

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

US DOMINION, INC., DOMINION VOTING
SYSTEMS, INC., and DOMINION VOTING
SYSTEMS CORPORATION,

Plaintiffs,

v.

SIDNEY POWELL, SIDNEY POWELL, P.C., and
DEFENDING THE REPUBLIC, INC.,

Defendants.

Civil Action No. 1:21-cv-00040-CJN

EXHIBITS TO
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

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INDEX OF EXHIBITS

EXHIBIT 1: Declaration of Patrick M. Byrne.....1

EXHIBIT 2: Declaration of Sidney K. Powell3

EXHIBIT 3: Alexa Corse, *Dominion Sues MyPillow, CEO Mike Lindell Over Election Claims*, WSJ.com, Politics, Election 2020, Feb. 22, 2021^a.....4

EXHIBIT 4: Alexa Corse, *Sidney Powell Is Sued by Voting-Machine Company Dominion for Defamation*, WSJ.com, Jan. 8, 2021^b.....7

EXHIBIT 5: John Poulos transcript, Voting System Vendors, Local Election Officials And Computer Science Professors Testified On 2020 Election Security Before The House Administration Committee, C-SPAN, January 9, 2021^c10

EXHIBIT 6: Fred Lucas, *The Top Five Rigged U.S. Presidential Elections*, Newsweek (Oct. 23, 2016)^d12

EXHIBIT 7: Brad Johnson, Texas Rejected Use of Dominion Voting System Software Due to Efficiency Issues, THE TEXAN (Nov. 19, 2020)^e25

^a Available at https://www.wsj.com/articles/dominion-sues-mypillow-ceo-mike-lindell-over-election-claims-11613996104?mod=searchresults_pos2&page=1 (last visited Mar. 22, 2021).

^b Available at <https://www.wsj.com/articles/sidney-powell-is-sued-by-voting-machine-company-dominion-for-defamation-11610124461> (last visited Mar. 22, 2021).

^c Available at <https://www.c-span.org/video/?467976-1/2020-election-security#> (last visited Mar. 22, 2021) (the excerpted Poulos testimony is runs from 19:35-22:27 of the 2:40:39 video).

^d Available at <https://www.newsweek.com/top-five-rigged-us-presidential-elections-511765> (last visited Mar. 22, 2021).

^e Available at <https://thetexan.news/texas-rejected-use-of-dominion-voting-system-software-due-to-efficiency-issues/> (last visited Mar. 22, 2021).

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US DOMINION, Inc., *et al.*,

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V.

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DECLARATION OF PATRICK M. BYRNE

Pursuant to 28 U.S.C. § 1746, I, Patrick M. Byrne, make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration, and have personal knowledge of the matters stated herein.
2. My name is Patrick M. Byrne.
3. I am a resident of Utah.
4. I currently serve as the Chairman and Chief Executive Officer of Defending the Republic, Inc. (hereinafter “DTR”).
5. DTR was incorporated in the state of Texas in December 2020.
6. DTR’s principal place of business is in Dallas, Texas.
7. DTR does not have and has never had a physical office in Washington, D.C. nor does it transact business in D.C.
8. DTR maintains a drop box for mail at 601 Pennsylvania Ave., NW, South Building

Suite 900, Washington, D.C. 20004. This is a “virtual address” for mail receipt only. None of DTR’s work is performed at this address nor do any DTR employees work from that address.

9. None of DTR’s employees are attorneys. When DTR has a need for legal services, it either hires a law firm or retains independent contract attorneys. The contract attorneys DTR hires may represent clients other than DTR on matters unrelated to DTR or to its mission.

10. The independent contract attorneys retained by DTR have not appeared in any courts in Washington, D.C. on behalf of DTR as a client, nor have they filed any case in any D.C. court on DTR’s behalf.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15 day of March 2021.

Patrick M. Byrne

Patrick M. Byrne (Mar 15, 2021 16:37 EDT)

Patrick M. Byrne

Declaration of Sidney K. Powell

1. My name is Sidney K. Powell. I am over the age of 18 and have personal knowledge of the matters set forth in this declaration.

2. I am a resident of Dallas, Texas. I do not reside in, nor own real property in, the District of Columbia. I do not have a law office or business office in the District of Columbia.

3. I am a member of the Texas State Bar. I am not a member of any other State Bar. My law practice consists primarily of federal appeals in the United States Court of Appeals for the Fifth Circuit.

4. I am the sole owner of my professional corporation, Sidney Powell, P.C. Sidney Powell, P.C. is a registered Texas professional corporation. The principal place of business of Sidney Powell P.C. is in Dallas, Texas.

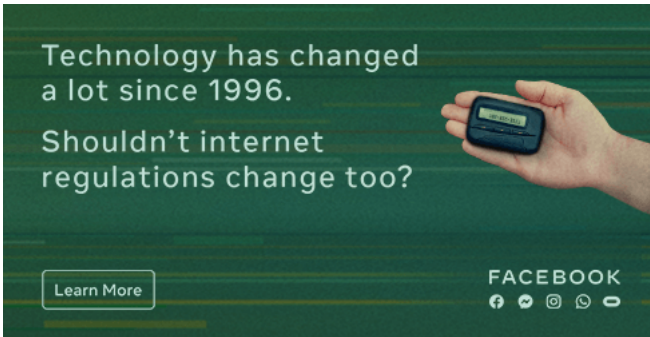
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 22nd day of March, 2021.

Sidney Powell

Sidney Powell (Mar 22, 2021 12:41 CDT)

Sidney K. Powell



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POLITICS | ELECTION 2020

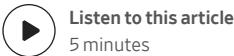
Dominion Sues MyPillow, CEO Mike Lindell Over Election Claims

The voting-machine maker's lawsuit alleges defamation, seeks more than \$1.3 billion in damages



Mike Lindell, CEO of Minnesota-based MyPillow, outside the West Wing of the White House on Jan. 15.
PHOTO: STAR TRIBUNE/ZUMA PRESS

By [Alexa Corse](#)
Updated Feb. 22, 2021 11:36 am ET



WASHINGTON—One of the largest makers of voting machines in the U.S. on Monday sued a prominent supporter of former President Donald Trump, alleging that the businessman had defamed the company with false accusations that it had rigged the 2020 election for President Biden.

Dominion Voting Systems sued Mike Lindell, chief executive of Minnesota-based MyPillow Inc., and his company in the U.S. District Court for the District of Columbia, seeking more than \$1.3 billion in damages.

In its complaint, the company cites a number of statements made by Mr. Lindell, including in media appearances, social-media posts, and a two-hour film claiming to prove widespread election fraud. Mr. Lindell said he helped produce the film, which he released online in early February.

The complaint alleges that Mr. Lindell made false claims about the integrity of Dominion's

voting machines and that he knew no credible evidence supported his claims that the company had stolen the election from Mr. Trump—what Dominion has called the “Big Lie.”

“He is well aware of the independent audits and paper ballot recounts conclusively disproving the Big Lie,” the complaint states. “But Lindell...sells the lie to this day because the lie sells pillows.”

SHARE YOUR THOUGHTS

Are you concerned that Americans have lost faith in the electoral system? If so, what steps could leaders take to bolster trust? Join the conversation below.

The suit also names MyPillow as a defendant.

In an interview Monday, Mr. Lindell said he was “very, very happy” to learn of the lawsuit.

“I have all the evidence on them,” he said. “Now this will get disclosed faster, all the machine fraud and the attack on our country.”

Dominion’s lawsuit accuses Mr. Lindell of repeatedly and falsely alleging that algorithms in Dominion’s voting machines had stolen votes from Mr. Trump. It said he had undertaken a marketing campaign for the pillow company based on his support for Mr. Trump and the former president’s claims that the election had been stolen from him.

Dominion says the allegations by Mr. Lindell and others have irreparably damaged its reputation, jeopardized its contracts with state and local governments, and prompted death threats and harassment against employees. The company says it supplies election equipment used by more than 40% of U.S. voters.

Federal and state officials have said there is no evidence that any voting system deleted or changed votes in the November election. Election officials have recounted and audited millions of paper ballots in multiple states, which have affirmed the outcomes tabulated by Dominion’s machines. Those states include Georgia, which Mr. Biden carried by less than 12,000 votes out of roughly 5 million.

Last month, Dominion filed defamation suits against Rudy Giuliani, Mr. Trump’s personal attorney, and pro-Trump attorney Sidney Powell. Mr. Giuliani has said he would use the lawsuit to investigate Dominion and that the suit represented an attempt to censor him. Ms. Powell has said that she didn’t publish any statement she knew was false and that she has credible evidence.

ELECTION AFTERMATH

[Voting-Machine Company Smartmatic Sues Fox News Over Election Claims](#) (Feb. 4)

[Dominion Voting Systems Sues Rudy Giuliani Over Claims of Rigged Election](#) (Jan. 25)

[New York State Bar Association Weighs Stripping Giuliani of Membership](#) (Jan. 11)

[Sidney Powell Is Sued by Voting-Machine Company Dominion for Defamation](#) (Jan. 8)

[Voting Machine Supplier Criticized by Trump in Spotlight on Election Integrity](#) (Nov. 17, 2020)

Lawyers for Dominion have sent letters to multiple media outlets and others that the attorneys allege spread false claims of election fraud, seeking retractions or instructing them to preserve records related to the 2020 election in case of potential litigation, The Wall Street Journal has reported.

Another voting-machine company, Smartmatic USA Corp., sued Fox Corp.’s Fox News, seeking \$2.7 billion in damages for what it alleges were defamatory on-air comments about the company’s products. The network has said it is proud of its 2020 election coverage and has

asked the court to dismiss the suit. Fox Corp. and Wall Street Journal parent News Corp share common ownership.

Dominion Chief Executive John Poulos told reporters on Monday, “Despite repeated warnings and efforts to share the facts with him, Mr. Lindell has continued to maliciously spread false claims about Dominion, each time giving empty assurances that he would come forward with overwhelming proof.”

Mr. Lindell has said that a number of retailers have stopped selling his pillow company’s products since he began promoting the election-fraud claims. A spokeswoman for Kohl’s Corp. said that it had decided to stop buying additional inventory but said that the decision was because of decreased customer demand. Similarly, a Bed Bath & Beyond Inc. spokesman said the company dropped the brand because of poor sales, not politics.

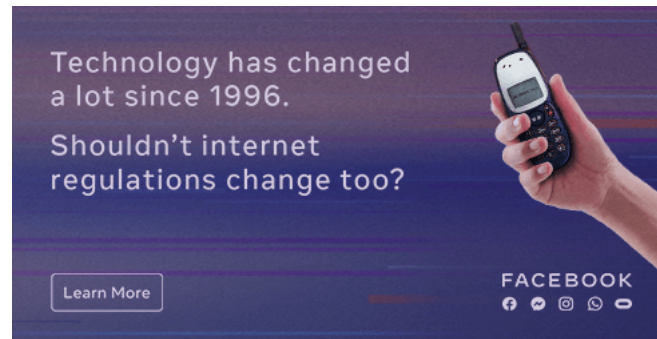
Twitter Inc. permanently suspended Mr. Lindell’s account in January for repeatedly violating its civic-integrity policy, a Twitter spokesman said.

Write to Alexa Corse at alexa.corse@wsj.com

Appeared in the February 23, 2021, print edition as ‘MyPillow, CEO Sued Over Vote Claims.’

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<https://www.wsj.com/articles/sidney-powell-is-sued-by-voting-machine-company-dominion-for-defamation-11610124461>

U.S.

Sidney Powell Is Sued by Voting-Machine Company Dominion for Defamation

Pro-Trump lawyer made ‘wild’ accusations about rigging November’s election, company says



Sidney Powell had accused Dominion of fraudulently deleting or changing votes.

PHOTO: ELIJAH NOUVELAGE/REUTERS

By [Alexa Corse](#)

Updated Jan. 8, 2021 12:45 pm ET



Listen to this article
3 minutes

WASHINGTON—Dominion Voting Systems on Friday sued pro-Trump lawyer Sidney Powell for defamation, seeking more than \$1.3 billion in damages over what the voting-machine company said were “wild” and “demonstrably false” accusations, including her allegation that it had rigged November’s election in President-elect Joe Biden’s favor.

“As a result of the defamatory falsehoods peddled by Powell—in concert with like-minded allies and media outlets who were determined to promote a false preconceived narrative—Dominion’s founder, Dominion’s employees, Georgia’s governor, and Georgia’s secretary of state have been harassed and have received death threats, and Dominion has suffered enormous harm,” the Denver-based company said in a 124-page complaint filed in the U.S. District Court for the District of Columbia.

Among other claims, Ms. Powell accused Dominion of fraudulently deleting or changing votes, and said the company’s software was created in Venezuela to rig elections. The suit said Ms. Powell spread false accusations about election fraud “to financially enrich

herself, to raise her public profile, and to ingratiate herself to Donald Trump. ”

‘Dominion has suffered enormous harm.’

— From company’s U.S. District Court filing

Ms. Powell didn’t immediately respond to an email seeking comment.

Dominion has faced a blizzard of false accusations about election fraud in the wake of Mr. Biden’s election victory over President Trump, including claims amplified by Mr. Trump

and his supporters at rallies and on social media.

“For us, it has been building up for many weeks and months,” Dominion Chief Executive John Poulos said in an interview.

He said, in a statement, that the lies told about the company and government election officials also had harmed the credibility of U.S. elections.

Dominion’s voting machines are widely used, serving more than 40% of U.S. voters, according to the company’s website.

U.S. federal and state officials have said there is no evidence that any voting system deleted or changed votes during the November election. Election officials have audited and recounted millions of paper ballots in multiple states and counties, affirming the outcomes tabulated by Dominion’s machines. That included Georgia, which Mr. Biden carried by a small margin.

Multiple courts have dismissed lawsuits filed by Ms. Powell to challenge the results.

Ms. Powell’s role in Mr. Trump’s orbit has been sometimes unclear. She was ousted from the president’s legal team in late November. The next month, Mr. Trump considered the prospect of naming her a special counsel to investigate claims of election fraud, but hasn’t done so, The Wall Street Journal has reported.

Asked if Dominion might take legal action against Mr. Trump, Tom Clare, an attorney for the company, didn’t rule it out.

“This is the first in a series of actions that we’re going to be taking against others who are involved and complicit in this defamation,” Mr. Clare said. “No one has been ruled out.”

TRUMP AND THE ELECTION

Democrats Intensify Calls for Trump’s Removal

Capitol Attack Unites a Nation in Horror—Though Not Entirely

Analysis: Investors Assumed Democracy Would Endure. They’ve Been Right So Far

Trump Increasingly Isolated, Angry

Trump-Pence Relationship Is Strained

Write to Alexa Corse at alexa.corse@wsj.com

Appeared in the January 9, 2021, print edition as ‘Pro-Trump Lawyer Is Sued by Dominion.’

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Defendants.

Civil Action No. 1:21-cv-00040-CJN

**EXCERPT OF JOHN POULOS' TESTIMONY BEFORE HOUSE
ADMINISTRATION COMMITTEE ON JANUARY 9, 2021**

I, Lawrence J. Joseph, hereby declare and state as follows:

1. I am over the age of 18, and I reside in McLean, Virginia.
2. I am an attorney representing the defendants in the above-captioned action.
3. In support of their motion to dismiss, defendants cite the testimony of John Poulos,

who identifies himself as the Chief Executive Officer of Dominion Voting Systems, in his opening statement to the House Administration Committee on January 9, 2021, but neither a video nor a transcript of his testimony or the hearing appears to be available yet on the House website.

4. A video of the hearing is available at <https://www.c-span.org/video/?467976-1/2020-election-security#> (last visited Mar. 22, 2021), and can be purchased from C-SPAN.

5. Defendants have purchased the video and can make it available if requested (e.g., in the event that C-SPAN removes or moves the video), but the video is approximately 750 megabytes and in mp4 format, which I understand we are unable to file via the ECF system.

6. The video is 2:40:39 in length (*i.e.*, over two and a half hours) because it contains the full hearing. If the Court requests it, defendants can file a copy of the entire video on a DVD.

7. Between 19:35 and 22:27 of the video, Mr. Poulos makes the following statements, or words to the following effect:

The company abides by these principles to this day. Driving innovations and advancements for auditability and resilience directed by federal, state, and local election officials. Supporting elections is a full-time proposition for our company. This past year alone, Dominion assisted state and local election officials in conducting nearly 300 elections. Complete with a rigorous public scrutiny that comes with it. ... Moreover, we actively engage with the EAC, DHS, and other trusted third parties to maintain and enhance our enterprise security[.] ... Finally, we all -- we meet all independent testing requirements, including EAC standards developed in conjunction with NIST and requirements ... set forth by individual states. ... Our systems ensure federal protections for privacy and equal voting rights, and ballot casting options for all, including American service members abroad. The existence of nation state threats means that we must actively defend against any attempts to undermine faith in our democratic institutions. In this regard, we hope to see Congress continuing its work with state and local election officials to keep election systems secure. We commend Congress on its bipartisan investment of an additional \$425 million to help election officials modernize their infrastructure.

8. I have personal knowledge of the foregoing and am competent to testify to it at trial.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 22nd day of March 2021.

/s/ Lawrence J. Joseph

Lawrence J. Joseph

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OPINION

The Top Five Rigged U.S. Presidential Elections

FRED LUCAS

ON 10/23/16 AT 6:30 AM EDT

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Jacqueline and then-Senator John F. Kennedy in Hyannisport, Massachusetts, on June 27, 1953. Fred Lucas quotes The Washington Post: "There was a cemetery where the names on the tombstones were registered and voted. I remember a house. It was completely gutted. There was nobody there. But there were 56 votes for Kennedy in that house."

REUTERS



OPINION

2016 PRESIDENTIAL ELECTION

GEORGE W. BUSH

AL GORE

BUSH

This article first appeared on The Daily Signal.

In the 2016 presidential election, one candidate is warning about voter fraud, while another proclaims Russians are interfering. It's not the first time contenders

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Tuesday in the Rose Garden, President Barack Obama dismissed concerns of fraud.

I have never seen in my lifetime, or in modern political history, any presidential candidate trying to discredit the elections process before votes have even taken place. It's unprecedented.

There is no serious person out there who would suggest somehow that you could even rig America's elections, in part because they are so decentralized and the number of votes that are cast. There is no evidence that has happened in the past, or instances that will happen this year.

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While such complaints have been rare before votes were cast, they were very prominent in certain presidential elections, as was evidence that votes weren't always counted properly.

In my book, *Tainted by Suspicion: The Secret Deals and Electoral Chaos of Disputed Presidential Elections*, I write about some of the most controversial

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presidential elections that left large segments of the population believing their president was selected instead of elected. In two elections, the aftermath nearly led to mass violence.

1800: John Adams vs. Thomas Jefferson/Thomas Jefferson vs. Aaron Burr

James Monroe, who was aligned with the Democratic-Republican faction led by Thomas Jefferson, worried about reports that Jefferson supporters were arming for revolt, and said, "Anything [like] a commotion would be fatal to us." Jefferson much preferred a convention to amend the Constitution if the opposing Federalists continued down this road.

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Though it would be Alexander Hamilton who would play a massive role in the outcome, there was a great flurry of activity that led up to the final result. Moderates in both camps didn't want to see the country torn apart should the die-hard Federalists push it to the deadlock and try to appoint a president.

Thousands poured into Washington, prepared for partisan violence if there was what the Jeffersonians called "usurpation." President John Adams would assert

usurpation. "usurpation" was the word used.

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Benjamin Franklin's cautionary words, "a Republic, if you can keep it," were put to the test. As it turned out, Americans could keep it.

Flaws and all, these were men with enough character and intellect to realize the folly of clinging to power or risking bloodshed to obtain it. The nation truly could have been on the brink of collapse while still in its infancy.

1824: John Quincy Adams vs. Andrew Jackson

On February 14, 1824, Henry Clay accepted the offer of the President-elect John Quincy Adams to serve as his secretary of state—presumably making him the next heir apparent since the last four men to lead the State Department became president.

Andrew Jackson and his supporters immediately called this a "corrupt bargain" between Adams and Clay.

The enraged Jackson said Speaker Clay approached him with a similar offer—to make him president in exchange for Jackson appointing him as secretary of state. As Jackson told it, he had too much character to accept such an offer. So Clay went to Adams with the same offer and received a different answer.

Clay and Adams denied that any deal was made. Clay even demanded a congressional investigation into the allegations, which found no proof. It is one of those things that can be difficult to prove or disprove if no witnesses were present for those meetings. Above all, having those meetings to start with seems a miscalculation on the part of Adams, who should have known it might look suspicious.

That said, there is no question who Clay preferred between the two. The only real question is who was telling the truth, Jackson or Clay, on the charge that he made the same offer to both rivals.

Clay considered the optics of becoming secretary of state as well, he later told friends, but thought he couldn't reject the nomination because: "It would be said of me that, after having contributed to the elevation of a president, I thought so ill of him that I would not take first place under him."

1876: Rutherford B. Hayes vs. Samuel Tilden

Henry Watterson, publisher of the *Louisville Courier-Journal* and a Democratic congressman from Kentucky, on January 8, 1876—which he called "St. Jackson's Day" because it marked the Battle of New Orleans—called for "the presence of at

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least 10,000 unarmed Kentuckians in the city" to march on Washington to ensure Samuel Tilden was elected.

His friend Joseph Pulitzer, still building a vast newspaper empire, went further, calling for 100,000 people "fully armed and ready for business" to ensure that Tilden became president.

Angry Democrat mobs across the country would chant, "Tilden or blood," and reportedly in a dozen states, club-wielding "Tilden Minutemen" had formed threatening to march into Washington to take the White House for their candidate. This came to Tilden's chagrin, who sought to calm the rowdiness, as he didn't want to be responsible for an insurrection.

Still, with all the bellicose verbiage from the newspapers and the masses, it was the Democrat hierarchy in the South that was ready to make a deal, though not the Northern Democrats.

Richard Smith of the Republican *Cincinnati Gazette* reached out to Southern powerbrokers.

Rutherford Hayes asserted to Smith in early January 1877: "I am not a believer in

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newspaperman, he did back internal improvements and education funding in the South believing it would "divide the whites" and help "obliterate the color line."

On the night of February 26, 1877, four Southern Democrats—Representatives John Y. Brown and Watterson of Kentucky, Senator J.B. Gordon of Georgia and Representative W. M. Levy of Louisiana—met with Ohio Republicans James Garfield and Charles Foster, both House members, and Ohio Senator Stanley Matthews and Ohio Senator-elect John Sherman at the Wormley House hotel in Washington to see if a deal could be reached to prevent the House Democrats from blocking the results with a filibuster.

The men talked about details through the night, and by morning agreed to stop the House Democratic delay tactics that were blocking the certification of the Electoral Commission's findings, on the condition of ending Reconstruction, appointing a Southern Democrat to the Cabinet, and providing federal money for Southern projects. These were things Hayes expected to do anyway.

1960: John F. Kennedy vs. Richard Nixon

Earl Mazo, a Washington reporter for the New York Herald Tribune, began his investigation after he said Chicago reporters were "chastising" him and other

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He traveled to Chicago, obtained a list of voters in the suspicious precincts, and began matching names with addresses. Mazo told *The Washington Post*:

There was a cemetery where the names on the tombstones were registered and voted. I remember a house. It was completely gutted. There was nobody there. But there were 56 votes for [John F.] Kennedy in that house.

Mazo also found that Chicago Mayor Richard Daley's charge that other counties were doing the same thing in favor of Republicans proved to be true—but nothing on the scale of what happened in Chicago.

In Texas, Mazo found similar circumstances.

The *New York Herald Tribune* planned a 12-part series on the election fraud. Four of the stories had been published and were republished in newspapers across the country in mid-December.

At Richard Nixon's request, Mazo met him at the vice president's Senate office, where Nixon told him to back off, saying, "Our country cannot afford the agony of a constitutional crisis" in the midst of the Cold War.

Mazo didn't back off, and Nixon called his editors. The newspaper did not run the rest of the series. "I know I was terribly disappointed. I envisioned the Pulitzer Prize," Mazo said.

The entire matter wasn't void of accountability.

Illinois state special prosecutor Morris Wexler, named to investigate charges of election fraud in Chicago, indicted 677 election officials, but couldn't nail down convictions with state Judge John Karns.

It wasn't until 1962, when an election worker confessed to witness tampering in Chicago's 28th Ward, that three precinct workers pleaded guilty and served jail

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Pulitzer-winning journalist Seymour Hersh reported hearing tapes of FBI wiretaps about potential election fraud. Hersh—whose books indicate he is a fan of neither Kennedy nor Nixon—believed Nixon was the rightful winner.

2000: George W. Bush vs. Al Gore

Al Gore campaign aide Bob Beckel intended to make that moral case to Florida's electors—and perhaps electors in other states—who could be convinced to follow the will of the people. Gore did not need all of the state's electors, just four.

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-

For that matter, he didn't think it had to be limited to Florida. He thought demonstrating statistics to prove Gore's win could sway enough of the George W. Bush electors to switch their votes since they were not legally bound.

The Wall Street Journal first reported that Gore's team "has been checking into the background of Republican electors with an eye toward persuading a handful of them to vote for Mr. Gore."

Beckel insisted afterward he never had plans to try to blackmail electors to collect Gore votes, which he thought the article implied. But in an interview on Fox News on November 17, 2000, Beckel said: "I'm trying to kidnap electors. Whatever it takes." Beckel later explained what the Founders wanted: "The idea was that electors, early on, were to be lobbied."

Pro-Gore websites even started popping up, listing the names and contact information of Republican electors across the country, asking the public to barrage them with demands to vote for Gore and follow the will of the people.

Republican National Committee Chairman Jim Nichols sent an email to supporters asking them to "Help Stop Democratic Electoral Tampering."

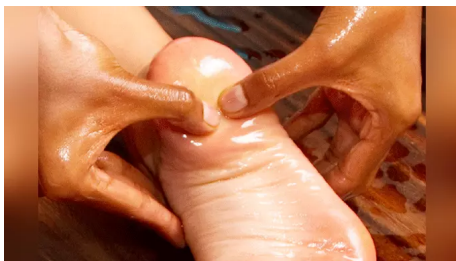
Responding to the chairman, Beckel said: "The Constitution gives me the right to send a piece of mail to an elector."

It never made a difference. No electors shifted, but it did serve as another twist as the 2000 election story unfolded—and another PR fumble for Democrats.

Fred Lucas is the White House correspondent for The Daily Signal.

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Texas Rejected Use of Dominion Voting System Software Due to Efficiency Issues

Evaluations show Texas officials had concerns about Dominion Voting Systems product's efficiency and reliability when they rejected their use in January of this year.

BRAD JOHNSONNOVEMBER 19, 2020



Photo courtesy of the Office of the Texas Secretary of State



Texas has three times rejected use of ballot counting software from the company Dominion Voting Systems (DVS), according to a report from the Secretary of State's (SOS) office dated January of this year.

The report No. 121-00040-01W (Exhibits) Suite 5.5-A," by Deputy Secretary of State Jose Esparza states, "Specifically, the examiner reports raise concerns about whether the Democracy Suite 5.5-A system is suitable for its intended purpose; operates efficiently and accurately;

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ballot adjustment threw off the machines' operation. Votes were counted correctly, but the data from updated machines and non-updated machines failed to match up in the reporting software.

The error was caught and quickly remedied, and the Michigan Secretary of State said that the county's canvassing would have caught the issue had it not previously. Canvassing is essentially an audit which every elections office, in every county of every state, conducts to finalize results.

Another error occurred in Gwinnett County, Georgia, where reporting of absentee ballots was delayed due to human errors in voter marking that could not be registered by the machine (i.e. a check mark instead of filling in the bubble, etc.). The error was caught and fixed.

Attorney General Ken Paxton, whose office was involved in the decision to reject the software, said on a radio show this week, "We have not approved these voting systems based on repeated software and hardware issues. It was determined they were not accurate and that they failed — they had a vulnerability to fraud and unauthorized manipulation."

But each of the Secretary of State's three reports — conducted in August of 2012, January of 2019, and October of 2019 — indicate potential security issues were, at most, a secondary concern.

Ryan Vassar, general counsel with the Office of the Attorney General (OAG), wrote, "Both during and after the examination, the examiners raised specific concerns about legal compliance, including numerous technical and mechanical issues."

The user interface, troubleshooting, and efficiency concerns amounted to the vast majority of spilled ink in the evaluation reports.

Like elections in general, testing standards vary greatly from state to state and so the benchmark Texas sets for itself is not necessarily akin to that which Michigan establishes.

This is not the first instance political ire has been aimed at a voting systems company. After the 2004 election, the electronic voting machine manufacturer Diebold was accused of manipulating the results to favor GOP President George W. Bush.

Since the tentative results on Election Night, concerns and allegations of fraud in key swing states has permeated the airwaves.

Fraud, when it occurs, exists most often in races where margins are low, though it is not non-existent. For example, in September, the Office of the Attorney General charged a Gregg County Commissioner with voter fraud during his 2018 Democratic primary, which he won by five votes.

A few days after the 2020 general election, a Limestone County social worker was charged with submitting fraudulent voter registration applications for 67 residents of the Mexia State Supported Living Center, many of whom are ineligible due to mental incapacitation.

Last week, Lt. Governor Dan Patrick offered up to \$1 million in rewards for successful tips of voter fraud across the country.

Due to vigilance of officials and security measures already in widespread use, committing voter fraud of any type is quite difficult to not only carry out, but also get away with. Since its 2004 inception, the OAG's Elections Integrity Unit has successfully prosecuted 457 counts of fraud — with many individuals prosecuted charged with multiple counts each — and had 75 investigations outstanding.

During that period, untold millions of votes have been cast in Texas.

Russell Ramsland, a Dallas County resident and member of the Allied Security Operations Group, filed an affidavit alleging irregularities from DVS services in Michigan during the 2020 election.

Thursday, the Trump campaign's legal counsel called for a hearing on DVS and alleged fraudulent voting practices.

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Brad Johnson

Brad Johnson is an Ohio native who graduated from the University of Cincinnati in 2017. He is an avid sports fan who most enjoys watching his favorite teams continue their title drought throughout his cognizant lifetime. In his free time, you may find Brad quoting Monty Python productions and trying to calculate the airspeed velocity of an unladen swallow.



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