



OUR NATION IN THE BALANCE: ISSUE BRIEF NO. 2

***TRUMP AND HIS ALLIES ENGAGED  
IN A CRIMINAL CONSPIRACY, USED VIOLENCE,  
AND SPREAD LIES TO TRY TO OVERTURN  
AN ELECTION THEY LOST***

***MAY 2022***



# Defend Democracy Project

## **TRUMP AND HIS ALLIES ENGAGED IN A CRIMINAL CONSPIRACY, USED VIOLENCE, AND SPREAD LIES TO TRY TO OVERTURN AN ELECTION THEY LOST**

*“The illegality of the plan was obvious. Our nation was founded on the peaceful transition of power, epitomized by George Washington laying down his sword to make way for democratic elections. Ignoring this history, President Trump vigorously campaigned for the vice president to single-handedly determine the results of the 2020 election.”*

*–[U.S. District Judge David O. Carter, 3/28/22](#)*

*Even before Election Day 2020 Donald Trump and his MAGA allies were devising a scheme to overturn the results. They engaged in a criminal conspiracy, encouraged violence and spread endless lies in an attempt to reverse the outcome of an election that they lost. The evidence shows that the January 6 insurrection was planned for months by top Trump officials with a coordinated strategy. After months of trying to force state election officials to illegally overturn the results and send bogus electors to the Electoral College, Trump incited armed militants to launch the violent attack on January 6 to block certification of the election and keep himself in power. Trump didn't act alone. Republican members of Congress were deeply involved in the scheme to overturn the election and in the planning for January 6, and even after the violence and chaos of that day, 147 Republicans voted to overturn the election. They must be held accountable,*

### The Conspiracy Started Before Election Day

**#StopTheSteal Was Already Trending In Trump-Affiliated Social Media Circles Before Election Day.** The #StopTheSteal hashtag [began trending](#) weeks before Election Day, created in a now-deleted September 7, 2020 Tweet from right wing social media personality and OAN correspondent Jack Probosiec who claimed, ““#StopTheSteal 2020 is coming...” By October, a group of Harvard researchers called the [growing attacks](#) on mail-in voting by Trump and his allies “a highly effective disinformation campaign with potentially profound effects ... for the legitimacy of the 2020 election.”

**November 4: Trump Falsely Alleged Fraud In The Election And Claimed Victory While Votes Were Still Being Counted.** Election Day was relatively uneventful with record numbers of voters voting by mail. At the end of the night on November 3, several states remained in the process of counting votes and neither candidate had won enough electoral votes to claim victory. At 2:30 AM on November 4, [Trump appeared](#) in the East Room at the White House and called for vote counting to halt, falsely describing the situation as a “major fraud in our nation” and vowing to take his case to the Supreme Court. Trump claimed victory in the election saying, “To me, this is a very sad moment, and we will win this. And as far as I'm concerned, we already have.” Trump's declaration fired up his supporters to [begin organizing](#) to overturn the legitimate results of the election and left [social media platforms](#) and [media outlets](#) scrambling to assert that the election had not been called yet.

**November 4: Trump And His Allies Start Pushing A Series Of Unfounded Conspiracy Theories About The Election While Filizing Dozens Of Lawsuits Seeking To Halt Vote Counting.** On the day after Election Day, Donald Trump,, Eric Trump, and top members of his campaign began promoting a series of [unfounded conspiracy theories](#) about the vote-tallying process to claim that Democrats were rigging

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the final count. Eric Trump tweeted a QAnon video purportedly showing someone burning ballots cast for his father. Eric Trump, White House Press Secretary Kayleigh McEnany and other Trump allies claimed falsely that the president had won Pennsylvania. And Trump campaign spokesman Tim Murtaugh falsely claimed that crowd control at a ballot processing center in Detroit was part of an effort to thwart Trump's victory, while the campaign was also tacitly endorsing disruptive protests in Philadelphia and Detroit aiming to "stop the steal." At the same time, the campaign [simultaneously](#) attempted to use the courts to halt vote-counting in Pennsylvania and Michigan, sought a recount in Wisconsin and challenged the handling of ballots in Georgia.

**November 7: Joe Biden Wins Pennsylvania And The Presidency, Trump's Extra-Legal Campaign To Overturn The Election And Remain In Office Begins In Earnest.** On November 7, Joe Biden was declared the winner of Pennsylvania and the presidency. Trump [refused to accept the results](#) or concede, claiming that the election was "far from over" and that his campaign was "prosecuting our case in court to ensure election laws are fully upheld." That afternoon Trump's legal team, led by Rudy Giuliani, held a [bizarre press conference](#) at a landscaping business in Philadelphia to advance more conspiracy theories about the election and lay out the plot to overturn the election results.

[Trump And His Co-Conspirators Tried To Force State And Federal Officials To Illegally Overturn The Results Of The Election](#)

**Trump Personally Pressed Officials In Multiple States Urging Them To Interfere With The Certification Process.** In November Trump called two Republican members of the board of canvassers in Wayne County, [Michigan](#). After speaking with the president the two attempted to rescind their votes to certify the election results. Trump also [met](#) with several Republican members of the Michigan state legislature at the White House seeking to block certification of the state's results. Trump repeatedly placed calls to the speaker of the [Pennsylvania](#) House and Gov. Brian Kemp in [Georgia](#) pushing them to reverse the election results in their states. Trump also called Gov. Doug Ducey of [Arizona](#) while he was certifying his state's election results in a last ditch effort to overturn the outcome.

**Trump Asked Acting Attorney General Jeffrey Rosen To File Legal Briefs In Defense Of His Lawsuits To Overturn The Election And Devised A Scheme To Oust Him From DOJ When He Would Not.** After announcing on December 14 that Attorney General Bill Barr was leaving office, Trump began pressing acting Attorney General Jeffrey Rosen about alleged voter fraud almost immediately. Trump summoned Rosen to the Oval Office and [asked Rosen](#) to have the Justice Department file legal briefs supporting his allies' lawsuits seeking to overturn his election loss. Trump [told](#) Rosen to "just say the election was corrupt [and] leave the rest to me." Trump also urged Rosen to appoint special counsels to investigate not only unfounded accusations of widespread voter fraud, but also Dominion, the voting machines firm. Rosen refused and Trump devised a scheme with DOJ attorney Jeffrey Clark to remove Rosen as acting attorney general and use the department's power to force Georgia state lawmakers to overturn the election. An informal pact by senior leaders at the Department of Justice to resign en masse if Trump attempted such a scheme is reportedly all that stopped him from firing Rosen and elevating the conspiracy theorist Jeffrey Clark to the top position at DOJ.

**Trump Met With His Co-Conspirators At The White House And Discussed Ways To Overturn The Election – Including By Declaring Martial Law.** Trump met with Michael Flynn, Sidney Powell and other election conspiracy theorists in the Oval Office in December 2020 to [discuss options](#) for overturning the election, including declaring martial law and illegally seizing voting machines.

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**Trump Directly Asked Georgia Secretary Of State Brad Raffensperger To “Find 11,780 Votes” For Him.** In January 2021, Trump made an [hour-long phone call](#) to Georgia Secretary of State Brad Raffensperger to pressure him into changing the results of the election. Throughout the call, Raffensperger and his general counsel rejected Trump’s assertions, explaining Joe Biden’s victory in Georgia was fair and accurate, but Trump persisted, insisting that, “The people of Georgia are angry, the people of the country are angry. And there’s nothing wrong with saying, you know, that you’ve recalculated.” Trump explicitly added that what he wanted for was Raffensperger to, “find 11,780 votes” so that he could be declared the victor in the state.

**Trump Campaign Officials Tried To Appoint Fake Republican Electors In Seven Swing States That Trump Lost.** Trump campaign officials, led by Rudy Giuliani, oversaw efforts in December 2020 to put forward [illegitimate electors](#) from seven states that Trump lost. Giuliani and his associates coordinated the process on a state-by-state level, including multiple planning calls between Trump campaign officials and Republican state operatives. The Trump campaign lined up supporters to fill elector slots, secured meeting rooms in statehouses for the fake electors to meet on December 14, 2020, and circulated drafts of [fake certificates](#) that were ultimately sent to the National Archives. Trump and some of his top advisers, including [Stephen Miller](#), publicly encouraged the "alternate electors" scheme in Pennsylvania, Georgia, Michigan, Arizona, Wisconsin, Nevada and New Mexico, and behind the scenes, Giuliani and Trump campaign officials were actively orchestrating the process.

**Trump Attorney John Eastman Devised A Six Step Plan For Mike Pence To Overturn The Election.** John Eastman, a conservative lawyer working with Trump’s legal team tried to [convince Mike Pence](#) that he could overturn the election results on January 6 by throwing out electors from seven states. Under Eastman's scheme, Pence would have declared Trump the winner after the seven states were thrown out. After Democrats objected, Eastman’s memo proposed that Pence would instead say that no candidate had reached 270 votes, throwing the election to the House where Republican-controlled state delegations would vote for Trump to win the election. Trump repeatedly pressed Pence to follow through with Eastman’s scheme even as constitutional scholars and other attorneys declared it nonsensical.

## Trump And His Allies Incited The Violence On January 6, And Then Did Nothing To Stop It

**Violent Militia Groups Began Planning For A Protest At The Capitol Within Days Of The Election.** Right wing militia groups the Proud Boys and the Oath Keepers [began planning](#) for violent protests in support of Trump within days of the 2020 election. As early as November 5, Oath Keepers leader Stewart Rhodes messaged his followers to say, “We aren't getting through this without a civil war. Too late for that. Prepare your mind, body, spirit.” Top leaders of the two militia groups [remained in contact](#) with each other and with other key leaders in the “Stop the Steal” movement until the day of the riot. Rhodes and 10 other Oath Keepers leaders have been indicted for [seditious conspiracy](#) in conjunction with the January 6 riot, and one indicted leader has told the court that Rhodes was in [attempted contact](#) with President Trump himself on the day of the insurrection.

**December 19, 2020: Trump Urged His Followers To Attend A “Wild” Protest At The Capitol On January 6.** Trump and his allies [spent weeks](#) hyping up the January 6 protest identifying it as a day to gather in Washington to “save America” and “stop the steal.” In just one of many tweets promoting the protest, on December 19, Trump tweeted, “Big protest in D.C. on January 6th. Be there, will be wild!”

**Trump Urged Crowds On January 6 To March To The Capitol Building And Show “Strength.”** Trump himself [addressed a crowd](#) outside the White House for more than an hour on January 6, urging them

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to march on the Capitol, where the ceremony to certify the electoral college results was taking place. “We will not take it any more,” Trump said. “You’ll never take back our country with weakness. You have to show strength, and you have to be strong ... I know everyone here will soon be marching over to the Capitol building. To peacefully, patriotically make your voices heard.” The crowd followed his instructions and began marching on the Capitol.

**Trump Rallied The January 6 Rioters Against Vice President Pence When Pence Refused To Participate In The Scheme To Block Certification Of The Electoral College.** After days of [publicly pushing](#) him to throw out electoral college votes, Trump spoke with Mike Pence multiple times on the morning of January 6 and continued to [press his case](#) for overturning the election, but Pence ultimately refused. During the riot that followed Trump’s rally, Trump [attacked Pence](#) in a tweet saying, “Mike Pence didn’t have the courage to do what should have been done to protect our Country and our Constitution.” Rioters became incensed against Pence, chanting “Hang Mike Pence” as the Vice President was evacuated to a safe location in the Capitol. Pence reportedly became so concerned that he [refused to get in an armored car](#) being driven by Secret Service agents believed to be reporting directly to Trump.

**Questions Have Been Raised About Whether Trump Delayed Authorizing A Request For Assistance From The DC National Guard On January 6.** In March 2021, Major General John Whitaker [testified](#) before Congress that it took more than three hours for Trump’s Defense Department to approve a request for the D.C. National Guard to intervene in the January 6 insurrection. An inspector general’s report later [concluded](#) that the Pentagon acted appropriately that day, but questions remain about the actions of Trump’s Defense Department in the days leading up to January 6.

**Trump Called Participants In The January 6 Insurrection “Great People.”** Hours after violence began at the Capitol on January 6, Trump [belatedly tweeted](#) to urge people to “go home now,” while continuing to express support for the idea that the election had been “stripped away” from him and his followers and lavishing the rioters with praise and love, urging them to “remember this day forever.” In the months since the insurrection Trump has [referred](#) to the rioters as “great people” and “patriots” who are being unjustly persecuted for their activities.

## Republicans In Congress Were Part of the Conspiracy To Overturn The Election

**Republican Members Of Congress Were Deeply Involved In Trump’s Scheme To Overturn The Election.** On November 13 2020, Senator Lindsey Graham [called](#) Georgia Secretary of State Brad Raffensperger and asked him whether he had the power to toss out all mail ballots in certain counties and Senator Mike Lee was in [regular contact](#) with White House Chief of Staff Mark Meadows pushing schemes to keep Trump in power. Other Republican members of Congress were [heavily involved](#) in calls and meetings with Trump and his top aides as they devised a strategy to overturn the election. Reps. Scott Perry, Louie Gohmert, Jim Jordan, Matt Gaetz, and numerous members of the House Freedom Caucus attended meetings to discuss strategies to prevent Joe Biden from taking office.

**Republican Members Of Congress Helped Encourage The Violent Attack On The Capitol On January 6.** In the days before the January 6 insurrection, Republican members of Congress used increasingly violent rhetoric to encourage Trump supporters to “stop the steal” of the 2020 election. [Rep. Louie Gohmert](#) said that if the courts refused to overturn the election in Trump’s favor then Republicans would have “to go to the streets and be as violent as Antifa.” [Senator Ted Cruz](#) became a leading proponent of challenging electoral votes in Congress and told a rally in Georgia that, “We will not go quietly into the night. We will defend liberty.

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And we are going to win.” And on the morning of January 6, [Senator Josh Hawley](#) greeted the gathering crowds with a raised fist of support.

**Even After The Violent Chaos Of January 6, 147 Republican Members Of Congress Voted To Overturn The Election.** Eight senators and 139 representatives voted to [challenge](#) election results in Pennsylvania as part of the plot to overturn the election. This vote occurred after the violence and mayhem of January 6.