

# The January 6 Hearings: **Pennsylvania** **Spotlight**

**Background:** The U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol (January 6 Select Committee) is holding oversight hearings in June 2022. It will present public testimony, evidence, and analysis relating to the January 6, 2021 attack, its run-up, and its aftermath. The attack and effort to undermine the will of the American voters did not happen in a vacuum. Fueled by [misinformation and lies about the 2020 election](#), many of the key actors involved and key actions taken that contributed to the attack originated from the states. After all, while elections are national events, they are run and led by the states.

The States United Democracy Center has created a series of state-by-state guides to the January 6 attack highlighting activities that sought to undermine our free, fair, and secure elections. The Pennsylvania Spotlight includes events in the state leading up to the January 6 attack, participation by Pennsylvania actors in relevant events and the attack itself, efforts in Pennsylvania to discredit or reverse the outcome of the presidential election, and subsequent post-January 6 events.

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## **I. EVENTS IN PENNSYLVANIA LEADING UP TO JANUARY 6 ATTACK**

Supporters of then-President Trump held rallies throughout the country attempting to discredit the 2020 presidential election process and challenging the official election results, including in Pennsylvania, despite lacking factual basis for their allegations.

- In the days after election day—November 3, 2020—protestors convened at the site where election workers were tabulating ballots. Trump supporters “called for a count stoppage and cast unsubstantiated aspersions on the legitimacy of Philadelphia’s tally. Many parroted talking points advanced by the president himself.”<sup>1</sup>
- On November 25, 2020, State Senator Doug Mastriano (R-Franklin), and now the Republican candidate for governor, ran a meeting in Gettysburg before the all-Republican State Senate Majority Policy Committee.<sup>2</sup> Trump lawyers Rudy Giuliani and Jenna Ellis appeared in person and Trump appeared by phone.<sup>3</sup> Mastriano and other Pennsylvania lawmakers were then invited to meet at the White House. Attendees would not comment on what was discussed at that White House meeting.<sup>4</sup>

- On December 7, 2020, Texas Attorney General Ken Paxton filed a lawsuit to overturn the 2020 presidential election results in Georgia, Michigan, Pennsylvania, and Wisconsin.<sup>5</sup> The U.S. Supreme Court rejected his case later that month and the State Bar of Texas has now pursued a complaint against Paxton, accusing him of professional misconduct relating to this litigation.<sup>6</sup>
- On December 14, 2020, as detailed further in Section III, 20 Republicans met to “cast votes” claiming to be an alternate slate of electors for Trump in Pennsylvania, which did not reflect the decision of the state’s voters.<sup>7</sup>
- Mastriano and U.S. Representative Scott Perry (R-PA) assisted in efforts to pressure the U.S. Department of Justice (DOJ) to overturn the 2020 election results. Perry reportedly tried to have Trump loyalist and Assistant Attorney General Jeffrey Clark appointed as attorney general after then-Acting Attorney General Jeffrey Rosen would not pursue Perry and Clark’s idea to send a letter to Georgia lawmakers indicating there was an investigation into voter fraud that could change the 2020 election results when, in fact, the DOJ had already concluded there was no evidence of widespread fraud.<sup>8</sup>
- Mastriano spent thousands of dollars in campaign funds to charter buses to bring Trump supporters to the January 6 rally that preceded the Capitol attack.<sup>9</sup> The Cumberland County Republican Committee also organized buses to transport Trump supporters to the rally, urging them to help “stop the steal!”<sup>10</sup> Other GOP organizations in Beaver, Bradford, Berks, Chester, Clinton, Huntington, Lawrence, Northampton, and Snyder counties also encouraged members to attend.<sup>11</sup>
- A group of state lawmakers advocated for delays in certifying Pennsylvania’s 2020 presidential election results.<sup>12</sup> Notable among the Pennsylvania signatories of the January 4, 2021 letter to Senator Mitch McConnell requesting this delay were President Pro Tempore of the Pennsylvania Senate Jake Corman (R-Bellefonte) and Majority Leader Kim Ward (R-Westmoreland).<sup>13</sup>
- On January 5, 2021, 34 Republican Pennsylvania state legislators (along with Republican legislators from Arizona, Georgia, Michigan, and Wisconsin) signed a letter to Vice President Mike Pence.<sup>14</sup> The letter urged Pence to delay the counting of electoral votes for at least 10 days to allow the state legislatures time to certify or decertify the election.<sup>15</sup>
- The same lies and conspiracy theories that fueled the January 6 attack contributed to threatening and violent messages aimed at election officials, including in Pennsylvania. These threats were launched over email, voicemails, texts, letters, social media, and in-person events, including gathering outside election officials’ homes. They often expressed false claims that the election was stolen.<sup>16</sup>

## II. PENNSYLVANIA ACTORS INVOLVED IN JANUARY 6 ACTIVITIES

*The Washington Post* compiled a [timeline](#) documenting how January 6, 2021 progressed from Trump's "Save America" rally on the White House Ellipse to the breach and attack on the U.S. Capitol. Just Security and Protect Democracy compiled a [primer](#) that organizes and distills the multiprong campaign to overturn the 2020 election results.

- Kathy Barnette (unsuccessful candidate for U.S. Senate): She is a Trump ally who made a late surge in the Republican primary for U.S. Senate. She attended the January 6 rally and was pictured alongside members of the Proud Boys in the mob that marched to the Capitol. She encouraged attendees before the rally, calling it "our 1776 moment" on a conservative radio show.<sup>17</sup>
- Teddy Daniels (unsuccessful candidate for lieutenant governor): He attended the January 6 rally and posted a video on Twitter of a crowd invading the Capitol's east plaza, writing "I'm here" and "God bless our patriots." He later claimed that although he got close to the Capitol, he did not go inside.<sup>18</sup>
- Doug Mastriano (R-Franklin) (Pennsylvania state senator and candidate for governor): *The Philadelphia Inquirer* has compiled a [timeline](#) of Mastriano's involvement in attempts to overturn Trump's 2020 loss in Pennsylvania and WITF public media has compiled the unfounded election allegations Mastriano [made](#) between Election Day and the January 6 attack.
  - Mastriano claimed he left the Capitol area on January 6 when it became clear the rally was not "a peaceful protest," but videos appear to show him on the Capitol lawn and "poised" to walk past police barricades.<sup>19</sup> Mastriano recently won a contentious primary for the Republican nomination to be Pennsylvania governor, earning a late endorsement on May 14, 2022 from Trump.<sup>20</sup> He has also complained about the DOJ's investigation into and prosecution of insurrectionists; Mastriano said that "[l]ast year was a dark year ... I could not believe my country had become such a dark, evil place, with the power being used, the FBI being used, the Department of Justice to oppress innocent civilians."<sup>21</sup>
- Indictments: Over 70 people with Pennsylvania ties have been charged for their involvement in the January 6 attack and their cases have been progressing through the courts.<sup>22</sup>

### III. PENNSYLVANIA'S FRAUDULENT PRESIDENTIAL ELECTORS SLATE

- On December 14, 2020, groups of Republicans in Arizona, Georgia, Nevada, Michigan, New Mexico, Pennsylvania, and Wisconsin signed documents made to look official that represented the signatories as the duly authorized or potential alternate presidential electors for Trump, rejecting the will of the voters in their states.<sup>23</sup> The actions of these fake electors are the possible subject of state and federal criminal probes.<sup>24</sup>
- The following individuals served as fake electors in Pennsylvania:<sup>25</sup> Bill Bachenberg (Lehigh Valley business owner); Lisa Patton (former staffer for Donald Trump for President 2020); Lou Barletta (former congressperson); Charlie Gerow (conservative activist and candidate in primary for governor); Sam DeMarco III (at-large member of Allegheny County Council in Pennsylvania and member of county board of elections); Josephine Ferro (Monroe County Register); Tom Carroll (candidate for district attorney in Northampton County); Ted Christian (Pennsylvania state director for Trump's 2016 campaign); Bernadette Comfort (vice chairwoman for Pennsylvania Republican Party); Chuck Coccodrilli (board member for Pennsylvania Great Frontier PAC); Calvin Tucker (deputy chairman and director of engagement and advancement for Pennsylvania Republican Party); Marcela Diaz-Myers (chairwoman of the PA GOP Hispanic Advisory Council); Kevin Harley (business colleague of Charlie Gerow and former press secretary for former governor Tom Corbett); Leah Hoopes (small business owner and Republican committee member for Bethel Township); Christie DiEsposti (account representative at Pure Water Technology); Ash Khare (active in the Pennsylvania Republican party); Andre McCoy (Director of Government Affairs for a private security firm); Pat Poprik (chair of Bucks County Republican Committee); Andy Reilly (national committee member for Republican Party of Pennsylvania); Suk Smith (owner of firearms training center and martial arts school in Carlisle).

## IV. POST-JANUARY 6 DEVELOPMENTS IN PENNSYLVANIA

Pennsylvania continues to be a hotbed of efforts to undermine nonpartisan election administration and spread disinformation about the 2020 presidential election results.

### a. Prominent Anti-Democracy Visitors' Activities in the State

- Mike Lindell: The MyPillow CEO hosted a “March for Trump” bus tour pushing false narratives of election fraud and stopped in Pennsylvania in December 2020.<sup>26</sup> Lindell also appeared at a campaign rally with Mastriano in March 2022, “where attendees were asked to sign a petition to decertify the result of the 2020 election in Pennsylvania.”<sup>27</sup>
- Cleta Mitchell: She is a Trump ally who has raised unsubstantiated accusations and debunked election fraud claims; Mitchell has visited Pennsylvania to recruit “election conspiracists into an organized cavalry of activists monitoring elections.”<sup>28</sup>

### b. Known January 6 Select Committee Subpoenas to Pennsylvania Actors

The January 6 Select Committee has “issued more than 100 subpoenas to lawmakers, internet and communications companies, Trump White House officials and others” including rally and event organizers.<sup>29</sup> Here are some examples of the Pennsylvania actors that have received subpoenas from the committee.

- Bill Bachenberg (Lehigh Valley business owner): He was the Chair of the Pennsylvania fake electoral college slate.<sup>30</sup> Bachenberg was issued a subpoena by the January 6 Select Committee.<sup>31</sup>
- Doug Mastriano (R-Franklin) (Pennsylvania state senator and candidate for governor): In February 2022, the January 6 Select Committee subpoenaed documents and testimony from the Republican gubernatorial candidate.<sup>32</sup> Mastriano has provided documents to the committee and agreed to participate in an interview.<sup>33</sup>
- Lisa Patton (former staffer for Donald Trump for President 2020): She was the Secretary of the Pennsylvania fake electoral college slate.<sup>34</sup> Patton has been subpoenaed by the January 6 Select Committee.<sup>35</sup>
- Representative Scott Perry (R-PA): Perry has been subpoenaed by the January 6 Select Committee.<sup>36</sup>

### **c. Partisan Election Reviews**

- In June 2021, Mastriano and House Judiciary Committee Chairman Rob Kauffman (R-Franklin) and state Sen. Cris Dush (R-Jefferson) traveled to Arizona to get a firsthand look at the Cyber Ninjas' review of the 2020 election commissioned by Republican lawmakers in Arizona.<sup>37</sup>
- In November 2021, Republicans in the Pennsylvania state Senate signed a contract with Iowa-based Envoy Sage—a company with no election audit experience—to lead its investigation of the 2020 election.<sup>38</sup> Republican lawmakers in the state legislature also issued a subpoena to the secretary of state seeking data and personal information on every Pennsylvania voter, claiming they were “investigating ... allegations” about election fraud.<sup>39</sup> The scope of this election review has been the subject of litigation by Attorney General Josh Shapiro over privacy concerns about the information being requested, among other things.<sup>40</sup>

### **d. Legislation to Change Pennsylvania's Election Laws**

- In June 2021, Governor Tom Wolf vetoed HB 1300, which would have required voter ID and signature match verification, moved registration deadlines, and changed drop box requirements and mail-in ballot procedures.<sup>41</sup> In his veto message, Governor Wolf stated that he believed HB 1300 posed “unacceptable barriers” to voting.<sup>42</sup>
- Since the 2020 presidential election and the January 6 attack, state legislatures across the country have considered a wide range of bills that would increase the risk of election subversion—that the purported outcome of the election does not reflect the choice of the voters. State by state, legislatures have moved to seize power from professional, non-partisan election administrators and to subject the running of elections to partisan influence and disruption. For more information about Pennsylvania's election subversion legislation, please see States United's [2021](#) and [2022](#) report, written and published in collaboration with Protect Democracy and Law Forward.

## e. Partisan Election Reviews

Pennsylvania conducts elections for the positions of judge of elections and inspector of elections —people who supervise polling places and ensure that votes are properly tabulated. The pro-Trump group, Audit the Vote PA, has worked to recruit Election Deniers to run for these positions, which could impact how future elections are administered in the state.<sup>43</sup> Election Deniers are also running for governor in Pennsylvania:<sup>44</sup>

Election Denier Gubernatorial Candidates:

- Doug Mastriano (R): [Election Denier](#)

Election Deniers Who Lost in Gubernatorial Primary:

- Lou Barletta (R)
- Joe Gale (R)
- Charlie Gerow (R)

## **ADDITIONAL RESOURCES FROM THE STATES UNITED DEMOCRACY CENTER**

[Countering Lies about the 2020 Presidential Election](#)

[A Democracy Crisis in the Making 2021](#) and [2022](#) reports

[Guide to Counting Electoral College Votes and The January 6, 2021 Meeting of Congress](#)

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*The States United Democracy Center is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting state officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. For more information, visit [www.statesuniteddemocracy.org](http://www.statesuniteddemocracy.org).*

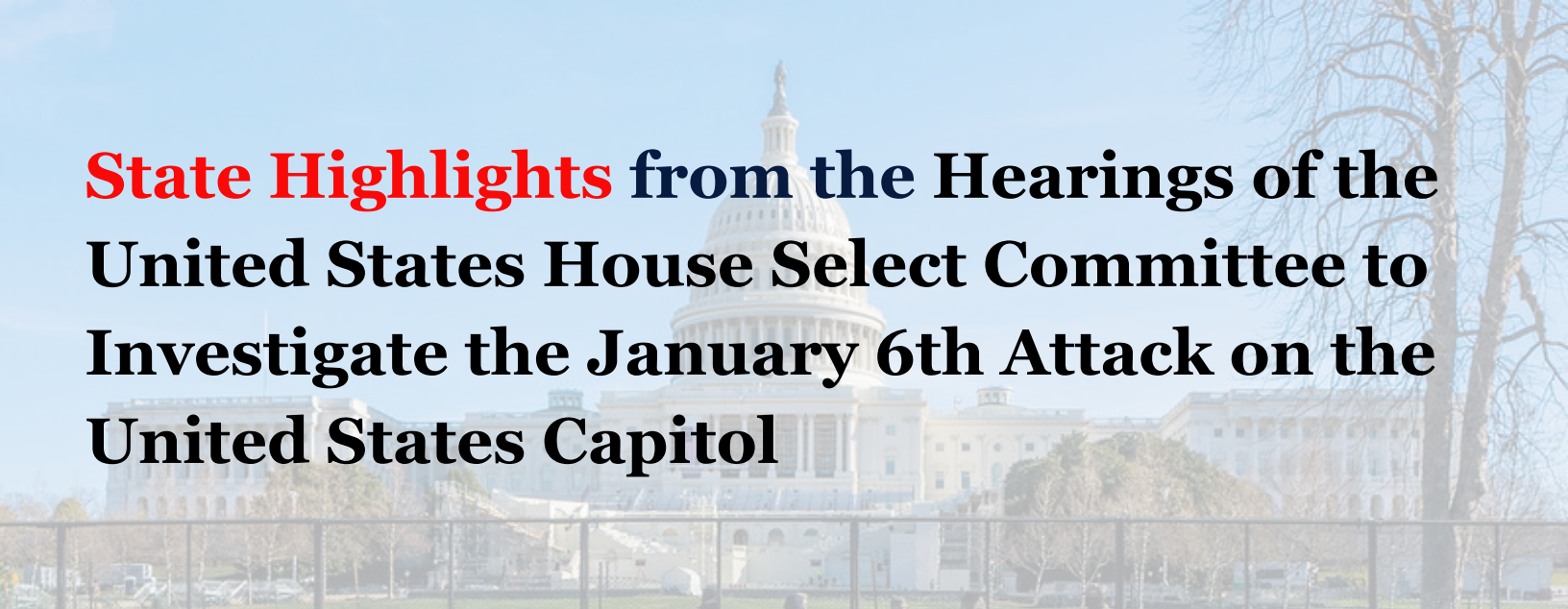
- <sup>1</sup> Wolfman-Arent, A., et al. (2020, November 5). ‘Philly’s got this’: Dueling rallies converge on ballot-counting center. *WHYY*. <https://whyy.org/articles/phillys-got-this-dueling-rallies-converge-on-philly-ballot-counting-center/>; See also Kessler, G. & Rizzo, S. (2020, November 5). President Trump’s false claims of vote fraud: A chronology. *The Washington Post*. <https://www.washingtonpost.com/politics/2020/11/05/president-trumps-false-claims-vote-fraud-chronology/>.
- <sup>2</sup> Hill, C. (2020, November 25). Giuliani tells Pennsylvania legislators they can override popular vote to appoint pro-Trump electors. *Yahoo! News*. <https://www.yahoo.com/video/giuliani-tells-pennsylvania-legislators-they-can-override-popular-vote-to-appoint-pro-trump-electors-010121925.html>.
- <sup>3</sup> Roebuck, J., et al. (2020, November 5). Trump campaign takes its complaints over Pa. election before GOP lawmakers, after string of court losses. *Spotlight PA*. <https://www.spotlightpa.org/news/2020/11/rudy-giuliani-trump-pennsylvania-election-senate-hearing>.
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- <sup>5</sup> Liptak, A. (2020, December 11). Texas files an audacious suit with the Supreme Court challenging the election results. *The New York Times*. <https://www.nytimes.com/2020/12/08/us/politics/texas-files-an-audacious-suit-with-the-supreme-court-challenging-the-election-results.html>.
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- <sup>8</sup> Coston, E. (2022, January 6). The Jan. 6 Capitol riot: A complete guide to what we know about Pennsylvania’s role. *Spotlight PA*. <https://www.spotlightpa.org/news/2022/01/january-6-capitol-riot-pennsylvania-role>; Benner, K., & Edmondson, C. (2021, January 28). Pennsylvania Lawmaker Played Key Role in Trump’s Plot to Oust Acting Attorney General. *The New York Times*. <https://www.nytimes.com/2021/01/23/us/politics/scott-perry-trump-justice-department-election.html>.
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- <sup>10</sup> See note 9.
- <sup>11</sup> See note 9.
- <sup>12</sup> Corasaniti, N., et al. (2022, May 22). How Trump’s 2020 Election Lies Have Gripped State Legislatures. *The New York Times*. <https://www.nytimes.com/interactive/2022/05/22/us/politics/state-legislators-election-denial.html>; WPIX.com News Staff. (2021, January 5). Group of PA lawmakers sends letter to Mitch McConnell asking to delay election certification. *WPIX.com*. <https://www.wpxi.com/news/politics/group-pa-lawmakers-sends-letter-mitch-mcconnell-asking-delay-election-certification/XTZKAVHDRNER5PJXOY4DLA7R7A/>.
- <sup>13</sup> See note 12.



- <sup>14</sup> The Pennsylvania legislators who signed the letter are: Senator Dave Argall, Rep. Aaron Bernstine, Rep. Stephanie Borowicz, Rep. Robert Brooks, Rep. Bud Cook, Rep. Jim Cox, Rep. Eric Davanzo, Rep. Russ Diamond, Senator Cris Dush, Rep. Barbra Gliem, Rep. Mike Jones, Rep. Rob Kauffman, Rep. Dawn Keefer, Rep. Mike Jones, Senator Wayne Langerholc Jr., Rep. David Maloney, Senator Doug Mastriano, Rep. Daryl Metcalfe, Rep. Dan Moul, Rep. Eric Nelson, Senator Kristin Phillips-Hill, Senator Joe Pittman, Rep. Michael Puskaric, Rep. Kathy Rapp, Senator Mike Regan, Rep. Jim Rigby, Rep. Brad Roae, Rep. David Rowe, Rep. Francis Ryan, Rep. Jason Silvis, Rep. Brian Smith, Senator Judy Ward, Senator Kim Ward, and Rep. David Zimmerman; See Letter to Vice President Michael R. Pence. (2021, Jan. 5). *The Wisconsin Examiner*. <https://wisconsinexaminer.com/wpcontent/uploads/2021/01/Letter-to-Pence-1.pdf>.
- <sup>15</sup> See note 14; Timm, C. (2021, Jan. 5). Fact check: No, Pence can't overturn the election results. *NBC News*. <https://www.nbcnews.com/politics/donald-trump/fact-check-no-pence-can-t-overturn-election-results-n1252869>.
- <sup>16</sup> Eisler, P., et al. (2021, December 30). Anatomy of a death threat. *Reuters*. <https://graphics.reuters.com/USA-ELECTION/THREATS/mopanwmlkva/>.
- <sup>17</sup> Vaillancourt, W. (2022, May 16). Surging Pennsylvania Senate Candidate Said She Was Leading Buses to Capitol on Jan. 6 for 'Our 1776 Moment.' *Rolling Stone*. [https://www.rollingstone.com/politics/politics-news/kathy-barnette-pennsylvania-senate-jan-6-mob-1353896/?sub\\_action=logged\\_in](https://www.rollingstone.com/politics/politics-news/kathy-barnette-pennsylvania-senate-jan-6-mob-1353896/?sub_action=logged_in); Kacynski, A., & Steck, E. (2022, May 16). Barnette said she was leading buses to DC for 'our 1776 moment' on January 6, 2021. *CNN*. <https://www.cnn.com/2022/05/16/politics/kathy-barnette-1776-moment-january-6-kfile/index.html>.
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- <sup>20</sup> Otterbein, H., & Montellaro, Z. (2022, May 16). GOP blame game erupts in Pennsylvania governor's race, *Politico*. <https://www.politico.com/news/2022/05/16/gop-pennsylvania-primary-doug-mastriano-00032910>.
- <sup>21</sup> Brennan, C., & Seidman, A. (2022, May 17). Mastriano's Election Denialism. *The Philadelphia Inquirer*. <https://www.inquirer.com/politics/pennsylvania/inq2/doug-mastriano-pennsylvania-2020-election-denial-timeline-20220609.html>.
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- <sup>23</sup> American Oversight Obtains Seven Phony Certificates of Pro-Trump Electors. (2021, March 2). *American Oversight*. <https://www.americanoversight.org/american-oversight-obtains-seven-phony-certificates-of-pro-trump-electors>; Sherman, A. (2022, January 28). What you need to know about the fake Trump electors. *PolitiFact*. <https://www.politifact.com/article/2022/jan/28/what-you-need-know-about-fake-trump-electors/>.

- <sup>24</sup> Feuer, A., et al. (2022, March 25). Intensifying Inquiry Into Alternate Electors Focuses on Trump Lawyers. *The New York Times*. <https://www.nytimes.com/2022/05/25/us/politics/pro-trump-lawyers-elector-scheme.html>; Polantz, K., & Reid, P. (2022, March 25). DOJ probe of fake elector plot seeks information about Trump's top lawyers and advisers. *CNN*. <https://www.cnn.com/2022/05/25/politics/justice-department-fake-elector-plot-trump-lawyers-advisers/index.html>; Boucher, D. (2022, January 19). Nessel: Fake GOP electors committed crimes, hopes feds prosecute 'conspiracy.' *Detroit Free Press*. <https://www.freep.com/story/news/politics/2022/01/18/nessel-gop-electors-crimes-lansing-michigan/6563387001/>.
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- <sup>26</sup> Schwartz, B. (2021, December 16). MyPillow CEO Mike Lindell says he spent \$25 million to push false pro-Trump election claims: 'I will spend whatever it takes.' *CNBC*. <https://www.cnbc.com/2021/12/16/mypillow-ceo-mike-lindell-spent-25-million-to-push-false-pro-trump-election-claims.html>.
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- <sup>30</sup> Lehigh Valley business owner subpoenaed in Jan. 6 probe (2022, January 29). *Lehigh Valley Live*. <https://www.lehighvalleylive.com/elections/2022/01/lehigh-valley-business-owner-subpoenaed-in-jan-6-probe.html>.
- <sup>31</sup> See note 30; Reinhard, J. (2022, February 2). Lehigh Valley business owner subpoenaed by January 6th Committee. *WFMZ-TV 69 News*. [https://www.wfmz.com/news/lehigh-valley-business-owner-subpoenaed-by-january-6th-committee/article\\_163a2020-8155-11ec-8daf-6f809022e202.html](https://www.wfmz.com/news/lehigh-valley-business-owner-subpoenaed-by-january-6th-committee/article_163a2020-8155-11ec-8daf-6f809022e202.html).
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- <sup>34</sup> Adams, A. (2022, January 28). Jan. 6 Committee Subpoenas 2 Fake Trump Electors From Pennsylvania. *Keystone*. <https://keystonenewsroom.com/story/jan-6-committee-subpoenas-2-fake-trump-electors-from-pennsylvania>; Lehigh Valley business owner subpoenaed in Jan. 6 probe (2022, January 29). *Lehigh Valley Live*. <https://www.lehighvalleylive.com/elections/2022/01/lehigh-valley-business-owner-subpoenaed-in-jan-6-probe.html>.

- <sup>35</sup> Schnell, M. and Beals, M. (2022, February 5). These people have been subpoenaed by the Jan. 6 panel. *The Hill*. <https://thehill.com/policy/national-security/592861-these-people-have-been-subpoenaed-by-the-jan-6-panel>.
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# **State Highlights** from the Hearings of the United States House Select Committee to Investigate the January 6th Attack on the United States Capitol

## **Background:**

In June and July, the United States House Select Committee to Investigate the January 6th Attack on the United States Capitol (January 6 Select Committee) held eight public hearings that revealed new information regarding the coordinated efforts of then-President Donald Trump and his allies to overturn the results of the 2020 presidential election.

The January 6 Select Committee hearings focused on a variety of topics relevant to the January 6 attack on the Capitol: the conduct and actions of Trump and his outside advisors, campaign staff, and White House staff in the days leading up to and on January 6, 2021; the pressure campaign on federal, state, and local officials to challenge and change the official election results; and the roles of militias and white nationalist groups in the January 6 attack.

The January 6 Select Committee presented testimony from live witnesses, excerpts from recorded Committee depositions, interviews with the Committee's investigators and attorneys, and video clips from public events, as well as excerpts from documents, phone logs, official records, and text messages that the Committee obtained in the course of its investigation.

The States United Democracy Center [released](#) in June 2022 a series of five state-by-state guides to the January 6 attack highlighting activities that sought to undermine the free, fair, and secure 2020 presidential election. The following summaries highlight the evidence presented at the January 6 Select Committee hearings regarding the efforts to undermine the electoral outcomes in Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin.

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## IV. PENNSYLVANIA

The States United Democracy Center's [Pennsylvania January 6 Spotlight](#) outlines the events in the state leading up to the January 6 attack, participation by Pennsylvania actors in related events and the attack itself, efforts in Pennsylvania to discredit or reverse the outcome of the presidential election, and subsequent post-January 6 events. The following is a summary of the evidence presented at the January 6 Select Committee hearings related to Pennsylvania, including the June 21, 2022 testimony from the former City Commissioner for the city of Philadelphia Al Schmidt.

- **Promoting election fraud claims:**

- The January 6 Select Committee played deposition testimony from Attorney General William Barr in which Barr recounted Trump's repeated and sustained promotion of the allegation that there were more votes cast than voters in Philadelphia.<sup>85</sup> But as Barr explained, "The turnout in Philadelphia was in line with the state's turnout" and "there was nothing strange about the Philadelphia turnout."<sup>86</sup> Barr acknowledged the simple fact that "Trump ran weaker than the Republican ticket generally."<sup>87</sup>
- Trump and his allies also alleged that dead people voted in Pennsylvania.<sup>88</sup> The January 6 Select Committee revealed how Giuliani and other Trump allies held a briefing for Pennsylvania legislators<sup>89</sup> where Giuliani said: "I guess the crooks in Philadelphia are disappointed in this. They only submitted 8,021 ballots from dead people—mail in ballots for dead people. Probably easier for dead people to submit mail in ballots than it is to vote in person."<sup>90</sup>
- Al Schmidt, a Republican member of Philadelphia's three-member city commission during the 2020 presidential election, testified at the January 6 Select Committee hearings that he investigated Trump's and his allies' claims of voter fraud and concluded that "[n]ot only was there not evidence of 8,000 dead voters voting in Pennsylvania, there wasn't evidence of eight."<sup>91</sup>

- **Pressure campaign to overturn Pennsylvania's presidential election results:**

- The January 6 Select Committee presented evidence from the National Archives showing that U.S. Representative Scott Perry (R-PA) was one of the members of Congress that met with Trump about the election results on December 21, 2020.<sup>92</sup> The Committee also revealed records detailing how the next day, Perry introduced Trump to Jeffrey Clark, then-Acting Assistant Attorney General for the Civil Division in the Justice Department.<sup>93</sup>

- That meeting was “strictly against White House policy,”<sup>94</sup> which as former Acting Attorney General Jeffrey Rosen testified, limits who at the Justice Department can speak with White House officials, especially to prevent inappropriate communications around criminal matters.<sup>95</sup>
- Cassidy Hutchinson, a former aide to Trump’s Chief of Staff Mark Meadows, testified at the hearings that Perry was pushing for Clark “to take over the Department of Justice.”<sup>96</sup> And Perry’s push for Clark stemmed from Clark’s belief that there had been voter fraud in the 2020 presidential election.<sup>97</sup> Richard Donoghue, the then-Acting United States Deputy Attorney General, testified that Clark “repeatedly said to [Trump]” that “he would conduct real investigations that would ... uncover widespread fraud.”<sup>98</sup>
- The January 6 Select Committee revealed the contents of December 26, 2020 text messages between Perry and Meadows, where Perry “requested that Mr. Clark be elevated within the department” and instructed Meadows that he “should call” Clark.”<sup>99</sup>
- The next day, Perry called Donoghue.<sup>100</sup> Donoghue testified at the January 6 Select Committee hearings that Perry called him to talk about allegations that the Pennsylvania secretary of state “had certified more votes than were actually cast.”<sup>101</sup> Perry sent Donoghue a report on these allegations.<sup>102</sup>
- Donoghue testified that he sent these allegations to federal prosecutors who investigated and determined that the secretary of state “had not certified more votes than were actually cast.”<sup>103</sup> Instead, the initial temporary discrepancy between the number of votes that were certified and the number on a public website stemmed from delays in four counties uploading their election data.<sup>104</sup>
- The January 6 Select Committee revealed the contents of additional texts Perry sent Meadows on December 31, 2020, linking to a video suggesting that an Italian defense contractor’s satellite had switched votes from Trump to Biden; Perry’s message to Meadows asked, “Why can’t we just work with the Italian government?”<sup>105</sup>
- Rosen testified that Meadows then called Rosen asking him to investigate this Italy claim and meet with the video’s creator, but Rosen refused and called this claim “debunked.”<sup>106</sup> Meadows called Rosen back a few minutes later to let him know the video’s creator was working with Giuliani.<sup>107</sup>
- Donoghue testified that on the same day, he received a follow-up call about the Italy claim from Department of Defense official Kash Patel, who was working for the Acting Secretary of Defense Chris Miller.<sup>108</sup> During this call, Donoghue made clear that the Justice Department was not going to be pursuing the Italian claim further.<sup>109</sup> The January 6 Select Committee confirmed that Miller later placed a call to an attaché in Italy to investigate this claim.<sup>110</sup>

- Hutchinson testified at the hearings that Perry talked with her directly and that he asked for a presidential pardon.<sup>111</sup> Perry's phone was also seized by the Federal Bureau of Investigation as part of their investigation into election misconduct.<sup>112</sup>

- **Protests and threats towards state officials:**

- Schmidt testified about the aftermath of Trump's personal attacks on him, which originated with a tweet from Trump: "A guy named Al Schmidt, a Philadelphia commissioner and so-called Republican or 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>113</sup>
- Schmidt testified that, although he had received various threats around the time of the election, "[a]fter the President tweeted at me by name ... 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."<sup>114</sup>
- The January 6 Select Committee revealed that Pennsylvania House Speaker Bryan Cutler (R-Lancaster) received "daily voicemails from Trump's lawyers in the last week of November," including from Giuliani and Ellis.<sup>115</sup> Cutler reported that he "felt that the outreach was inappropriate and asked his lawyers to tell Rudy Giuliani to stop calling. But Giuliani continued to reach out."<sup>116</sup>

<sup>85</sup> June 13, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Testimony of William Barr), <https://www.npr.org/2022/06/13/1104690690/heres-every-word-of-the-second-jan-6-committee-hearing-on-its-investigation>. See also Inskip, S. (2022, January 12). Read NPR's full interview with former President Trump. *National Public Radio*.

<https://www.npr.org/2022/01/12/1072176709/transcript-full-npr-interview-former-president-donald-trump>.

<sup>86</sup> See note 85.

<sup>87</sup> See note 85.

<sup>88</sup> June 13, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Statement of Zoe Lofgren [Video played during statement]),

<https://www.npr.org/2022/06/13/1104690690/heres-every-word-of-the-second-jan-6-committee-hearing-on-its-investigation>.

<sup>89</sup> June 13, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Statement of Zoe Lofgren), <https://www.npr.org/2022/06/13/1104690690/heres-every-word-of-the-second-jan-6-committee-hearing-on-its-investigation>. See also Inskip, S. (2022, January 12). Read NPR's full interview with former President Trump. *National Public Radio*.

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<sup>90</sup> June 13, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Statement of Zoe Lofgren [Video played during statement]),

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<sup>91</sup> June 13, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Testimony of Al Schmidt), <https://www.npr.org/2022/06/13/1104690690/heres-every-word-of-the-second-jan-6-committee-hearing-on-its-investigation>.

<sup>92</sup> June 23, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Statement of Adam Kinzinger), <https://www.npr.org/2022/06/23/1106700800/jan-6-committee-hearing-transcript>.

<sup>93</sup> See note 92. See also Benner, K., & Edmondson, C. (2021, January 29). Pennsylvania Lawmaker Played Key Role in Trump's Plot to Oust Acting Attorney General. *The New York Times*.

<https://www.nytimes.com/2021/01/23/us/politics/scott-perry-trump-justice-department-election.html>.

<sup>94</sup> See note 92.

<sup>95</sup> June 23, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Testimony of Jeffrey A. Rosen), <https://www.npr.org/2022/06/23/1106700800/jan-6-committee-hearing-transcript>. See also June 23, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Testimony of Steven Engel),

<https://www.npr.org/2022/06/23/1106700800/jan-6-committee-hearing-transcript>.

<sup>96</sup> See note 31.

<sup>97</sup> See note 47.

<sup>98</sup> See note 47.

<sup>99</sup> See note 92



100 See note 92.

101 See note 47.

102 See note 47.

103 See note 47.

104 See note 47.

105 See note 92.

106 See note 47.

107 See note 47.

108 See note 47.

109 See note 47.

110 See note 47.

111 See note 31.

112 A. Feuer, L. Broadwater & K. Benner. (2022, Aug. 10). Seizure of Congressman's Phone Is Latest Sign of Escalating Election. *The New York Times*. <https://www.nytimes.com/2022/08/10/us/politics/scott-perry-phone-fbi.html>.

113 June 13, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Statement of Zoe Lofgren), <https://www.npr.org/2022/06/13/1104690690/heres-every-word-of-the-second-jan-6-committee-hearing-on-its-investigation>.

114 See note 91.

115 June 21, 2022 Hearing: U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2022) (Testimony of Josh Roselman [Video played during statement]), <https://www.npr.org/2022/06/21/1105848096/jan-6-committee-hearing-transcript>.

116 See note 115.