked be printed out for the President to “explain the move forward plan for what was discussed.”<sup>48</sup> The email stated that “[President Trump] liked the plan we presented to use a parallel path of state legislators,” and the attached memo proposed hundreds of briefings for State lawmakers by

President Trump's surrogates and members of the Freedom Caucus.<sup>49</sup> The email envisioned President Trump hosting "4+ MONSTER RALLY-TRIALS" with "[t]ens of thousands of Trump voters staring up at the GOP state legislators from their districts who ALONE control which slate of electors their state will submit," a proposal that seemed to foreshadow the State hearings that Rudolph Giuliani and President Trump championed less than a month later.<sup>50</sup>

Deputy White House Chief of Staff Dan Scavino called Robison's message "Bat. Shit. Crazy," but the President's executive assistant, who was asked to print it for the President, wrote "Printed," and may have shared it with the President anyway.<sup>51</sup>

By then, President Trump was engaged. According to Stepien, his Campaign Manager, the State-focused strategy came up in a November 11th meeting among close advisors as "something to consider."<sup>52</sup> At that point, the election had been called, but the President "was very interested in keeping pathways to victory open, so [Stepien] believe[d] [the President] found the concept intriguing."<sup>53</sup> Then, the plan "just started happening" even though it was something Stepien, "honestly, kind of dismissed at hand," characterizing it as one "of the crazy, crazier ideas that w[as] thrown out, in and around that time."<sup>54</sup>

But not everyone was convinced. On November 19th, the prior Republican Presidential nominee, Senator Mitt Romney (R-UT), issued a harsh public condemnation of President Trump's open and notorious efforts to overturn the election:

Having failed to make even a plausible case of widespread fraud or conspiracy before a court of law, the President has now resorted to overt pressure on state and local officials to subvert the will of the people and overturn the election. It is difficult to imagine a worse, more undemocratic action by a sitting American President.<sup>55</sup>

Senator Romney was right to identify and decry President Trump's actions. And yet, in hindsight, it is clear that the effort to pressure State and local officials by the Trump team was only just getting started.

### 2.3 OUTREACH AND IMPLEMENTATION OF THE PLAN

Just one day after the State-focused plan came up in the Oval Office with the President and his top lieutenants, President Trump started taking concrete steps aimed at State legislators. And in the weeks that followed, the



President spearheaded outreach aimed at numerous officials in States he lost but that had GOP-led legislatures, including in Michigan, Pennsylvania, Georgia, and Arizona.

The Select Committee estimates that in the two months between the November election and the January 6th insurrection, President Trump or his inner circle engaged in at least 200 apparent acts of public or private outreach, pressure, or condemnation, targeting either State legislators or State or local election administrators, to overturn State election results. This included at least:

- 68 meetings, attempted or connected phone calls, or text messages, each aimed at one or more State or local officials;
- 18 instances of prominent public remarks, with language targeting one or more such officials;<sup>56</sup> and
- 125 social media posts by President Trump or senior aides targeting one or more such officials, either explicitly or implicitly, and mostly from his own account.<sup>57</sup>

Furthermore, these efforts by President Trump’s team also involved two other initiatives that tried to enlist support from large numbers of State legislators all at once:

- The Trump Campaign contacted, or attempted to contact, nearly 200 State legislators from battleground States between November 30, 2020 and December 3, 2020, to solicit backing for possible Statehouse resolutions to overturn the election. At least some messages said they were “on behalf of the president.”<sup>58</sup>
- Nearly 300 State legislators from battleground States reportedly participated in a private briefing with President Trump, Rudolph Giuliani, John Eastman, and others on January 2nd. The President reportedly urged them to exercise what he called “the real power” to choose electoral votes before January 6th, because, as President Trump said on the call, “I don’t think the country is going to take it.”<sup>59</sup>

It may be impossible to document each and every meeting, phone call, text message, or other contact that President Trump and his allies had with State and local officials in various battleground States. What follows is a summary that focuses on four States and that demonstrates the lengths to which President Trump would go in order to stay in power based on lies—the Big Lie—about the election.

### **PRESIDENT TRUMP'S EARLY PRESSURE ON PUBLIC SERVANTS**

To carry out his plan, President Trump, Rudolph Giuliani, and other surrogates of President Trump publicly and privately sought assistance from State and local officials whom they assumed would help as Republicans on the same team with the “same goal.”<sup>60</sup> Some helped. Others didn't.

On November 12th, U.S. Representative Tim Walberg (R-MI) sent an email to President Trump's Executive Assistant Molly Michael, describing a request he had received earlier that day:

During my conversation with the President this morning he asked me to check with key leadership in Michigan's Legislature as to how supportive they could be in regards to pushing back on election irregularities and potential fraud. He wanted me to gauge their willingness to talk with him about efforts to bring about transparency and integrity in Michigan's election and report back to him.<sup>61</sup>

Representative Walberg added that he had already acted on this request: “I've had conversations with [Michigan] Speaker Lee Chatfield, Senate Majority Leader Mike Shirkey, and Senate President Pro Tempore Aric Nesbitt. They all assured me they would look forward to speaking with the President to report on their continuing efforts” related to overseeing the election “and receiving any suggestions from President Trump.”<sup>62</sup> The President would soon host Chatfield, Shirkey, Nesbitt, and four other Michigan State lawmakers at the White House.<sup>63</sup>

In Arizona, on November 13, 2020, the day after officials finished counting ballots cast in Maricopa County, Chairwoman Kelli Ward, of the Arizona Republican Party, texted Mark Meadows that she had “[j]ust talked to POTUS” and that “[h]e may call the Chairman of the Maricopa Board of Supervisors,” Clint Hickman.<sup>64</sup> Ward also left a message for Hickman that said, “I just talked to President Trump, and he would like me to talk to you and also see if he needs to give you a call to discuss what's happening on the ground in Maricopa. Give me a call back when you can.”<sup>65</sup> According to Hickman, Ward was unusually active after the election, even for a party chair, and was the first person to pressure him. One of her first messages to Hickman before trying to connect him with President Trump was: “We need you to stop the counting.”<sup>66</sup>

In Georgia, the President initially took a more public approach. After the Associated Press called the race there on November 12th, President Trump tweeted harsh criticisms of Governor Brian Kemp and Secretary of State Brad Raffensperger.<sup>67</sup> Often these tweets called for them to take specific actions that would have shifted the election results in his favor, such as

rejecting a court settlement (which he referred to as a consent decree) that dictated the procedures for verifying signatures on absentee ballots. And he was relentless.

In November alone, President Trump tweeted that Raffensperger was “a so-called Republican (RINO)” and asked “Where is @BrianKempGA,”<sup>68</sup> before suggesting that “They knew they were going to cheat.”<sup>69</sup> He called to “Break the unconstitutional Consent Decree!”<sup>70</sup> and urged stricter signature matches with a demand to “Get it done! @BrianKempGA.”<sup>71</sup> He called Kemp “hapless” and asked why he wouldn’t use emergency powers to overrule Raffensperger on the signature-verification procedures, declaring that “Georgia Republicans are angry.”<sup>72</sup> President Trump also retweeted posts asking, “Who needs Democrats when you have Republicans like Brian Kemp,” and “why bother voting for Republicans if what you get is Ducey and Kemp?”<sup>73</sup>

Pennsylvania was an early, but not unique, example of how President Trump’s State-pressure campaign affected the lives of the public servants running this country’s elections.

On November 7th, Rudy Giuliani headlined a Philadelphia press conference in front of a landscaping business called Four Seasons Total Landscaping, near a crematorium and down the street from a sex shop.<sup>74</sup>

Standing in front of former New York Police Commissioner and recently-pardoned convicted felon, Bernard Kerik, Giuliani gave opening remarks and handed the podium over to his first supposed eyewitness to election fraud, who turned out to be a convicted sex offender.<sup>75</sup> Giuliani claimed “at least 600,000 ballots are in question” in Pennsylvania and falsely suggested that large numbers of ballots in the State had been cast for dead people, including boxer Joe Frazier and actor Will Smith’s father.<sup>76</sup>

Within days, Republican Philadelphia City Commissioner Al Schmidt and others publicly debunked Giuliani’s specific allegations of election fraud, including the claims about dead people voting in Pennsylvania elections.<sup>77</sup> In reaction, President Trump tweeted on the morning of November 11th that “[a] guy named Al Schmidt, a Philadelphia Commissioner and so-called Republican (RINO), is being used big time by the Fake News Media to explain how honest things were with respect to the Election in Philadelphia. He refuses to look at a mountain of corruption & dishonesty. We win!”<sup>78</sup>

That statement targeting Schmidt led to a deluge of threatening and harassing phone calls and emails by people who heard President Trump and falsely held out hope that Schmidt or someone else could overturn the results of Pennsylvania’s election.<sup>79</sup>

As a public official, Schmidt was no stranger to threats. But being targeted by the President of the United States was different. In Schmidt's public testimony to the Select Committee, he described why. "[P]rior to that the threats were pretty general in nature. 'Corrupt election officials in Philadelphia are going to get what's coming to them'" and other similar threats.<sup>80</sup> "After the President tweeted at me by name, calling me out the way that he did," Schmidt explained, "the threats became much more specific, much more graphic, and included not just me by name but included members of my family by name, their ages, our address, pictures of our home. Just every bit of detail that you could imagine."<sup>81</sup>

As the President continued to push the Big Lie and vilify public officials, such threats multiplied.

### **EFFORTS TO PREVENT STATE AND LOCAL OFFICIALS FROM CERTIFYING THE ELECTION**

Some of President Trump's early outreach was part of an effort to prevent State and local officials from certifying his loss. One example comes from Michigan, and the other from Arizona.

Wayne County, Michigan, includes Detroit and its surrounding areas. On November 17th, the county's Board of Canvassers met to certify election results, a process the Michigan Supreme Court described over a century ago as ministerial and clerical.<sup>82</sup>

The meeting started at 6:00 p.m. and lasted over three hours.<sup>83</sup> Its two Republican members, Board Chair Monica Palmer and Board Member William Hartmann, first voted to block the certification of the election.<sup>84</sup> After a brief break, Palmer and Hartmann returned, changed their votes, and certified the election results.<sup>85</sup> Just over twenty minutes later, Palmer and Hartmann received a call from President Trump and RNC Chair Ronna McDaniel.<sup>86</sup>

Palmer claimed that the call "was not pressure." Rather, she said, "[i]t was genuine concern for my safety" and "there were general comments about different States, but we really didn't discuss the details of the certification."<sup>87</sup>

The Select Committee doesn't know exactly what President Trump privately said on that phone call.<sup>88</sup> By the next evening, however, Palmer and Hartmann had each issued signed affidavits reassuming their earlier position that Wayne County's results should not be certified.<sup>89</sup> Palmer's affidavit even declared that "I rescind my prior vote," though rescinding wasn't possible and her statement had no legal effect.<sup>90</sup> And, President Trump apparently knew before it was public that Hartmann and Palmer would try to change their votes; almost eight hours *before* either of these affidavits were publicly released, President Trump tweeted that these "two harassed patriot Canvassers refuse to sign the papers!"<sup>91</sup>

Republicans in Arizona experienced similar treatment. In the most populous and electorally significant county in Arizona, Maricopa County’s Board of Supervisors met on November 20th to certify the county’s election results. Their Board, made up of four Republicans and one Democrat, carefully reviewed the official canvass, asked questions for approximately two hours, then unanimously voted to certify the results.<sup>92</sup>

Earlier that day, Kelli Ward contacted two of the board’s members, Jack Sellers and Bill Gates, and asked them to delay the certification on the basis of supposed improprieties.<sup>93</sup> According to Sellers and Gates, however, Arizona law required certification that day and they had no information (neither then, nor ever) to doubt the county’s election results.<sup>94</sup>

When Arizona certified its 2020 statewide election results on November 30th, it fell to Governor Doug Ducey, a Republican, to sign the certification. While on camera during the signing ceremony, Governor Ducey’s phone played a ringtone for the song “Hail to the Chief,” which he immediately silenced.<sup>95</sup>

The Governor later confirmed it had been President Trump calling and that he returned the President’s call shortly afterwards, but declined to say what the two discussed other than saying that President Trump did not ask him to withhold certification.<sup>96</sup> The Select Committee does not know whether that is true, but that evening President Trump blasted Ducey on Twitter, accusing him of “rushing to put a Democrat in office,” and warning that “Republicans will long remember!”<sup>97</sup> The President also retweeted posts bashing Ducey and his Georgia counterpart Brian Kemp, which asked “Who needs Democrats when you have Republicans like Brian Kemp and Doug Ducey?”, “why bother voting for Republicans if what you get is Ducey and Kemp?”, and “Brian Kemp: ‘My state ran the most corrupt election in American history.’ Doug Ducey: ‘Hold my beer.’”<sup>98</sup> President Trump even commented “TRUE!” when retweeting a post that “Gov Ducey has betrayed the people of Arizona.”<sup>99</sup>

Governor Ducey pushed back, writing on Twitter that, “I’ve been pretty outspoken about Arizona’s election system, and bragged about it quite a bit, including in the Oval Office . . . In Arizona, we have some of the strongest election laws in the country . . . The problems that exist in other states simply don’t apply here.”<sup>100</sup> Governor Ducey explained the law for certifying elections in Arizona and pointed out that the certification now triggered a “5-day window for any elector to bring a credible challenge to the election results in court. If you want to contest the results, now is the time. Bring your challenges.”<sup>101</sup> And, Governor Ducey referenced his oath of office:





Photo by Samuel Corum/Getty Images

“That’s the law. I’ve sworn an oath to uphold it, and I take my responsibility seriously.”<sup>102</sup> President Trump and his allies never brought a credible challenge and, instead, lost every case they brought challenging the results in Arizona.

### **EFFORTS TO REPLACE ELECTORAL COLLEGE ELECTORS AND OVERTURN THE ELECTION**

Once counties and States certified the election, or when it was nearly certain that they would, President Trump and his team’s focus largely shifted. President Trump and his team encouraged State legislators to meet in special sessions, if necessary, and choose electoral college electors who would vote for the Trump/Pence ticket. Ultimately, no State legislature took that step, but it was the basis for pressuring State officials from November through January 6, 2021.

### **MEETINGS WITH STATE LEGISLATORS—THE “HEARINGS”**

The concept of State legislators appointing their own electors featured prominently in a series of hastily arranged official and unofficial “hearings” with State legislators that the Trump team announced on November 24, 2020.<sup>103</sup>

On November 25th, President Trump called in to an unofficial meeting with legislators in Gettysburg, Pennsylvania.<sup>104</sup> The meeting was set up to

appear like an official hearing, but it was not. It took place in a hotel ballroom, and those presenting arguments or purported evidence, like Giuliani, Jenna Ellis, and others, were not placed under oath.<sup>105</sup> According to President *Pro Tempore* of the Pennsylvania Senate Jake Corman, he had initially been asked by State Senator Doug Mastriano to hold a hearing about the election. Corman responded that any formal hearing should be official, with sworn testimony, and open to both parties.<sup>106</sup> That was not what Senator Mastriano ultimately convened.

President Trump had originally made plans to attend the Pennsylvania gathering in person, but he cancelled after several advisors tested positive for COVID-19.<sup>107</sup> When President Trump called in and spoke to those gathered in the hotel ballroom, his false claims were met with cheers, and he made his purpose clear: “this election has to be turned around . . . Why wouldn’t they overturn an election? Certainly overturn it in your State . . . We have to turn the election over.”<sup>108</sup>

President Trump made the ask and Giuliani told the legislators how to carry it out. Giuliani told the assembled legislators that it was their “power” and “responsibility” to pick Pennsylvania’s presidential electors and that “[they] have to convince the rest of [their] members, Republican and Democrat, they owe that to the people of” Pennsylvania.<sup>109</sup> Jenna Ellis told them that although Pennsylvania law dictates that electors are chosen by popular vote, “[y]ou can take that power back at any time. You don’t need a court to tell you that.”<sup>110</sup>

President Trump invited some of the lawmakers to come meet him at the White House that evening and, according to Giuliani, it was “a large group” that went.<sup>111</sup> Special Assistant to the President Cassidy Hutchinson’s text messages with Kerik included the guest list and descriptions of the vehicles that would need access to the White House grounds.<sup>112</sup> Pennsylvania State Senator Doug Mastriano drove one car, a hired driver drove a van with most of the State legislators, and Kerik drove an SUV with attorney Katherine Friess and election-conspiracy proponent Phil Waldron.<sup>113</sup> Hutchinson estimated that at least 29 visitors traveled from Pennsylvania to the White House that day, and she explained that their conversation with the President touched on holding a special session of the State legislature to appoint Trump electors.<sup>114</sup>

Just a few days later, on November 30, 2020, President Trump also called into another one of Giuliani and Jenna Ellis’s hotel “hearings,” this time in Arizona. Several Arizona State lawmakers hosted the meeting at a Hyatt Regency in Phoenix after they did not receive permission to organize an official hearing at the State Capitol.<sup>115</sup> Before the hearing started, State GOP Representative Mark Finchem “promised information to show that the

state's 11 electoral votes should not go to Democrat Joe Biden," and argued that "the U.S. Constitution empowers lawmakers to decide, on their own, whether the election was valid and, if not, to select the electors of their choice."<sup>116</sup>

Giuliani told the assembled legislators that the officials certifying Arizona's election results "have made no effort to find out" if the results of the election were accurate, "which seems to me gives the state legislature a perfect reason to take over the conduct of this election because it's being conducted irresponsibly and unfairly."<sup>117</sup> Likewise, Jenna Ellis said that it was "not just the choice, but the actual duty and obligation of the legislature to step in and to make sure that you don't certify false results."<sup>118</sup> During a recess, she also took to Twitter, writing, "[t]he certification of Arizona's FALSE results is unethical and knowingly participating in the corruption that has disenfranchised AZ voters. BUT, this in no way impacts the state legislature's ability to take back the proper selection of delegates."<sup>119</sup>

When it was President Trump's turn to address this handful of lawmakers over the phone, he called them "legends for taking this on," and used the opportunity to criticize Governor Ducey: "you'll have to figure out what's that all about with Ducey. He couldn't [certify] fast enough" and "Arizona will not forget what Ducey just did. We're not gonna forget."<sup>120</sup> That night Giuliani joined President Trump in criticizing Governor Ducey, while at the same time making baseless allegations about voting machines in Arizona and calling for a special legislative session to change the outcome of the election: "Governor Ducey of Arizona refuses to meet with me. He doesn't want to explain that he selected a foreign corrupt Voting Machine company to count the vote. I understand his reluctance, but [sic] just call a special session. Let's find out how crooked your election really was?"<sup>121</sup>

Michigan was next. Giuliani's team announced that the Michigan legislature would hold a hearing on December 1st, but the relevant committee chair excluded Giuliani because it was only open to witnesses "with first hand knowledge."<sup>122</sup> That chairman, Michigan State Senator Edward McBrook (R-Vulcan), had already held Senate Oversight hearings by then in an actual effort to evaluate claims of fraud in the 2020 election, which ultimately resulted in a comprehensive report that concluded that the Republican-led committee "found no evidence of widespread or systematic fraud" in Michigan's election.<sup>123</sup>

Michigan's House Oversight Committee, however, did allow Giuliani to testify in a hearing on December 2nd. Before the hearing, Giuliani joined the State's GOP chairwoman to give what was billed as a legal briefing. In

the online presentation, Giuliani told the audience there’s “nothing wrong with putting pressure on your state legislators”<sup>124</sup> to pick new electors and that “you have got to get them to remember that their oath to the Constitution sometimes requires being criticized. Sometimes it even requires being threatened.”<sup>125</sup>

When Giuliani appeared for the hearing in Michigan, he was not placed under oath, used his time to refer to Michigan’s election as a “con job,” and urged legislators to “have the courage to say that certification that was done by your state is a complete phony.”<sup>126</sup> The information presented was baseless—and sometimes racist—conspiracy theories. One witness brought to criticize Michigan’s voter verification even said: “I think Chinese all look alike. So how would you tell? If some Chow shows up, you can be anybody and you can vote.”<sup>127</sup> And, as he had promised in the legal briefing the day before, Giuliani then called on the legislators to do what the Trump Campaign had reportedly been discussing since before election day. He said that the State legislature could still singlehandedly decide the election result “anytime you want to. Anytime. You can take it back tonight. You can take it back the day before the electors go down to Washington.”<sup>128</sup> Jenna Ellis also participated, insisting “no honest person can hear these citizens of your own state today . . . and can let this proceed. What the Constitution obligates you to do is to take back your plenary power.”<sup>129</sup>

Finally, Georgia. There, Giuliani and others appeared in multiple hearings, the first of which was held on December 3, 2020. In that hearing, Giuliani was direct and called on Georgia legislators to overturn the election results—“you are the final arbiter of who the electors should be”—based on the false premise that “there is more than ample evidence to conclude that this election was a sham.”<sup>130</sup> Then, at a separate hearing on December 10th, he told State legislators that Georgia’s Governor, Lieutenant Governor, and secretary of State were engaged in a “cover up” of “a crime in plain sight,” and that it fell to “the state legislature [ ] to vindicate the honor of the state.”<sup>131</sup> And, Giuliani used yet another appearance, on December 30th, to call the 2020 election “the most crooked election, the most manipulated election in American history,” and implore the Republican legislators to hold a special session to vote on appointing new electors, something he said that they could do “right up until the last moment” before January 6th.<sup>132</sup>

More perniciously, Giuliani also used these hearings to advance conspiracy theories that falsely accused Fulton County election workers of rigging Georgia’s election results. His delegation to the December 3rd hearing played clips of election-night surveillance footage from the State Farm

Arena that showed election workers scanning ballots, sometimes after partisan poll watchers had gone home.<sup>133</sup> Although the poll watchers should have been there the entire time while election workers counted the votes, there was nothing nefarious about the circumstances and no question about the end result. In fact, the FBI, Department of Justice, and Georgia Bureau of Investigation would determine that these ballots were legitimate ballots, that observers were not illegally ejected, and that the ballots were scanned and counted properly, contrary to claims by President Trump and his attorneys.<sup>134</sup> And yet Giuliani baselessly declared at the December 3rd hearing that, to him, the video was a “powerful smoking gun” proving that “those votes are not legitimate votes.”<sup>135</sup>

But Giuliani’s claims took a more ominous turn during the December 10th hearing. There, he publicly named two of the election workers shown in the video, Ruby Freeman and her daughter, Wandrea ArShaye “Shaye” Moss, and accused them of vote-tampering and engaging in criminal conduct.<sup>136</sup> He seized on a clip of Freeman passing Moss a ginger mint, claiming that the two women, both Black, were smuggling USB drives “as if they’re vials of heroin or cocaine.” He also suggested that Freeman and Moss should be jailed and that they deserved to have their homes searched.<sup>137</sup> Not only were Giuliani’s claims about Freeman and Moss reckless, racist, and false, they had real-world consequences that turned both women’s lives upside down. And further heightening the personal impact of these baseless attacks, President Trump supported, and even repeated, them, as described later.

In the end, the hearings were widely panned. In Michigan alone, current and former Republican lawmakers publicly questioned the hearings and implored President Trump and his team to stop. U.S. Representative Paul Mitchell (R-Mich.) implored on Twitter “Please JUST STOP!” and “wondered why Republican leaders allowed testimony he said was ‘driving the party into this ditch.’”<sup>138</sup> Similarly, former Michigan lawmaker Martin Howrylak (R-Oakland) said that he was “embarrassed” by the hearing, and former Michigan Senator Ken Sikkema (R-Grand Rapids) said that “the way the committee was run was atrocious.”<sup>139</sup> Later, the President promoted a tweet calling a Democratic lawmaker a “#pos” for speaking out at the Michigan hearing.<sup>140</sup> Months later, Giuliani’s license to practice law in New York was suspended for, among other reasons, the “false claims” he made on various dates, including during the hearings in Michigan, Pennsylvania, Arizona, and Georgia.<sup>141</sup>



### THE TRUMP CAMPAIGN’S BARRAGE OF PHONE CALLS TO STATE LEGISLATORS

Not only was replacing electors a theme during the official and unofficial State hearings, it was also a critical component of President Trump’s plan both before and after the hearings took place.

In fact, while the hearings were happening, the Trump Campaign set up an operation to contact hundreds of State legislators and ask them to support an effort to appoint electoral college electors for the Trump/Pence ticket in States that President Trump had lost.

On the same day as Giuliani’s hearing in Michigan, Trump Campaign staff contacted dozens of Republicans in Michigan’s State legislature. A Trump Campaign supervisor sent text messages to his team, directing them to reach out to lawmakers “to explain the process for legislative redress and tell them how to send representative[s] to th[e] electoral college.”<sup>142</sup> He added: “We’re gonna be lobbyists. Woot.”<sup>143</sup>

According to a Campaign staffer’s spreadsheet produced to the Select Committee, the Trump Campaign apparently tried contacting over 190 Republican State legislators in Arizona, Georgia, and Michigan, alone.<sup>144</sup>

One voicemail left as part of this initiative was leaked to the press on December 1, 2020. In it, a Trump Campaign staffer said, “I did want to personally reach out to you on behalf of the President.”<sup>145</sup> Her main point came later in the message: “we want to know when there is a resolution in the House to appoint electors for Trump if the President can count on you to join in support.”<sup>146</sup> Another message from this effort that reached reporters made the same ask and claimed that, “[a]fter a roundtable with the President, he asked us to reach out to you individually” to whip support for a “joint resolution from the State House and Senate” that would “allow Michigan to send electors for Donald J. Trump to the Electoral College and save our country.”<sup>147</sup>

Soon after the voicemail leaked, the Campaign staffer who left this voicemail got a text message from one of her supervisors, who wrote: “Honest to god I’m so proud of this” because “[t]hey unwittingly just got your message out there.”<sup>148</sup> He elaborated: “you used the awesome power of the presidency to scare a state rep into getting a statewide newspaper to deliver your talking points.”<sup>149</sup>

### OUTREACH BY PRESIDENT TRUMP AND SENIOR AIDES

While Campaign aides blanketed State officials with these calls, some State officials received more personalized outreach directly from President Trump, Giuliani, and their allies throughout the post-election period about this issue.

**Michigan.** As discussed earlier, Rep. Walberg reached out to State legislators in Michigan at the President's request in mid-November, including Senate Majority Leader Mike Shirkey and House Speaker Lee Chatfield. By November 18th, President Trump called Chatfield and Shirkey to invite them to what would become a meeting for a group of Michigan lawmakers in the Oval Office.<sup>150</sup> Although President Trump didn't tell Shirkey what the meeting would be about, the President was focused on the election and asked Shirkey what he and others were doing to investigate election fraud.<sup>151</sup> The meeting happened on November 20th.<sup>152</sup>

In Shirkey's words, there "wasn't a mystery" about why the group was at the White House once the meeting started.<sup>153</sup> When the President mentioned several baseless claims of election fraud in Wayne County, Shirkey told the President that he had lost the election and that it had nothing to do with Wayne County, where he had actually performed better than he had in 2016.<sup>154</sup>

From the President's body language, Shirkey concluded that wasn't what he wanted to hear. But the meeting continued, and the President dialed in Giuliani, who delivered a "long monologue," reciting a "litany" of allegations about supposed fraud that was short on substance.<sup>155</sup> Shirkey challenged Giuliani, asking "when are you going to . . . file a lawsuit in Michigan," which he said Giuliani did not answer.<sup>156</sup> Although Shirkey says he did not recall the President making any precise "ask," Chatfield recalled President Trump's more generic directive for the group to "have some backbone and do the right thing."<sup>157</sup> Chatfield understood that to mean they should investigate claims of fraud and overturn the election by naming electors for President Trump.<sup>158</sup> Shirkey told the President that he was not going to do anything that would violate Michigan law.<sup>159</sup>

After the meeting ended, Shirkey and Chatfield issued a joint statement: "We have not yet been made aware of any information that would change the outcome of the election in Michigan and as legislative leaders, we will follow the law and follow the normal process regarding Michigan's electors, just as we have said throughout this election."<sup>160</sup>

That was not the end, however. Chatfield and Shirkey received numerous calls from the President in the weeks following the election. Chatfield told the Select Committee that he received approximately five to ten phone calls from President Trump after the election, during which the President would usually ask him about various allegations of voter fraud.<sup>161</sup> Chatfield said that he repeatedly looked into the President's claims but never found anything persuasive that could have changed the outcome of the election.<sup>162</sup>

President Trump's calls were not enough, so he turned to the public. On January 3, 2021, the Trump Campaign posted a tweet that urged supporters

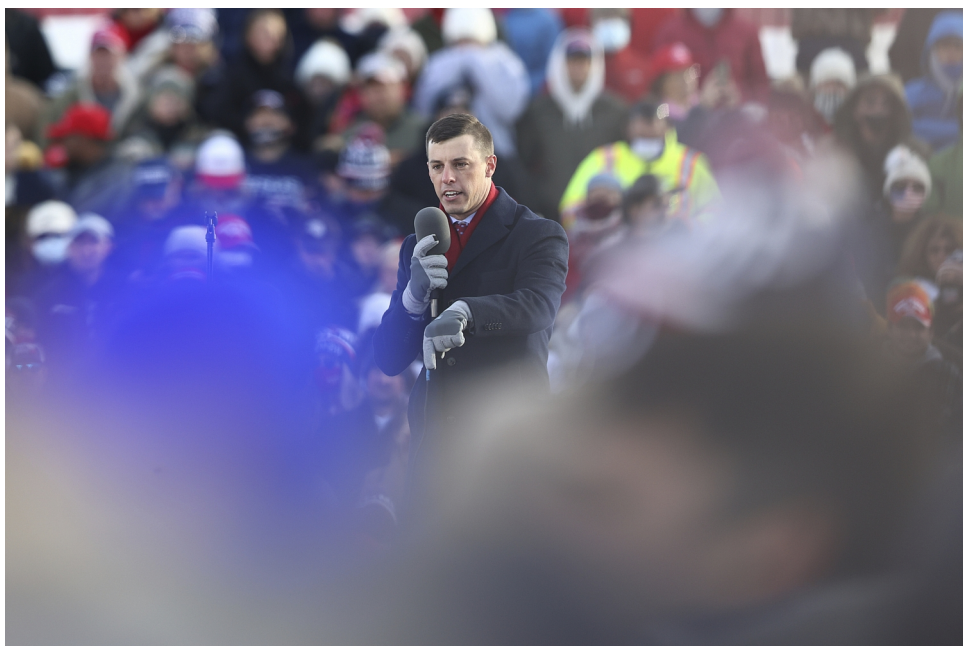


Photo by Rey Del Rio/Getty Images

to “Contact Speaker Lee Chatfield & Senate Majority Leader Mike Shirkey” to “Demand [a] vote on decertification.”<sup>163</sup> Why President Trump thought the Michigan legislature would convene to decertify the election in a matter of hours when it had refused to do so since early November is not clear. But that didn’t stop the President from making things personal. The President’s January 3rd tweet included Shirkey’s personal cellphone number as well as a number for Chatfield that turned out to be wrong. As a result, Shirkey said he received nearly 4,000 text messages, and another private citizen reported being inundated with calls and texts intended for Chatfield.<sup>164</sup>

**Pennsylvania.** On November 21st, Mark Meadows texted a number apparently belonging to Representative Scott Perry (R-PA) and asked: “Can you send me the number for the speaker and the leader of the PA Legislature. POTUS wants to chat with them.”<sup>165</sup> Hours later, Meadows received a response of “Yes sir.”<sup>166</sup> At the time, the leader of the Pennsylvania Senate was Jake Corman and the Speaker of the Pennsylvania House was Bryan Cutler.

Corman told the Select Committee that he received a call on Thanksgiving Day 2020 from Giuliani, urging him to call the legislature into a special session to replace Biden electors with Trump electors.<sup>167</sup> This idea wasn’t new to Corman. President Trump and his allies had gone public about their

intentions before then, including during the Pennsylvania hotel hearing, but Corman had braced himself for this even before the election. Before election day in 2020, a reporter from *The Atlantic* interviewed Corman and other prominent Republicans in Pennsylvania about the possibility that President Trump would try to circumvent the popular vote in swing States by asking the legislatures to appoint Trump/Pence electors. After the article, Corman drafted an op-ed, making it clear that the Pennsylvania legislature did not have the legal authority to appoint Trump/Pence electors in contravention of the popular vote, a position that he would generally maintain through the 2020 Presidential election cycle.<sup>168</sup>

During that call, Giuliani first tried “pumping [Corman] up as a patriot” before asking the Senator to call the Pennsylvania legislature into a special session. Corman told Giuliani that he did not have the authority to do that, a position with which his own lawyers agreed.<sup>169</sup> Giuliani’s reply was that Corman must have bad lawyers. Corman said he offered to connect Giuliani with his legal team. His legal team spoke with Giuliani and a lawyer working with him, Jenna Ellis, the following day, reiterating their view that such a move by the legislature would be illegal.<sup>170</sup> That same day, or possibly the next, Giuliani and Ellis called him back to renew their request for a special legislative session and to demean Corman’s attorneys, calling them “terrible,” “bad,” and “wrong.”<sup>171</sup> Corman, however, held his ground and ended the call.<sup>172</sup>

While packing to return to Pennsylvania from his Thanksgiving visit to Florida, Corman says he received a call from an unknown number with a Washington, DC area code, which he let go to voicemail.<sup>173</sup> It turned out to be a White House operator calling on behalf of President Trump.<sup>174</sup>

Corman called back and spoke to President Trump, who insisted that he had won the election in Pennsylvania and said something to the effect of, “Jake, this is a big issue. We need your help.”<sup>175</sup> Corman told the President that he couldn’t do what the Trump team was asking; President Trump replied, “I’m not sure your attorneys are very good.”<sup>176</sup> Corman wanted to end the call and offered to have his lawyers speak again with President Trump’s, but they never had another call with the President’s lawyers.<sup>177</sup>

Pennsylvania House Speaker Bryan Cutler was another main target for the President’s team. He received voicemails in late November for four days in a row from Giuliani and/or Jenna Ellis, which he provided to the Select Committee.<sup>178</sup> Cutler explained that he did not feel comfortable talking with the President’s team in case he ended up having to preside over a legislative session about the election, and he had his attorneys relay that to the President’s team.<sup>179</sup> Giuliani received the message but continued to call Speaker Cutler nonetheless.<sup>180</sup>

In the first of these voicemails, on November 26th, Giuliani asked to “get together, quietly” to discuss “the amount of fraud that went on in your State,” and said that Giuliani and Ellis had also just spoken to Pennsylvania House Majority Leader Kerry Benninghoff.<sup>181</sup> On November 27th, Ellis called and said in a second voicemail that they had just talked to Pennsylvania House Member Russ Diamond and were “very grateful” to the State’s legislature “for doing your Article II duty.”<sup>182</sup> On November 28th, Giuliani left a third voicemail and claimed to have “something important” that “really changes things,” and said that “the president wanted me to make sure I got it to you.”<sup>183</sup> And then on November 29th, Giuliani left a fourth message and said, “I understand that you don’t want to talk to me now” but still sought “the courtesy of being able to talk to you as the president’s lawyer” and a “fellow Republican” because “you’re certifying what is a blatantly false statement . . . I can’t imagine how that’s in your interests or in the interests of our party.”<sup>184</sup>

Giuliani and Ellis didn’t get through, but the President did. “[I]f we wanted to do something, what were the options[?]" the President asked Cutler.<sup>185</sup> Cutler explained to President Trump that he could file a legal challenge contesting the election, and asked the President why his team had never requested a statewide recount.<sup>186</sup> Cutler was also clear about the “constitutional peculiarities” of Pennsylvania, where the State constitution specifically prohibits retroactive changes to how electors are chosen.<sup>187</sup>

Practically, President Trump’s call achieved nothing. The President wasn’t getting what he wanted in his calls to leaders in Pennsylvania: a special session of the legislature to appoint Trump/Pence electors.

Seemingly undeterred, President Trump invited several leaders of the Pennsylvania legislature to the White House for Christmas gatherings.<sup>188</sup> Senator Corman decided not to go, although Speaker Cutler did. President Trump spoke with Cutler on December 3rd, while Cutler, his chief of staff, and their wives were at that White House Christmas tour.<sup>189</sup> The issue of overturning the results of Pennsylvania’s election came up again, as did the possibility of a special session of the State legislature to appoint Trump electors.<sup>190</sup> Cutler told the President that the State legislature could not reconvene without an order from the Governor and a petition from a supermajority of legislators, neither of which was likely to happen.<sup>191</sup> Cutler also told the President that they could not appoint new electors without a court order. In Cutler’s opinion, President Trump “seemed to understand. And that was—that was clear.”<sup>192</sup> The President’s apparent understanding, however, did not result in any meaningful changes to his public rhetoric.

On December 3rd, the same day that Cutler met with President Trump, Cutler, Corman, House Majority Leader Benninghoff, and Senate Majority



Leader Kim Ward issued a three-page single-spaced joint statement asserting, in no uncertain terms, that Pennsylvania's General Assembly "lacks the authority . . . to overturn the popular vote and appoint our own slate of electors," since "[d]oing so would violate our Election Code and Constitution, particularly a provision that prohibits us from changing the rules for election contests of the President after the election."<sup>193</sup> In response, President Trump retweeted a December 4th post by Bernard Kerik, which tagged all four of these State legislators with the hashtag "Traitors," and declared that "These are the four cowardice[sic] Pennsylvania legislators that intend to allow the Democrat machine to #StealtheVote! #Cowards #Liars #Traitors."<sup>194</sup>

But five days later, President Trump publicly thanked Cutler for signing onto a December 4th letter that encouraged Members of Congress from Pennsylvania to object to their State's electoral votes on January 6th. The President tweeted: "Thank you to Speaker Cutler and all others in Pennsylvania and elsewhere who fully understand what went on in the 2020 election. It's called total corruption!"<sup>195</sup> When the Select Committee asked Cutler about this apparent change in his position, he said that he signed on to this letter not because of concerns that fraud or corruption meant the results of the election Pennsylvania were wrong, but rather because of concerns about "programmatic changes or areas for improvement" related to the election.<sup>196</sup> In fact, Cutler reiterated to the Committee that he "was not personally aware of" any widespread election fraud that would have changed the result of the election.<sup>197</sup>

The pressure facing State legislators during this period was significant. On December 9th, the *New York Times* quoted Pennsylvania's Senate Majority Leader Kim Ward, revealing that she too had received a call from President Trump in which he pushed his election fraud narrative.<sup>198</sup> Ward told the *Times* that she hadn't been given enough time to sign the same December 4th letter that Cutler did, but commented that if she had taken a stand against it, "I'd get my house bombed tonight."<sup>199</sup>

**Arizona.** In late November, Arizona House Speaker Russell "Rusty" Bowers, a longtime Republican who served 17 years in the State legislature, received a call from President Trump and Giuliani.<sup>200</sup> Giuliani alleged that Arizona's election results were skewed by illicit ballots, cast by non-citizens or on behalf of dead people.<sup>201</sup> Bowers demanded proof for these audacious claims on the call and President Trump told Giuliani to comply, but the evidence never came.<sup>202</sup> The point of the call, however, was different. Like in Michigan and Pennsylvania, President Trump and his allies were working the phones to get something. They wanted Bowers to hold a public hearing



Photo by House Creative Services

with the ultimate aim of replacing Presidential electors for former Vice President Joe Biden with electors for President Trump.<sup>203</sup>

Bowers had never heard of anything like that before, and Giuliani acknowledged that it had never been done. Where President Trump and Giuliani saw a potential opportunity, however, Bowers saw a fundamental problem.

As Bowers explained it, what they wanted him to do was “counter to my oath when I swore to the Constitution to uphold it.”<sup>204</sup> And he said that to the President and Giuliani: “you are asking me to do something against my oath, and I will not break my oath.”<sup>205</sup> Giuliani replied: “aren’t we all Republicans here? I mean, I would think you would listen a little more open to my suggestions, that we’re all Republicans.”<sup>206</sup>

The pressure didn’t stop with that call. On December 1st, Giuliani and Ellis got an audience with some of the most powerful Republican lawmakers in Arizona, including Bowers, Senate President Karen Fann, Senate President Pro Tempore Vince Leach, House Majority Leader and Senator-Elect Warren Petersen, Senate Majority Whip Sonny Borrelli, Senator Michelle Ugenti-Rita, and others.<sup>207</sup> The Select Committee was unable to get Giuliani and Ellis’ perspective on this outreach because Giuliani claimed that his communications with Bowers—who was not his client nor part of

his legal team—were “privileged,” while Ellis invoked her Fifth Amendment rights against self-incrimination.<sup>208</sup>

Bowers, on the other hand, told the Select Committee that Giuliani and Ellis asked the lawmakers to deliver Arizona’s electors for President Trump, despite the certified popular vote count.<sup>209</sup> To bolster their request, Giuliani and Ellis raised numerous allegations of election fraud at the meeting, though they never produced evidence in support of their claims. In live testimony before the Committee, Bowers recalled Giuliani saying in this meeting that “we’ve got lots of theories, we just don’t have the evidence.”<sup>210</sup> At the time, Bowers didn’t know whether it was a gaffe or an example of Giuliani not thinking through what he had just said.<sup>211</sup> In any event, Bowers said he and others in his group made particular note of that comment.<sup>212</sup> And it was borne out; Bowers testified that “No one provided me, ever, such evidence.”<sup>213</sup>

In late December, in another phone call with President Trump, Bowers reiterated that he would not do anything illegal for him.<sup>214</sup> Afterward, John Eastman joined the chorus of Trump allies attempting to change his mind. In a call on January 4th that included the Speaker’s chief counsel as well as Arizona House Majority Leader-Elect Ben Toma, Eastman urged Bowers to hold a vote to decertify Arizona’s Presidential electors.<sup>215</sup> When Bowers told Eastman he couldn’t unilaterally reconvene the legislature, Eastman urged him to “just do it and let the court sort it out.”<sup>216</sup> Bowers refused and the Arizona legislature took no such action.

Many of President Trump’s efforts in Arizona focused on State officials, but his team also continued to reach out to the Board of Supervisors for Maricopa County even after it certified the election. One focus was voting machines. According to the *Arizona Republic*, Giuliani left a voicemail in mid- to late-December for Board Member Steve Chucuri that “I see we’re gonna get a chance to take a good look at those machines . . . give me a call as soon as you get a chance. The president also wanted me to pass on a few things to you, too.”<sup>217</sup> On December 4th, Giuliani also left a message for the Board’s Chairman Clint Hickman: “I was very happy to see that there’s gonna be a forensic audit of the machines. And I really wanted to talk to you about it a bit. The President wanted me to give you a call. All right? Thank you. Give me a call back.”<sup>218</sup> Hickman chose not to call back.<sup>219</sup>

Then, on Christmas Eve, Giuliani left voicemails for Board Members Bill Gates and Jack Sellers, asking them to call him back. In his message for Gates, Giuliani said:

It’s Giuliani, President Trump’s lawyer. If you get a chance, would you please give me a call? I have a few things I’d like to talk over with you. Maybe we can get this thing fixed up. You know, I really

think it’s a shame that Republicans sort of are both in this, kind of, situation. And I think there may be a nice way to resolve this for everybody.<sup>220</sup>

In his message for Sellers, Giuliani said “I’d like to see if there is a way that we can resolve this so that it comes out well for everyone. We’re all Republicans, I think we all have the same goal. Let’s see if . . . we can get this done outside of the court.”<sup>221</sup> Like Hickman, neither Gates nor Sellers returned Giuliani’s calls.<sup>222</sup>

So President Trump made the call himself. On December 31st, Board Chair Clint Hickman received a voicemail from the White House switchboard, asking him to call back for President Trump. Hickman said that he did not return the call, in part because the county was still facing litigation over the election.<sup>223</sup> Another call from the White House came through on January 3rd with a request that Hickman call back for the President. But, by then, the President’s call with Georgia Secretary of State Brad Raffensperger, described below, had leaked, and Hickman “didn’t want to walk into that space.”<sup>224</sup>

**Georgia.** On December 5th, President Trump traveled to Georgia to headline a rally and mobilize voters in advance of a January Senate runoff. But the President’s day started with a morning call to Governor Brian Kemp during which they discussed reconvening the legislature in a special session.<sup>225</sup> After the call, Kemp took to Twitter. He acknowledged that he had spoken to the President and that he told the President that he supported the idea of, and had already called for, a signature audit in Georgia.<sup>226</sup> President Trump responded later that night by complaining that Georgia had not yet done a signature-verification audit and instead insisted that the Governor should “[a]t least immediately ask for a Special Session of the Legislature.”<sup>227</sup> The following day, Governor Kemp and Lieutenant Governor Geoff Duncan issued a definitive statement rejecting President Trump and his allies’ calls to overturn the results in Georgia:

While we understand four members of the Georgia Senate are requesting the convening of a special session of the General Assembly, doing this in order to select a separate slate of presidential electors is not an option that is allowed under state or federal law.

State law is clear: the legislature could only direct an alternative method for choosing presidential electors if the election was not able to be held on the date set by federal law. In the 1960s, the General Assembly decided that Georgia’s presidential electors will be determined by the winner of the State’s popular vote. Any attempt

by the legislature to retroactively change that process for the November 3rd election would be unconstitutional and immediately enjoined by the courts, resulting in a long legal dispute and no short-term resolution.<sup>228</sup>

President Trump responded by directing his ire at Georgia officials and, throughout the month of December, President Trump grew even more relentless in his social media attacks against Kemp than he had been the previous month. He retweeted attorney Lin Wood calling on Georgians to call and urge the FBI to focus more on election fraud and “[t]ell them to also investigate @BrianKempGA @GeoffDuncanGA & @GaSecofState.”<sup>229</sup> And he retweeted another post by Lin Wood that depicted Governor Kemp and Secretary Raffensperger wearing masks digitally altered to show the Chinese flag, and warned that they “will soon be going to jail.”<sup>230</sup> Even without his many retweets, President Trump posted an average of about one tweet per day in December 2020 either criticizing Governor Kemp or pressuring him explicitly or implicitly to take actions to help overturn the election.<sup>231</sup>

President Trump seemed consumed with his plans to overturn the election and, based on documents obtained by the Select Committee, it appears that the President received input from many outside donors or advisors who had access to his staff’s email addresses. On December 7th, a Trump donor named Bill White emailed senior Trump advisors, including Dan Scavino and Rudolph Giuliani, to say that he “[j]ust spoke to [Georgia State] Senator [William Burton] Jones [who] asked if Potus can R[e]T[weet] this now pls,” along with a tweet by Senator Jones that read: “Georgia Patriot Call to Action... call your state Senate & House Reps & ask them to sign the petition for a special session.”<sup>232</sup> President Trump and Giuliani each retweeted Senator Jones’s tweet an hour later.<sup>233</sup>

Bill White also emailed Molly Michael, Dan Scavino, and Giuliani, on December 8th with information that he said “POTUS asked me last night” to send right away.<sup>234</sup> He recommended a Presidential tweet criticizing Georgia’s Lt. Gov. Duncan as well as tweets to put pressure on Senate Majority Leader Mike Dugan and Senate President Pro Tempore Butch Miller.<sup>235</sup> He wrote that President Trump would be calling Dugan and Miller “to ask them to call special session and strategize with them why they are keeping this from happening.”<sup>236</sup> Dugan later confirmed that he had received a call from President Trump’s office but that the two of them were not able to connect.<sup>237</sup> And the following day, Steve Bannon revealed on his podcast that President Trump spoke to Georgia House Speaker Ralston and Speaker Pro Tempore Jan Jones.<sup>238</sup> Speaker Ralston confirmed that he spoke

to President Trump on December 7th about the election, during which he told the President that Georgia law made a special legislative session “very much an uphill battle.”<sup>239</sup>

## 2.4 AN OUTRIGHT REQUEST FOR VICTORY

Beyond asking State officials to not certify, to decertify, or to appoint Trump electors for consideration during the joint session, President Trump and some of his closest advisors inserted themselves directly into the counting of ballots and asked, outright, for enough votes to win.

White House Chief of Staff Mark Meadows did this. Not only did he place calls on behalf of the President to election officials in Georgia, Meadows traveled there to personally visit election officials and volunteers, coordinated with Members of Congress, and even suggested that the President send election workers Trump memorabilia like presidential challenge coins and autographed MAGA hats, a suggestion that his assistant Cassidy Hutchinson thought could be problematic and, ultimately, did not act on.<sup>240</sup>

When Meadows made a visit on short notice to examine the audit of absentee ballots in Cobb County, Georgia, he spoke to Deputy Secretary of State Jordan Fuchs and Frances Watson, the Secretary of State’s chief investigator. Ultimately, Meadows connected Watson with the President, who claimed that he had won the election and pressed her to say that he had won. The Select Committee obtained a copy of their recorded call, which is detailed below.

The President told Watson that he had “won Georgia . . . by a lot,” told her, “you have the most important job in the country right now,” and suggested, “when the right answer comes out you’ll be praised.”<sup>241</sup> Four days later, Meadows texted Deputy Secretary of State Fuchs, in which he asked, “[i]s there a way to speed up Fulton county signature verification in order to have results before Jan 6 if the trump campaign assist[s] financially.”<sup>242</sup> Fuchs wrote in response that she “Will answer ASAP.”<sup>243</sup>

Meadows also played a central role in the lead up to the President’s January 2, 2021, call with Georgia Secretary of State Brad Raffensperger. In fact, it was Meadows who originally sent text messages to Raffensperger and requested to speak: On November 19th, he texted “Mr Secretary. Mark Meadows here. If you could give me a brief call at your convenience. Thank you.”<sup>244</sup> And on December 5th, Meadows texted, “mr Secretary. Can you call the White House switchboard at [phone number]. For a call. Your voice-mail is full.”<sup>245</sup> Then, on December 11th, Meadows texted, “Thanks so much” to a number that apparently belongs to United States Representative





Photo by House Creative Services

Jody Hice (R-GA) after Rep. Hice told him that he had just made a statement “regarding a recall on Raffensperger. If this is something Potus wants to know and help push. . . .”<sup>246</sup>

All of that led to the remarkable January 2nd call between President Trump and his advisors on one side, and Secretary of State Brad Raffensperger and his advisors on the other. By January 2nd, the President had tried to speak by phone with Raffensperger at least 18 times.<sup>247</sup> Raffensperger, for his part, had avoided talking to the President because of ongoing litigation with the President’s Campaign.<sup>248</sup> Despite Raffensperger’s reluctance, the two spoke, with their respective lawyers on the line. During the call, President Trump went through his litany of false election-fraud claims and then asked Raffensperger to deliver him a second term by “finding” just enough votes to ensure victory. The President said, “I just want to find 11,780 votes, which is one more than we have because we won the State.”<sup>249</sup> He reiterated it several different ways: “fellas, I need 11,000 votes. Give me a break. You know, we have that in spades already. Or we can keep going, but that’s not fair to the voters of Georgia because they’re going to see what happened.”<sup>250</sup>

When it was clear that Raffensperger and his advisors would not agree to the President’s request, the President ramped up the pressure by accusing them of committing crimes: “the ballots are corrupt. And you are going to find that they are—which is totally illegal—it is more illegal for you than it is for them because, you know, what they did and you’re not reporting it. That’s a criminal, that’s a criminal offense. And you can’t let that happen. That’s a big risk to you and to Ryan, your lawyer . . . I’m notifying you that you’re letting it happen.”<sup>251</sup>

The President would stop at nothing to win Georgia. Separate from asking Raffensperger to alter, without justification, the election results in Georgia, he also attacked election workers. In that call, President Trump mentioned Ruby Freeman’s name 18 times, referred to her daughter Shaye Moss several of those times, and accused them of crimes.<sup>252</sup> Raffensperger and his aides rebutted President Trump’s false claims of fraud on the call and explained why they were wrong, but they did not deliver the one thing President Trump wanted most: the 11,780 votes he asked for.<sup>253</sup>

The next day, President Trump tweeted about his phone call with Raffensperger, falsely claiming that “[Secretary Raffensperger] was unwilling, or unable, to answer questions such as the ‘ballots under table’ scam. . . . He has no clue!”<sup>254</sup> He added that Raffensperger, Governor Kemp, and Lt. Governor Duncan “are a disgrace” and “have done less than nothing” about rampant political corruption.<sup>255</sup>

Even though Raffensperger and his team repeatedly told the President why his specific allegations of election fraud in Georgia were wrong,<sup>256</sup> President Trump met the next day with the top leadership of the Justice Department in an effort to convince them to send a letter falsely claiming that the Department had “identified significant concerns” affecting the election results in Georgia and calling on Governor Kemp, Speaker Ralston, and Senate President Pro Tempore Miller to convene a special session.<sup>257</sup> It was only after a showdown in the Oval Office, described in Chapter 4 during which the White House Counsel and others threatened to resign that President Trump decided against replacing Department of Justice leadership and issuing that letter.

## 2.5 SOME OFFICIALS EAGERLY ASSISTED PRESIDENT TRUMP WITH HIS PLANS

While many State officials resisted President Trump’s demands, some eagerly joined the President’s efforts.

President Trump routinely coordinated with Pennsylvania State Senator Doug Mastriano, whose request led to the November 25, 2020, hotel “hearing” in Gettysburg, and who traveled to Washington to meet with the



Photo by Spencer Platt/Getty Images

President afterward.<sup>258</sup> Senator Mastriano, who would later charter and pay for buses to Washington for the President’s “Stop the Steal” rally on January 6th and was near the Capitol during the attack, quickly rose to favor with the President.<sup>259</sup>

On November 30th, President Trump called Mastriano, interrupting him during a radio interview and telling listeners that “Doug is the absolute hero” and people are “really angry in Pennsylvania.”<sup>260</sup>

On December 5th, Senator Mastriano sent an email to President Trump’s executive assistant, Molly Michael, with a Supreme Court Amicus Brief for the President that the pair “discussed yesterday,” related to a case brought by Representative Mike Kelly (R-PA) against his own State, which the Supreme Court rejected just a few days later.<sup>261</sup>

On December 14th, President Trump’s executive assistant sent Mastriano an email “From POTUS” with talking points promoting a conspiracy theory about election machines.<sup>262</sup>

And on December 21st, Mastriano sent another email for President Trump, in which he wrote: “Dear Mr. President—attached please find the ‘killer letter’ on the Pennsylvania election that we discussed last night” that “I only just completed.”<sup>263</sup> This letter recapped the Gettysburg hotel hearing on November 25th, and claimed that “there is rampant election

fraud in Pennsylvania that must be investigated, remedied and rectified.”<sup>264</sup> President Trump sent that letter to John Eastman, Acting Attorney General Jeffrey Rosen, Acting Deputy Attorney General Richard Donoghue, Rush Limbaugh, former Florida Attorney General Pam Bondi, Lou Dobbs, and others.<sup>265</sup>

As January 6th approached, Senator Mastriano’s involvement in attempts to overturn the election only grew. On December 23rd, he led a second group of Pennsylvania State senators for a meeting with President Trump in the Oval Office, which Giuliani claimed “swayed about 20” of them.<sup>266</sup> Neither Speaker Cutler nor Senate President Corman participated.

Mastriano also sent emails indicating that he spoke with President Trump on December 27th, 28th, and 30th, along with files that President Trump had requested or that he had promised to him.<sup>267</sup> One of these was a pair of letters from State senators asking U.S. Senate Majority Leader Mitch McConnell and House Minority Leader Kevin McCarthy to reject Pennsylvania’s electoral votes on January 6th.<sup>268</sup> President Trump’s executive assistant notified the White House’s Director of Legislative Affairs that “[t]he President would like the below attached letters to be sent to Mitch and Kevin and all GOP house and senate members,” but was told in reply, “[g]iven the political nature of the letters, would you mind sending them?”<sup>269</sup>

On January 5th, President Trump spoke again with Mastriano and then notified the White House operator that Mastriano “will be calling in for the Vice President” soon.<sup>270</sup> That evening Senator Mastriano sent two more emails for the President. One was a letter addressed to Vice President Pence on behalf of nearly 100 legislators from various States; the other was a letter directed to McConnell and McCarthy from Pennsylvania lawmakers, this time asking Congress to postpone acting on the 6th.<sup>271</sup> President Trump tweeted the letter that night, captioning it “BIG NEWS IN PENNSYLVANIA!” and, after midnight, he retweeted that “Pennsylvania is going to Trump. The legislators have spoken.”<sup>272</sup> As described elsewhere in this report, that letter, and letters like it, were used in the effort to convince Vice President Pence that he could and should affect the outcome of the joint session of Congress on January 6th.

The Select Committee subpoenaed Senator Mastriano to testify about these interactions with President Trump and his advisors, among other matters. Unlike numerous other witnesses who complied with subpoenas and provided deposition testimony to the Select Committee, Mastriano did not; he logged in to a virtual deposition at the appointed time but logged out before answering any substantive questions or even taking the oath to tell the truth.<sup>273</sup>

The President apparently got what he wanted in State officials like Senator Mastriano, but not those who dared question or outright reject his anti-democratic efforts to overturn the election. In some cases, those who questioned him made the President and his advisors dig in and push harder. On January 1st, Campaign Senior Advisor Jason Miller asked for a “blast text and Twitter blast out” that would urge President Trump’s supporters to “Contact House Speaker Bryan Cutler & Senate President Pro Tem Jake Corman!” to “Demand a vote on certification.”<sup>274</sup> Senior Campaign attorneys, however, replied that this might violate Pennsylvania’s “very stringent” lobbying laws and get them prosecuted or fined.<sup>275</sup> Instead, they agreed on a similar call to action aimed at Arizona Governor Doug Ducey and Arizona House Speaker Rusty Bowers rather than Speaker Cutler and President *Pro Tempore* Corman in Pennsylvania.<sup>276</sup>

## 2.6 THE FINAL OUTREACH TO STATE LEGISLATORS

The efforts to overturn the election through State legislatures continued throughout the final two weeks before the joint session of Congress on January 6th. Based on actual events and documents obtained by the Select Committee, President Trump’s Campaign team, outside advisors, and motivated volunteers generally acted in accord with what was written down in a “Strategic Communications Plan” when engaging with, and sometimes demonizing, State officials. Activities that occurred thereafter were in accord with the plan.

The “Plan” was explained in a document that was presented to the White House.<sup>277</sup> The plan contemplated pressuring Republican legislators both in Congress and in six key swing States. The document itself purports to be the product of the “GIULIANI PRESIDENTIAL LEGAL DEFENSE TEAM” and declared that “We Have 10 Days to Execute This Plan & Certify President Trump!”<sup>278</sup>

Kerik told the Select Committee that pieces of the plan had been in place for some period of time before the document was actually created, and that he thought that the “catalyst” for actually memorializing the plan was the approaching deadline of January 6th.<sup>279</sup> In fact, the 10-day plan to help “certify president Trump” had been the subject of “continual discussions” for “6 weeks” and was “being discussed every day at some point prior to the 10 days that we’re talking about. So it was a continuous thing that went on.”<sup>280</sup>

Ultimately, the Giuliani team shared the Strategic Communications Plan and urged its implementation. Kerik sent the plan to Mark Meadows via email on December 28th with this note, in part:



There is only one thing that’s going to move the needle and force the legislators to do what their [*sic*] constitutionally obligated to do, and that is apply pressure . . . We can do all the investigations we want later, but if the president plans on winning, it’s the legislators that have to be moved, and this will do just that. We’re just running out of time.<sup>281</sup>

Neither Giuliani nor Kerik told the Select Committee that they recalled officially implementing the plan, and Giuliani said that he thought Meadows even rejected it, but there is no doubt that President Trump’s team took certain actions consistent with it.<sup>282</sup>

The document described its goal as a “[n]ationwide communications outreach campaign to educate the public on the fraud numbers, and inspire citizens to call upon legislators and Members of Congress to disregard the fraudulent vote count and certify the duly-elected President Trump.”<sup>283</sup> The “FOCUS of CAMPAIGN” was “SWING STATE REPUBLICAN SENATORS” in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin, “REPULBICAN [*sic*] MEMBERS OF THE HOUSE” and “REPUBLICAN MEMBERS OF THE SENATE.”<sup>284</sup> Among the steps that it recommended were “RALLIES AND PROTESTS” in six key swing States, including protests at “Governor’s Mansions,” “Lt. Governor’s home[s],” “Secretary of State’s homes,” and “weak Members’ homes.”<sup>285</sup>

Although the plan did not mention specific individuals by name, an apparently related document produced to the Select Committee by Giuliani did, naming State legislative leaders as “TARGETS” under a header of “KEY TARGET STATE POINTS,” including Arizona House Speaker Rusty Bowers, Arizona Senate President Karen Fann (incorrectly described as the State Senate’s majority leader), Georgia House Speaker David Ralston, Georgia Senate Majority Leader Mike Dugan, Georgia Senate President Pro Tempore Butch Miller as a possible back up, Michigan House Speaker Lee Chatfield, Michigan Senate Majority leader Mike Shirkey, Pennsylvania House Speaker Brian Cutler, Pennsylvania House Majority Leader Kerry Benninghoff, Pennsylvania Senate President Pro Tempore Jake Corman, Pennsylvania Senate Majority Leader Kim Ward, Wisconsin State Assembly Speaker Robin Vos, and Wisconsin Senate Majority Leader Scott Fitzgerald.<sup>286</sup>

Consistent with these proposals, Giuliani appeared as a guest on Steve Bannon’s podcast on New Year’s Eve and told him that “we have a weak element to our party . . . a cowardly element”<sup>287</sup> and, “[n]ow I think every Republican knows—maybe this is worse—this election was stolen. Now the question is: can they live up to their oath of office? . . . We gotta start working on the leadership.”<sup>288</sup> Giuliani also described President Trump’s objective in this effort: “For the president, the way forward is really it’s in the

hands of the leaders of those legislatures and the Members of Congress, and what our people can do is let them know what they think, and that they're not gonna get away with pushing this aside. That the consequences of turning your back on a massive voter fraud are gonna be dire for them, and historically these people are gonna become enemies of the country.”<sup>289</sup>

A key component of this plan was to call out Republican officials who rejected President Trump and his team's efforts or claims of fraud. Kerik and numerous other members of the Campaign's legal team did just that. On December 27th, Kerik suggested that Senator Pat Toomey (R-PA) was “corrupt” and said that “for any Pennsylvania official to certify their vote, it's malfeasance and criminal.”<sup>290</sup> That was entirely consistent with Kerik's past tweets about the election, one of which apparently called public officials “who betrayed” President Trump “spineless disloyal maggots.”<sup>291</sup> It wasn't just rhetoric, however, because, as described below, people showed up outside certain officials' home—sometimes menacingly—and, of course, showed up at the Capitol on January 6th.

The pressure in those final days did not stop with the types of activities outlined in the Strategic Communications Plan. January 2, 2021, was a busy day for a Saturday at the Trump White House. That was the day President Trump called on Georgia Secretary of State Raffensperger to find enough votes for victory in Georgia and participated in a call with Lindsay Graham and Members of the Freedom Caucus to plan for the joint session on January 6th.<sup>292</sup>

It was also the day that the President joined in a virtual briefing for nearly 300 Republican legislators from swing States.<sup>293</sup> The event was hosted by a short-lived organization called “Got Freedom?” that listed Jenna Ellis among its leadership team,<sup>294</sup> and included Giuliani, John Eastman, and Peter Navarro as the program's “featured speakers.”<sup>295</sup> A press release by Got Freedom? said that the meeting was hosted by Phillip Kline, a former attorney general of Kansas, who was disbarred in 2013.<sup>296</sup> It indicated that purported proof of voter fraud “should serve as an important resource for state legislators as they make calls for state legislatures to meet to investigate the election and consider decertifying their state election results.”<sup>297</sup>

According to the *Washington Examiner*, when President Trump joined the call he told the participants: “You know that we won the election, and you were also given false numbers to certify.” It quoted him saying “[y]ou are the real power” because “[y]ou're more important than the courts. You're more important than anything because the courts keep referring to you, and you're the ones that are going to make the decision.” When asked about that quote, specifically, Giuliani, who was on the call, said he didn't

recall the exact words that the President used but told the Select Committee “that would be the sum or substance of what he had been saying and what he believed.”<sup>298</sup> During the call, the President reportedly “referenced the planned protests in Washington” just days later on January 6th, and told the group “I don’t think the country is going to take it.”<sup>299</sup>

When reporting on the call, the *Washington Examiner* also provided details about what Giuliani told the assembled State legislators. Consistent with his team’s “Strategic Communications Plan,” Giuliani said, “[w]e need you to put excessive pressure on your leadership where the real weakness and cowardice is mostly located,” and the report quoted Navarro telling them that “Your job, I believe, is to take action, action, action.”<sup>300</sup> That evening, Navarro stated on *Fox News* that “these legislators—they are hot, they’re angry, they want action,” and “we explained exactly how the Democrat Party as a matter of strategy stole this election from Donald J. Trump.”<sup>301</sup>

Organizers from Got Freedom? sent a follow-up email that evening to participants on behalf of Phill Kline, in which they described the event as “an important briefing for legislators who hold the power to decertify the results of their state elections.”<sup>302</sup> It emphasized the following:

As elected officials in the House and Senate of your respective States, Professor Eastman laid out the Constitutional imperatives for you:

- Assert your plenary power
- Demand that your laws be followed as written
- Decertify tainted results unless and until your laws are followed
- Insist on enough time to properly meet, investigate, and properly certify results to ensure that all lawful votes (but only lawful votes) are counted.<sup>303</sup>

The email also recommended that they “. . . sign on to a joint letter from state legislators to Vice President Mike Pence to demand that he call for a 12-day delay on ratifying the election . . .” on January 6th.<sup>304</sup> The letter ultimately garnered more than 100 signatures by State legislators from Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin.<sup>305</sup> Doug Mastriano forwarded a copy of the letter via email to President Trump’s executive assistant, and the National Archives produced to the Select Committee a printed version with a stamp at the top indicating, “THE PRESIDENT HAS SEEN.”<sup>306</sup>

But this plan would fail to sway its intended audience. As discussed in Chapter 5, the Vice President rejected this and numerous other attempts to convince him to act unlawfully on January 6th. The election had been

decided and certified by the States. It was the Vice President and Congress's job to open and count the legitimate electoral college votes.

And in the early morning hours of January 7th, after a day unlike any seen in American history, when a mob of angry insurrectionists attempted to violently upend a Presidential election, the Vice President and Members of Congress, shaken but steady, delayed but resolute, regrouped and reconvened and did their Constitutional duty to certify Joseph R. Biden as the next President of the United States.

President Trump's plot to pressure State legislators to overturn the vote of the electoral college failed—but only barely. Even so, the consequences of President Trump's efforts to overturn State election results were significant.

## 2.7 THE HARM CAUSED BY DEMONIZING PUBLIC SERVANTS

Many of the people who refused to be pushed into manipulating election results—governors, secretaries of State, State legislators, State and local election officials, and frontline election workers just doing their jobs—found themselves subjected to public demonization and subsequent spamming, doxing, harassment, intimidation, and violent threats. Some of the threats were sexualized or racist in nature and targeted family members. President Trump never discouraged or condemned these tactics, and in fact he was an active participant in directing his supporters, through tweets and speeches, to apply pressure to public servants who would not comply.

President Trump and his team were not above using incendiary rhetoric or threats to achieve their goal of overturning the election. Giuliani said so before the purported hearing in Michigan in December. Recall that he told an online audience, there's "nothin' wrong with putting pressure on your state legislators"<sup>307</sup> and "you have got to get them to remember that their oath to the Constitution sometimes requires being criticized. Sometimes it even requires being threatened."<sup>308</sup>

That pressure came privately and publicly in the post-election period.

Privately, for example, President Trump called Michigan Senate Majority Leader Mike Shirkey three times after their White House meeting: November 21st, November 25th, and December 14th.<sup>309</sup> Shirkey did not recall many specifics of those calls and claimed he did not remember the President applying any specific pressure.<sup>310</sup> The day after one of those calls, however, Shirkey tweeted that "our election process MUST be free of intimidation and threats," and "it's inappropriate for anyone to exert pressure on them."<sup>311</sup> From this and other public statements, it is clear that Shirkey was sensitive to outside forces pressuring people with roles in the

election. In fact, the same day that the electoral college met and voted for former Vice President Joe Biden as the winner of the 2020 Presidential election, Shirkey received another call from President Trump and issued another public statement. Shirkey’s statement that day, December 14, 2020, read: “Michigan’s Democratic slate of electors should be able to proceed with their duty, free from threats of violence and intimidation” and “[i]t is our responsibility as leaders to follow the law . . . .”<sup>312</sup>

Publicly, President Trump used both Twitter posts and paid social media and cable television ads to advance his pressure campaign.

In Arizona, for example, President Trump used social media to both praise and criticize legislators. When Speaker Bowers and Senate President Karen Fann requested an audit of Maricopa County’s election software and equipment, President Trump publicly commended them, retweeting a press release about their announcement and commenting: “Thank you to Senate President Karen Fann and House Speaker Russell Bowers—and all, for what you are doing in Arizona. A fast check of signatures will easily give us the state.”<sup>313</sup> But just days later, President Trump assailed Bowers for opposing a special session to appoint new electors. He retweeted a post by Campaign lawyer Christina Bobb that accused Bowers of “intentionally misleading the people of Arizona” and that included a demand by Stop-the-Steal organizer Ali Alexander for 50,000 phone calls to Rusty Bowers “[r]ight the heck now” to threaten him with a primary challenge.<sup>314</sup>

And, as his efforts to change the outcome of the election continued to meet resistance, President Trump personally approved a series of advertisements that the Campaign ran on cable television and social media in several important States. One advertisement in Arizona called for pressure on Governor Ducey in particular, alleging, “The evidence is overwhelming. Call Governor Ducey and your legislators. Demand they inspect the machines and hear the evidence.”<sup>315</sup> Another claimed that “illegal aliens voted, and here in Arizona Trump votes were discarded. It’s an outrage. Call Governor Ducey and your legislators at 602–542–4331. Demand they inspect the machines and hear the evidence. Call Governor Ducey, at 602–542–4331. Stand up for President Trump. Call today. Paid for by Donald J. Trump for President, Inc.”<sup>316</sup>

Several days earlier, Trump Campaign Senior Advisor Jason Miller had explained the intention for this round of advertisements in an email. He wrote that, “the President and Mayor Giuliani want to get back up on TV ASAP, and Jared [Kushner] has approved in budgetary concept, so here’s the gameplan” in order to “motivate the GOP base to put pressure on the Republican Governors of Georgia and Arizona and the Republican-controlled State legislatures in Wisconsin and Michigan to hear evidence of



voter fraud before January 6th.”<sup>317</sup> Miller anticipated a budget of \$5 million and asked for the messaging to follow an earlier round of advertisements, “but the endings need to be changed to include phone numbers and directions to call the local Governor or state legislature.”<sup>318</sup> On December 22nd, Jason Miller texted Jared Kushner that “POTUS has approved the buy.”<sup>319</sup>

References to anger and fighting were featured in some of the President’s remarks during that period. After the Georgia Secretary of State’s Chief Operating Officer, Gabriel Sterling, made an impassioned public plea and accurately warned that someone would die as a result of the threatening election-related rhetoric that President Trump failed to condemn, President Trump dismissively tweeted in response: “Rigged Election. Show signatures and envelopes. Expose the massive voter fraud in Georgia. What is Secretary of State and @BrianKempGA afraid of. They know what we’ll find!!!”<sup>320</sup> The President also tweeted that, between Governor Ducey in Arizona and Governor Kemp in Georgia, “the Democrat Party could not be happier” because these Republicans “fight harder against us than do the Radical Left” and were singlehandedly responsible for losing him both States, something that “Republicans will NEVER forget[.]”<sup>321</sup> Regarding Kemp, he asked “What’s wrong with this guy? What is he hiding?”<sup>322</sup> and he alleged that “RINOs” Governor Kemp, Lieutenant Governor Geoff Duncan, and Secretary Raffensperger “will be solely responsible” for Senators Loeffler and Perdue losing their senate runoff because they “[w]on’t call a Special Session or check for Signature Verification! People are ANGRY!”<sup>323</sup>

President Trump’s spoken remarks were not much different. After the President wrapped up a November 26th public phone call to wish U.S. service members a happy Thanksgiving, he answered a reporter’s question about election integrity in Georgia by lashing out at Secretary Raffensperger in particular. President Trump made several baseless claims of election fraud in Georgia, declared that Raffensperger himself appeared to be complicit, and labeled the Georgia Secretary of State “an enemy of the people.”<sup>324</sup>

President Trump and his team’s practice of naming and viciously criticizing people had real consequences. Philadelphia City Commissioner Al Schmidt’s story, recounted earlier, is just one of many examples. And the consequences weren’t just limited to high-profile public figures. Schmidt’s deputy, for example, Seth Bluestein faced threats after being demonized by a surrogate for President Trump, and many of the threats he received were anti-Semitic in nature. He received a Facebook message telling him that “EVERYONE WITH A GUN IS GOING TO BE AT YOUR HOUSE- AMERICANS LOOK AT THE NAME- ANOTHER JEW CAUGHT UP IN UNITED STATES

VOTER FRAUD.”<sup>325</sup> Bluestein got a security detail at his home, and the experience gave his three-year-old daughter nightmares.<sup>326</sup>

Similarly, after President Trump promoted online accusations that Arizona House Speaker Rusty Bowers had been “intentionally misleading the people of Arizona . . .”<sup>327</sup> Bowers’s personal cell phone and home address were published,<sup>328</sup> leading demonstrators to congregate at his home, honk horns and shout insults until police arrived.<sup>329</sup> Bowers told the Select Committee this was the first of at least nine protests at his home, sometimes with protesters shouting into bullhorns and calling him a pedophile.<sup>330</sup> One protestor who showed up at his home was armed and believed to be a member of an extremist militia.<sup>331</sup>

Sadly, those were not isolated incidents. Stories similar to Schmidt’s and Bowers’ proliferated after President Trump’s loss in the election. Examples from each of the States discussed in this chapter are documented below, but this list is by no means exhaustive:

- *Arizona*: After Secretary of State Katie Hobbs’s home address and son’s phone number were publicly released, demonstrators congregated outside her home chanting “we are watching you.”<sup>332</sup> A social media user at the time recommended: “Let’s burn her house down and kill her family and teach these fraudsters a lesson.”<sup>333</sup> Secretary Hobbs has continued to receive threats since then, reporting over 100 threats to the FBI in mid-2022, including a September 2021 voicemail message that “you should be hunted” and “will never be safe in Arizona again.”<sup>334</sup>
- *Arizona*: Maricopa County Recorder Adrian Fontes testified before Congress that his family had “go-bags” packed in case they needed to evacuate and that, because of the threats, he had moved his children “out of the family home at least once for three days in the wake of serious threats to [his] family’s safety.”<sup>335</sup>
- *Arizona*: Paul Boyer, a Republican State senator, had to evacuate his family, get police protection, and change his phone number after he voted against jailing Maricopa’s County Supervisors over election disputes.<sup>336</sup>
- *Arizona*: On January 5, 2021, a comment on a blog suggested some members of the Maricopa County Board of Supervisors “have earned a good old fashioned neck tie party” as “punishment for Treason.”<sup>337</sup> According to Board member Clint Hickman, “the threats never abated.”<sup>338</sup> And on January 6th, police convinced Hickman and his family to leave their home.<sup>339</sup>
- *Michigan*: Secretary of State Jocelyn Benson and her family were driven out of their home for several days after dozens of protestors with

bullhorns and firearms congregated outside “shouting obscenities and graphic threats into bullhorns”<sup>340</sup> while she spent time with her son and got him ready for bed.<sup>341</sup> Secretary Benson said that she only feels safe “sometimes” as a result of continuing threats.<sup>342</sup>

- *Michigan*: Several members of the Wayne County Board of Canvassers received threats, as did Aaron Van Langevelde, a Republican member of the State Board of Canvassers.<sup>343</sup> Van Langevelde was bombarded with communications and people began showing up at his family's home, forcing police to ensure his and his family's safety and escort him across the State after he voted to certify Michigan's election.<sup>344</sup>
- *Michigan*: Detroit City Clerk Janice Winfrey, a Democrat, and Rochester Hills City Clerk Tina Barton, a Republican, were both targeted. Barton had never before received a death threat in over a decade of work as an election official but, as a result of the 2020 Presidential election, was subject to “a torrent of threats and harassment,” such as an anonymous caller who “repeatedly threatened to kill her and her family.”<sup>345</sup> Winfrey was confronted outside her home by a man who indicated he had been surveilling her and that “You are going to pay dearly for your actions in this election!”<sup>346</sup> She started carrying a firearm because death threats against her continued.<sup>347</sup>
- *Michigan*: Michigan House Speaker Lee Chatfield confirmed that “I and my family have received numerous threats, along with members on both sides of the aisle.”<sup>348</sup> This included the top Democrat on Michigan's House Oversight Committee, Rep. Cynthia Johnson, who was threatened with lynching after she challenged the witnesses that Giuliani offered to her committee.<sup>349</sup> One caller who allegedly threatened to kill Rep. Johnson and wipe out her family in December 2020 called the Capitol again on the morning of January 7, 2021, and said that “everyone better get out of the building because it'll fucking explode.”<sup>350</sup>
- *Pennsylvania*: Secretary of the Commonwealth Kathy Boockvar said she received so many threats “I didn't feel comfortable walking the dog on the street.”<sup>351</sup> This included a message in November 2020 threatening to murder her in her home at night, forcing her and her husband to flee for a week.<sup>352</sup> Another voicemail she received after certifying Pennsylvania's election results threatened: “You crooked f\*\*\*ing bitch. You're done.”<sup>353</sup>
- *Pennsylvania*: House Speaker Bryan Cutler told the Select Committee there were at least three protests outside either his district office or his home, and that his then-15-year-old son was home by himself for the first one.<sup>354</sup> Senate Jake Corman's spokesperson revealed in December 2020 that he, too, was being subjected to violent threats,<sup>355</sup> something

Senate Majority Leader Kim Ward also received.<sup>356</sup>

- *Pennsylvania*: Philadelphia City Commissioner Omar Sabir, spent several nights evacuated from his home and continued to receive death threats a year after the 2020 election, reflecting that, “I feel anxiety every time I walk outside of the house.”<sup>357</sup> Commissioner Lisa Deeley, another City Commission colleague, also received death threats and said she suffers occasional anxiety attacks as a result.<sup>358</sup>
- *Georgia*: After Georgia Secretary of State Brad Raffensperger’s email and phone number were published, he said that he and his wife received frequent hostile messages, some of which “typically came in sexualized attacks.”<sup>359</sup> As a result, the Secretary’s wife cancelled visits from their grandchildren out of fear for the kids’ safety.<sup>360</sup> That was not an overreaction as that came after police found self-identified members of the Oath Keepers outside their home and after someone broke into their daughter-in-law’s house.<sup>361</sup>
- *Georgia*: On January 5, 2021, Governor Kemp and Secretary Raffensperger were reportedly named in a Craigslist post encouraging people to “put an end to the lives of these traitors.”<sup>362</sup>
- *Georgia*: Fulton County Elections Director Richard Barron was named and depicted on screen in the video President Trump played at his December 5th rally. He said that this incident led to a spike in death threats targeted at election workers, including himself.<sup>363</sup> His team’s registration chief, Ralph Jones, received death threats following the election including one calling him a “n[igger] who should be shot,” and another threatening “to kill him by dragging his body around with a truck.”<sup>364</sup>
- *Georgia*: Election offices in ten Georgia counties received emailed threats of bombings that would “make the Boston bombings look like child’s play” and that the “death and destruction” would continue “[u]ntil Trump is guaranteed to be POTUS . . . .”<sup>365</sup>

One of the most striking examples of the terror that President Trump and his allies caused came in Georgia, where election workers Ruby Freeman and Shaye Moss, mother and daughter, were besieged by incessant, terrifying harassment and threats that often evoked racial violence and lynching, instigated and incited by the President of the United States.

As described earlier, in a State legislative hearing in Georgia, Giuliani publicly—and baselessly—accused Freeman and Moss of engaging in criminal conduct. He showed a video of Freeman passing Moss a ginger mint before claiming that the two women, both Black, were smuggling USB drives “as if they’re vials of heroin or cocaine.”<sup>366</sup>



Photo by Kevin Dietsch/Getty Images

President Trump seemed fixated on Freeman and Moss, too. He played surveillance video showing them inside the State Farm Arena at a December 5th rally in Georgia,<sup>367</sup> and mentioned Freeman by name 18 times during the January 2nd call to Secretary of State Raffenensperger in which he asked the Secretary to simply “find” enough votes to ensure victory.<sup>368</sup>

Freeman’s and Moss’s lives were forever changed. After their contact information was published, they were besieged by the President’s supporters. In early December 2020, Freeman “told police she had received hundreds of threats at her home.”<sup>369</sup> Moss’s son also started receiving threatening phone calls, including one stating he “should hang alongside [his] nigger momma.”<sup>370</sup>

In the wake of President Trump’s December 5, 2020, rally, Freeman called 911 because strangers had come to her home trying to lure her out, sending threatening emails and text messages.<sup>371</sup> She pleaded with the 911 dispatcher for help after hearing loud banging on her door just before 10 p.m. “Lord Jesus, where’s the police?” she asked the dispatcher. “I don’t know who keeps coming to my door.” “Please help me!”<sup>372</sup>

Ultimately, Freeman fled from her own home based on advice from the FBI.<sup>373</sup> She would not move back for months.<sup>374</sup>



In her testimony to the Select Committee, Freeman recounted how she had received “hundreds of racist, threatening, horrible calls and messages” and that now “[t]here is nowhere I feel safe—nowhere.”<sup>375</sup> But it’s not just a sense of security that the President and his followers took from Freeman. She told the Select Committee that she also lost her name and reputation:

My name is Ruby Freeman. I've always believed it when God says that he'll make your name great, but this is not the way it was supposed to be. I could have never imagined the events that followed the Presidential election in 2020. For my entire professional life, I was Lady Ruby. My community in Georgia where I was born and lived my whole life knew me as Lady Ruby. . . . Now I won't even introduce myself by my name anymore. I get nervous when I bump into someone I know in the grocery store who says my name. I'm worried about who's listening. I get nervous when I have to give my name for food orders. I'm always concerned of who's around me. I've lost my name, and I've lost my reputation.

I've lost my sense of security—all because a group of people, starting with Number 45 and his ally Rudy Giuliani, decided to scapegoat me and my daughter Shaye to push their own lies about how the presidential election was stolen.<sup>376</sup>

Freeman’s sense of dread is well-founded. According to Federal prosecutors, a member of the Oath Keepers militia convicted of multiple offenses for his role in the January 6th insurrection had a document in his residence with the words “DEATH LIST” written across the top.<sup>377</sup>

His death list contained just two names: Ruby Freeman and Shaye Moss.<sup>378</sup>

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## ENDNOTES

1. See, e.g., Stephen Fowler, “Risk-Limiting Audit Confirms Biden Won Georgia,” GPB, (Nov. 19, 2020), available at <https://www.gpb.org/news/2020/11/19/risk-limiting-audit-confirms-biden-won-georgia>; Addie Haney, “Georgia Election Recount Results: Breaking Down Final Numbers,” 11Alive, (Dec. 7, 2020), available at <https://www.11alive.com/article/news/politics/elections/georgia-election-recount-results-final-numbers/85-cbaacd70-f7e0-40ae-8dfa-3bf18f318645>.
2. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post* (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html).
3. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and

- Audio of the Call Between Trump and Raffensperger,” *Washington Post* (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html).
4. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post* (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html).
  5. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post* (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html).
  6. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post* (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html).
  7. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post* (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html).
  8. Brad Raffensperger, *Integrity Counts*, (New York: Simon & Schuster, 2021), at p. 194.
  9. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Brad Raffensperger, (Nov. 22, 2021), pp. 121-122, 126-27.
  10. Brad Raffensperger, *Integrity Counts*, (New York: Simon & Schuster, 2021), at p. 194.
  11. The Georgia Secretary of State’s Chief Operating Officer, Gabriel Sterling, gave an impassioned public statement that included these points. “Georgia Election Official Gabriel Sterling: ‘Someone’s Going to Get Killed’ Transcript,” Rev, (Dec. 1, 2020), available at <https://www.rev.com/blog/transcripts/georgia-election-official-gabriel-sterling-someones-going-to-get-killed-transcript>. Shortly thereafter, President Trump fired back on Twitter in the form of a quote-tweet of a journalist’s post that included the full footage of these parts of Sterling’s remarks. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 1, 2020 10:27 p.m. ET, available at <http://web.archive.org/web/20201203173245/https://mobile.twitter.com/realDonaldTrump/status/1333975991518187521> (quoting Brendan Keefe (@BrendanKeefe), Twitter, Dec. 1, 2020 4:22 p.m. ET, available at <https://twitter.com/BrendanKeefe/status/1333884246277189633>).
  12. See Chapter 1.
  13. U.S. Const. art. II, §1, cl. 2 (“Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.”).
  14. See “Census Bureau Releases 2020 Presidential Election Voting Report,” United States Census Bureau, (Feb. 17, 2022), available at <https://www.census.gov/newsroom/press-releases/2022/2020-presidential-election-voting-report.html>.
  15. Barton Gellman, “The Election That Could Break America,” *Atlantic*, (Sept. 23, 2020) available at <https://www.theatlantic.com/magazine/archive/2020/11/what-if-trump-refuses-concede/616424/>.

16. Barton Gellman, “The Election That Could Break America,” *Atlantic*, (Sept. 23, 2020) available at <https://www.theatlantic.com/magazine/archive/2020/11/what-if-trump-refuses-concede/616424/>.
17. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 145-46, 148-53, 158; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), pp. 96, 98; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), p. 42. Although certain Select Committee witnesses confirmed the existence of this state-focused strategy, none testified that they knew about the strategy before the election.
18. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 145-46.
19. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 145-46.
20. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011213. Donald Trump Jr. publicly urged State legislators to help the same day. He called on Twitter for his father to “go to total war over this election” and retweeted a post by Fox News host Mark Levin urging Republican State legislatures to “GET READY TO DO YOUR CONSTITUTIONAL DUTY” by exercising “THE FINAL SAY OVER THE CHOOSING OF ELECTORS.” David Knowles, “As Vote Count Swings Toward Biden, Trump’s Backers Hit the Caps-Lock Key on Twitter,” *Yahoo! News*, (Nov. 5, 2020), available at <https://www.yahoo.com/video/as-vote-count-swings-toward-biden-trump-backers-hit-the-caps-lock-on-twitter-223931950.html>.
21. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011318 (November 6, 2020, text message from Mark Meadows to Donald J. Trump, Jr.).
22. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011296 (November 5, 2020, text message from Mark Meadows to Marty Harbin).
23. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011686, MM011687 (November 9, 2020, text messages between Mark Meadows and Russell Vought).
24. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011560, MM011563 (November 7, 2020, text messages between Mark Meadows and Rep. Warren Davidson).
25. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011449, MM011451 (November 6, 2020, text messages between Mark Meadows and Rep. Andy Biggs).
26. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011087 (November 4, 2020, text message from Rick Perry to Mark Meadows).
27. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00004070, p. 44; *see also* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00003041.
28. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00003543 (November 5, 2020, email from Vincent Haley to Johnny McEntee and Dan Huff re: State legislature plenary power under Constitution to state electoral college electors); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00003559 (November 5, 2020, email from Vincent Haley to Johnny

McEntee and Dan Huff re: more notes on state legislature strategy); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010233\_0001 (November 6, 2020, email chain between Vincent Haley, Johnny McEntee, and Daniel Huff re: Contact Info of key leaders in key States); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010198\_0001 (November 6, 2020, email from Vincent Haley to Johnny McEntee and Daniel Huff re: Horowitz: How Republican-controlled state legislatures can rectify election fraud committed by courts and governors - TheBlaze); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010225\_0001-10226\_0001 (November 6, 2020, email from Vincent Haley to Johnny McEntee and Daniel Huff re: Contact info of key leaders in key States and attaching contact info); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00004070, 4103-04, 4111-12, 4124-25 (various text messages between Vincent Haley, Johnny McEntee, and Daniel Huff discussing the state legislature plan).

29. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00003009 (November 8, 2020, email chain between Vincent Haley and Newt Gingrich re: More of my exchange with John); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00004103 (November 6, 2020, text message from Vincent Haley to Randy Evans).
30. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00002107 (November 5, 2020, email chain between Vincent Haley, Daniel Huff, and Jonny McEntee re: more notes on the state legislature strategy).
31. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00004103 (November 6, 2020, text message from Vincent Haley to Johnny McEntee).
32. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00004104 (November 6, 2020, text message from Vincent Haley to Johnny McEntee).
33. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010225\_0001 - 076P-R000010226\_0001 (November 6, 2020, email from Vincent Haley to Johnny McEntee and Daniel Huff re: Contact info of key leaders in key States and attaching contact info); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010233\_0001 (November 6, 2020, email chain between Vincent Haley, Johnny McEntee, and Daniel Huff re: Contact Info of key leaders in key States).
34. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010225\_0001 - 076P-R000010226\_0001 (November 6, 2020, email from Vincent Haley to Johnny McEntee and Daniel Huff re: Contact info of key leaders in key States and attaching contact info).
35. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Vincent Haley Production), VMH-00004122-VMH-00004123 (November 8, 2020, text messages between Vincent Haley and Johnny McEntee).
36. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010533\_0001 (November 10, 2020, email from Newt Gingrich to Molly Michael re: Only two options—please give to POTUS newt).

37. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010533\_0001 (November 10, 2020, email from Newt Gingrich to Molly Michael re: Only two options—please give to POTUS newt).
38. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010586\_0001 (November 10, 2020, email from Mark Meadows to Newt Gingrich re: Only two options—please give to POTUS newt).
39. Solange Reyner, “Newsmax CEO Ruddy: Trump ‘Very Concerned’ That Dems Will Steal Election,” Newsmax, (Nov. 4, 2020), available at <https://www.newsmax.com/newsmax-tv/chris-ruddy-2020-elections-democrats-white-house/2020/11/04/id/995386/>; Christopher Ruddy (@ChrisRuddyNMX), Twitter, Nov. 12, 2020 4:43 p.m. ET, available at <https://twitter.com/ChrisRuddyNMX/status/132700411154319360>; “Digest of Other White House Announcements (Administration of Donald J. Trump, 2020),” Government Publishing Office, p. 114, available at <https://www.govinfo.gov/content/pkg/DCPD-2020DIGEST/pdf/DCPD-2020DIGEST.pdf>; Michael M. Grynbaum and John Koblin, “Newsmax, Once a Right-Wing Also-Ran, Is Rising, and Trump Approves,” *New York Times*, (Nov. 22, 2020), available at <https://www.nytimes.com/2020/11/22/business/media/newsmax-trump-fox-news.html>; Cordelia Lynch, “Trump Ally on President’s Next Move after Thanksgiving Phone Call,” *Sky News*, (Dec. 4, 2020), available at <https://news.sky.com/story/trump-ally-on-presidents-next-move-after-thanksgiving-phone-call-12150612>; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000009409\_0001 (December 2, 2020, email from John McLaughlin to Molly Michael re: Newsmax National Poll).
40. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM008861-MM008865 (November 7, 2020, email from John McLaughlin to Mark Meadows and Newt Gingrich re: “Gerald Brant’s birthday party/ my Nov 7, 2020 memo on ON ‘ELECTORAL L COUNT ACT OF 1887’ AND REPUBLICAN PATHWAYS: [sic],” and attaching memo forwarded by Christopher Ruddy).
41. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Cleta Mitchell, (May 18, 2022), pp. 14-15; Jeremy Herb and Sunlen Serfaty, “How GOP Lawyer Cleta Mitchell Joined Trump’s ‘Team Deplorables’ Advancing His False Election Fraud Claims,” CNN, (Oct. 13, 2021), available at <https://www.cnn.com/2021/10/13/politics/trump-mitchell-georgia-election/index.html>.
42. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Cleta Mitchell, (May 18, 2022), pp. 74-75.
43. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman006671.
44. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman007670-Chapman007671, Chapman008087 (November 9, 2020, email chain between John Eastman, Lisa Nelson, Rep. Seth Grove, and Cleta Mitchell re: Connections for today! and attaching memo).
45. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010584\_0001 (November 10, 2020, email chain scheduling an external meeting with President Trump).
46. Break Up DC (@BreakItUp3), Twitter, Nov. 11, 2020, available at <http://web.archive.org/web/2020111104529/https://twitter.com/BreakItUp3/status/1326475581005950976> (“Was in Oval yesterday. You are right.”). For attribution of the account to Warstler, see The RSnake Show, “S01E10 - Morgan Warstler,” YouTube, at 1:43:00 - 1:44:00, Apr. 20, 2022, available at <https://www.youtube.com/watch?v=k-ojD3QAYfo>; Break Up DC (@BreakItUp3), Twitter, June 16, 2022, available at <http://web.archive.org/web/20220616124842/https://twitter.com/BreakItUp3/status/1537414050510000128> (“NO it is not. I went to the Oval right after election and spent an hour with Trump sitting at Resolute desk. I explain it all here: <https://>

youtu.be/k-ojD3QAYfo?t=2724 . . . Hint: the electoral count act is unconstitutional—there is only one slate of electors- whatever the state leg says”).

47. Break Up DC (@BreakItUp3), Twitter, June 15, 2022 7:40 p.m. ET, available at <http://web.archive.org/web/20220615234134/https://twitter.com/BreakItUp3/status/1537218579225268225> (archived) (“She literally was advocating what I told whole Trump team in Oval- it’s a fact - state legislatures can choose the electors- no matter what current state law OR state courts say . . . just ratify it amongst themselves That’s WHY they call it a plenary power ever since Bush v. Gore.”).
48. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000008528\_0001 - 076P-R000008530\_0001.
49. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000008528\_0001-076P-R000008528\_0003, 076P-R000008530\_0001 - 076P-R000008530\_0002.
50. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000008528\_0001 - 076P-R000008528\_0003, 076P-R000008530\_0001 - 076P-R000008530\_0002.
51. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000008531\_0001, 076P-R000008257\_0001.
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