

# The Art of the Lie

## ABSTRACT

In the 2020 United States presidential election, Donald Trump, along with his colleagues, disseminated disinformation about Democrats committing voter fraud to win the election, sowing doubt in the electoral process. Despite this, Donald Trump lost the election, causing him to search various avenues to hold on to power. While ramping up voter fraud misinformation, he sought private legal assistance through Kenneth Chesebro and John Eastman to devise what is known as the false elector scheme. The scheme involved sending "alternate" slates of electors to Congress and having Vice President Mike Pence count them for Donald Trump to "break" the Electoral Count Act or send the election to the House delegation to resolve the two slates of electors, which were predominantly Republican. Upon being asked to assist in the false elector scheme, Mike Pence declined, following the advice from his White House legal counsel, prompting Trump to pressure Pence and other Republican lawmakers through social media posts and speeches. Aiding in the pressure and bolstering the false elector scheme, Trump organized a "big" rally on January 6th in front of the White House, furthering his false claims of voter fraud. He would pressure Mike Pence to do "the right thing," continuing with, "We fight like hell. And if you don't fight like hell, you're not going to have a country anymore," finally ending the speech by preaching to his supporters to "walk down Pennsylvania Avenue ... going to the Capitol." Following Trump's orders, many of his supporters and other right-wing groups, including the Proud Boys and Oath Keepers, attempted to execute their plans to change the outcome of the election, along with provocateurs such as Alex Jones, leading marches of their own. Once at the Capitol, protesters quickly became violent and broke down barriers, windows,

and doors to get inside the building where lawmakers were actively certifying the election, forcing them to evacuate temporarily, pausing the count for the first time in American history. During the entire riot, Donald Trump watched the riots unfold for hours within the White House on television, taking no action, even when those around him were telling him to do so. Only 176 minutes after the first hearing of the riots, Donald Trump released a video calling for the rioters to leave, allowing Congress to resume and certify Democrat Joe Biden as the rightful 46th President of the United States.

## **INTRODUCTION**

### **Lying: Years in the Life of Fraud claims**

The incumbent President, Donald Trump, before Election Day of the 2020 presidential election, began to sow the seeds of doubt about election integrity, so if he lost, he could claim fraud.

These claims follow a history of falsehoods promoted by Donald Trump in previous elections. In the 2012 presidential election, Trump implied Mitt Romney was the true winner, alleging that the election was a "total sham and travesty," going as far as to say that China and Saudi Arabia affected the outcome. Similarly, in the 2016 presidential election, claiming his close primary election with Ted Cruz was stolen from him, all voting machines in Utah were malfunctioning, and millions of people voted illegally in the general election against Hillary Clinton, despite him winning the Electoral College. Upon being sworn in as President of the United States, Trump would establish a committee to investigate "vulnerabilities in voting systems and practices used for Federal elections." The committee would be terminated seven months later due to finding no major evidence of fraud.

Going into the 2020 election, he would begin to target mail-in ballots. This was because of increased usage as a result of the COVID-19 pandemic, and due to Democrats being more worried about contracting the virus than Republicans, this granted Trump an opportune scapegoat, despite insufficient reasons to believe that the upcoming mail-in ballots were going to be compromised. Days before Election Day, close allies of Trump, such as Steve Bannon and Roger Stone, and opponents, such as Bernie Sanders, anticipated he would claim victory before all the ballots were counted. These predictions all had one thing in common: he would cause chaos by declaring victory and frame still-to-be-counted mail-in ballots as fraudulent votes, attempting to overturn his rightful election win. Shortly after November 3rd at 11:20 p.m., when Fox News called Arizona for Joe Biden, these predictions became correct, and on November 4th at 2:00 a.m., Donald Trump promptly organized a quick public meeting where he mentioned "I heard they were going to send out tens of millions of ballots", implying voter fraud from Democrats, and ending his speech asserting, "Frankly, we did win this election. We did win this election."

This would be the beginning of what is now dubbed the "Big Lie," a term originating from Mein Kampf, where Hitler detailed how people could be tricked into believing a lie so immense the people would not believe someone "could have the impudence to distort the truth so infamously." One of the first big false claims making the rounds would be the mysterious suitcase of ballots in Georgia. OAN, a far-right disinformation outlet, together with Donald Trump, propagated a misleading video created by Rudy Giuliani depicting poll workers pulling out an unknown suitcase of fake ballots that would be counted for Joe Biden. This claim was refuted by Republican Gabriel Sterling, the Chief Operating Officer in the Office of the Georgia Secretary

of State, stating "No magically-appearing ballots," joining that statement with, "These were ballots that were processed in front of the monitors, processed in front of the monitors and placed there in front of the monitors." Investigations by the Georgia Secretary of State themselves failed to verify this claim. Rudy Giuliani, years later, would go on to lose a defamation suit against the poll workers he accused of stealing the election and admitted to lying, and lose his law license in New York because of it. Sometimes this particular claim is made in tandem with the idea that a water leak within the same building gave the poll workers time to count fraudulent ballots for Biden, despite the water leak being resolved several hours before counting even began.

Many false allegations around the election are simply due to the lack of understanding of election laws. One such occasion was when ballots were being rescanned, with many believing they were being counted multiple times, specifically for Biden. However, the rescans are typically done when a ballot fails to be registered by the scanners; such rescans do not get officially counted. Another case involved a blurry video of a man placing multiple ballots inside a ballot box, engaging in the practice dubbed "ballot harvesting" by critics of the practice and those predominantly on the Right, claiming they were "voting" multiple times. Again, however, this is a misunderstanding of election law, because in most states, a voter may elect to give their ballot to another person in specific cases to deliver it on their behalf. One last example of misunderstanding election laws was when a user online called out that ballots do not have serial numbers, implying that a ballot was counted multiple times. This ignores a crucial part of voting, which is anonymity. All voters have a right to anonymity, causing ballots to be untraceable to the

original voter. It is important to note that the envelopes in which the ballots are mailed have unique serial numbers separate from the ballot itself to help ensure privacy.

### **Memos and Pressure: The Elements of the Fraud**

After it became evident that Donald Trump was losing the election, he initiated multiple avenues to hold on to power. He first directed his Attorney General, William Barr, breaking norms, to use the Department of Justice to investigate allegations across the country of election fraud. While the Department of Justice was investigating these claims, Rudy Giuliani and Sidney Powell continued to amplify lies about election integrity on national television by claiming massive fraud, despite these allegations never being confirmed by the Department of Justice or any state agencies, with the Department of Homeland Security going as far to say that "the November 3rd election was the most secure in American history." If fraudulent or incorrect votes were found, they would not be enough to affect any election outcomes.

Halfway through November, Barr would begin to "collect" his thoughts to form a public statement addressing various claims and what the Department of Justice has been seeing. The result would be William Barr participating in an interview with the Associated Press, explaining that "we have not seen fraud on a scale that could have affected a different outcome in the election." Upon returning to the White House later that day, a heated argument erupted between him and Donald Trump, where he claimed that Barr hated him. Barr would attempt to debunk the allegations thrown at him to no avail, with Barr offering to resign due to Trump's apparent dissatisfaction. Trump responded by slamming his desk in frustration and replied with "Accepted," when Barr leaving right after. Barr's formal resignation on December 14th, when

Trump still attempted to change his mind until the very last moment they communicated with each other.

On December 7th, during a podcast, a Trump supporter and attorney, Ivan Raiklin, would coin the legal belief that the Vice President, Mike Pence, could affect the election outcome. Upon hearing of this idea, Mike Pence contacted his White House legal counsel, Gregory Jacob, who informed Pence that "there is no justifiable basis to conclude that the Vice President has that kind of authority." Around the same time, Donald Trump hired additional private lawyers, such as Kenneth Chesebro and John Eastman, to aid him in his endeavors. Chesebro began to write the first memos to what is now known as the false elector scheme, sketching out the "logistics" of the plan and reminding Trump about "messaging that presents this as a routine measure" to avoid suspicion. He further details that the "alternate slates of electors" needed to be signed and sent to Congress by December 14th so Mike Pence would count them for Donald Trump. Bolstering the plan, he would craft a dubious legal theory arguing that the Electoral Count Act, passed in 1887, outlining how Congress counts the Electoral votes on January 6th, is unconstitutional and violates the Twelfth amendment of the United States Constitution by restricting the Vice President's power to count the votes for President. This is despite the amendment never directly stating that the Vice President has such a power, since it only directs them to count the opened votes. John Eastman wrote the final few memos, detailing how the plan would work on January 6th, "war gaming" the possible outcomes that could result from the plan, asserting that Mike Pence is the "ultimate arbiter" for determining the Electoral vote outcome. Repeating the false claims from Donald Trump, he would end the memos by asserting that "this Election was Stolen by a strategic Democrat plan to systematically flout existing election laws for partisan

advantage." To begin the plan, on December 14th, fraudulent electors gathered in several swing states by Trump's legal team to sign and mail the false slates of electors to Congress, the National Archives and Records Administration, and others, planning to clash with the legal slates of electors to cause chaos on January 6th in Congress. When Mike Pence was asked to assist in the false elector scheme, he declined, following his previous advice from his White House legal counsel, Gregory Jacob.

Mike Pence's denial prompted Donald Trump to put pressure on Pence and other Republican lawmakers, implying on various social media posts that Republicans who did not spread or approve of his lies about the election would lose their re-elections in the future. Furthermore, to help bolster the false elector scheme, he announced a rally on social media with a document of alleged voter fraud with the caption: "A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will [sic] be wild!" For the next few weeks, he would call various Republicans in state governments to affect or change the outcomes of the elections in their states, including two GOP canvassers in Michigan, an investigator with the Georgia Secretary of State, Frances Watson, and the Republican Georgia Secretary of State, Brad Raffensperger. In the Raffensperger phone call on January 3rd, Donald Trump would directly ask him "to find, uh, 11,780 votes, which is one more than we have, because we won the state," despite Raffensperger debunking every claim he made about the election in Georgia. Later that same day, Donald Trump would hold a several-hour meeting in the Oval Office at 6:15 p.m. with various White House staff and administration within the Department of Justice. The purpose of the meeting was to appoint Jeff Clark as Acting Attorney General, replacing Jeff Rosen, so that the Department of Justice would release a letter to the

states claiming to have done "real" investigations to "uncover widespread fraud." Those within the room not only despised this decision but threatened to "resign immediately" if Trump were to do this. Trump would ultimately not appoint Jeff Clark as the Acting Attorney General, likely due to the potential "blowout" it would cause.

The day before January 6th, Donald Trump would have a 30-second conversation with Acting Secretary of Defense Christopher C. Miller, asking that "they were going to need 10,000 troops the following day," with "they" referring to law enforcement, public security, and public safety. Christopher C. Miller, however, interpreted this as "presidential banter," and due to prior information about "domestic law enforcement" being able to "handle much -- you know, a million people," this resulted in no action to prepare troops for January 6th. At 1:00 a.m. on January 6th, the day of the rally, Trump posted that if Mike Pence "comes through for us, we will win the Presidency."

### **“Stand Back and Stand By”**

On November 5th, with more mail-in ballots coming in, likely in favor of Joe Biden, potentially leading him to win the 2020 United States presidential election, leader of the Oath Keepers Joe Biggs would post on Parler that "It's time for fucking War if they steal this shit." The next day, the leader of the Proud Boys, Enrique Tarrio, posted on Parler, saying, "The media constantly accuses us of wanting to start a civil war. Careful what the fuck you ask for we don't want to start one...but we will sure as fuck finish one." Both leaders and their respective members continued to post more aggressive rhetoric on their social media accounts over the next few weeks. A few weeks later, the Proud Boys, along with Roger Stone, were seen the night before



the "Stop The Steal" rally in Washington, D.C. on December 11th. Roger Stone gave a speech during the night, stating, "They tell us this election is over. Nothing is over till we say it is."

On December 20th, Enrique Tarrío created an encrypted group chat dubbed the MOSD, standing for "Ministry of Self Defense," and six days later, he would open a new chapter on the Proud Boys with the same name, further creating another encrypted group chat dubbed "MODS Prospect Group." The purpose of these group chats was to organize and strategize a plan to oppose and stop the peaceful transfer of power from Donald Trump to Joe Biden on January 6th. On December 30th, Enrique Tarrío held a video call with members of the MOSD to help accomplish this. The call emphasized who could join and could not join the plan, such as saying "Fit in or fuck off," and echoing a previous message from the day prior saying, "We will not be wearing our traditional Black and Yellow. We will be incognito, and we will be spread across downtown DC in smaller teams. And who knows . . . we might dress in all BLACK for the occasion." The following day, Enrique Tarrío would communicate with an unknown person, likely his romantic interest Erika Gemma Flores, who also goes as "Eryka," who drafted a nine-page document titled "1776 Returns," with a plan to occupy "crucial buildings" in Washington D.C., including the Capitol, with as "many people as possible" to "show our politicians We the People are in charge."

Getting closer to January 6th, Enrique Tarrío started organizing who and how exactly the Proud Boys would enact their plan. On December 31st, Tarrío created a poll asking who would be at the Capitol on January 6th, with at least 44 members saying yes. A couple of days later, Tarrío sent a photo to Ethan Nordean, a high-ranking Proud Boy, his debit card to help him afford the

flight to Washington, D.C. On January 4th, Enrique Tarrío was arrested for destruction of property and possession of two large capacity magazines in D.C. Superior Court, where he would be released the following day. Due to Tarrío's arrest, Proud Boys would attempt to delete the MOSD group chat and create a new one for fear of investigation by authorities. When Enrique Tarrío was released, he was told to leave D.C. immediately, but instead of leaving, the night before January 6th, the Proud Boys and Oath Keepers, along with Roger Stone, would meet up in Washington, D.C., presumably to enact their plans at the Capitol. Around the same time, Enrique Tarrío then traveled to Baltimore, Maryland, where he later watched the plan unfold live the next day.

### **The Capitol: The Insurrection Location**

On the morning of January 6th, Trump supporters gathered at the Ellipse in front of the White House for Trump's "big" rally. Some of the rally's speakers included those involved with the false elector scheme, like John Eastman, touting evidence of widespread voter fraud and government corruption. Rudy Giuliani proposed a "trial by combat" without elaborating on how that would affect the outcome of the election of Donald Trump. The final speaker would be none other than Donald Trump himself, emphasizing that not only was the "election victory stolen by emboldened radical-left Democrats," but asserting that "we will never give up, we will never concede" and calling for his supporters to march down to the Capitol, saying he believes they will do so "peacefully and patriotically," while never actually clarifying them directly to be peaceful themselves. This would be the only time he mentioned or said "peace." Despite this, he called for them to fight numerous times, which normally would be standard political talk, but when combined with a message that every other peaceful way has been exhausted, that will lead to the only option left being violence. At the end of his speech, he would affirm the crowd, "...

we fight. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore."

While the rally was going on, around 100 Proud Boys gathered at 10:00 a.m. and marched down to the Capitol, beginning their plans from the "1776 Returns" plan. The members carried walkie-talkie communication devices and were not wearing the traditional Proud Boys black and yellow, as mentioned in previous messages. At noon, Charles Donohoe sent an encrypted message on a different group chat, saying, "WE ARE WITH 200-300 PBS." One hour later, Ethan Nordean, Joe Biggs, and Zachary Rehl led the First Street pedestrian entrance near the Peace Monument, secured by only a few USCP officers behind metal barriers. These barriers would then be immediately breached by Ethan Nordean, Joe Biggs, Zachary Rehl, Charles Donohoe, and Dominic Pezzola, along with other rioters, following their charge for the Capitol building. Joe Biggs recorded himself toward the Capitol with the rioters, saying, "Dude, we're right in front of the Capitol right now. American citizens are storming the Capitoltaking [sic] it back right now. There's millions of people out here; this is fucking crazy. Oh my God! This is such history! This is insane. We've gone through every barricade thus far. Fuck you!"

Following the rally, Trump's supporters did exactly what he told them and marched down to the Capitol, with Alex Jones leading some of his own. Donald Trump was then escorted to "The Beast," or the presidential state car, driving him back to the White House. Despite Trump's pleas to the Secret Service that he wanted to go to the Capitol to cheer on his supporters, the Secret Service denied his requests by replying that they did not have the perimeter secured for the President and that weapons were identified among his supporters. Although there were multiple

different accounts for exactly how the events unfolded within the presidential state car, it was clear that Trump was upset with being restricted from attending the protests at the Capitol. Trump's call to action and the presumptive actions were unexpected by both the intelligence community and Congress which assumed that January 6th would be like any other ordinary certification, demonstrated by the lack of preparations for the riot. At the Capitol, protesters would quickly become violent, with many forcing entry into restricted property and injuring USCP officers in the process, with the first breach beginning with the Oath Keepers around 1:00 p.m. As soon as Donald Trump heard the news of the beginning violence at the Capitol, exactly twenty-one minutes later, from a White House staffer, he would say "All right, let's go see," where he would end up watching the events of the Capitol riot on Fox News and various other news channels. Seventy minutes later, a member of the Proud Boys, Dominic Pezzola, bashed a Capitol window open with a stolen riot shield and entered, with other rioters following inside, resulting in the first breach of the building itself. Members of Congress quickly called an end to their session and were evacuated to unknown locations to avoid potential violence from the rioters.

Up to this point, Donald Trump has not taken any action to reduce or stop the ongoing violence, despite watching the events unfold live and having the power to do so as the Commander-in-Chief of the military. As usual, he posted various social media messages, initially posting a recording of his rally. Well into the violence, however, and being notified of the ongoing violence at the Capitol for at least an hour up to this point, posted the first message after the rally saying, "Mike Pence didn't have the courage to do what should have been done to protect our Country and our Constitution [sic], giving States a chance to certify a corrected set of facts, not

the fraudulent or inaccurate ones which they were asked to previously certify." His supporters at the Capitol in response began calling Mike Pence a "traitor," even going as far as to chant, "Hang Mike Pence." The riot quickly became more chaotic, causing Trump's aides to plead with him even further to take any action or call for an end to the violence, but Donald Trump refused to do so. It would take over twenty minutes for Trump to be convinced to post another message on social media respecting law enforcement, with his daughter, Ivanka Trump, requesting he add the words "Stay peaceful!" Donald Trump, like previous requests, initially refused to do so, however, after continued pressure from his daughter and other White House employees, he eventually conceded and posted the message with the appended statement. Despite this call for peace, his supporters did not stop their violence at the Capitol; they continued to navigate around the Capitol, with some attempting to find noteworthy Democrats in Congress, such as Nancy Pelosi, to attack or kill them.

For another two hours, Donald Trump continued to take no direct action to stop or quell the violence at the Capitol riot, with him only posting another message with more emphasis on peace, doing little to nothing. Throughout Trump's inaction, his Chief of Staff, Mark Meadows, received loads of text messages from Republican lawmakers and conservative figures calling for Donald Trump to take more action to stop the violence unfolding, such as Marjorie Taylor Greene, Laura Ingraham, Donald Trump, Jr., and Sean Hannity, with Meadows sending quick replies to each suggesting that he's trying to get Trump to do something. Because Trump was not taking any military action, the responsibility was left to the Secretary of Defense and the Army. The problem was that the secretaries had poor communication not only between themselves but also with local law enforcement, causing the immediate deployment of the army to be postponed

for hours longer than needed. Again, as Commander-in-Chief of the military and President of the United States, Donald Trump could have prevented the bureaucratic delays and deployed them right as the violence began, but instead chose to keep his supporters there.

176 minutes after being notified of the Capitol riot, Donald Trump finally released a video calling for his supporters to go home, despite continuing the lies about voter fraud and describing his supporters as "special." Two hours later, he would post a message saying that the events that unfolded at the Capitol are what happens "when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long," implying that this was a punishment of some sorts. His supporters ended up winding down the violence, and with the army finally arriving hours late, cleared the Capitol at 6:00 p.m. An hour before Congress resumed the counting of the electoral votes, as a last-ditch attempt to change the outcome of the election, Rudy Giuliani attempted to call Senator Tuberville, requesting him to stall the counting process and push it to another day. Nevertheless, Congress resumed their session and counted the electoral votes for Joe Biden, leading Biden to become the 46th President of the United States.

## **CONCLUSION**

Throughout his political career, Donald Trump has been committed to undermining the electoral system within the United States. From the 2012 presidential election with Chinese and Saudi Arabian influence to the 2016 presidential election with failing machines all over Utah, Ted Cruz cheating in Iowa, and so-called millions of illegals voting for Hillary Clinton in the general election despite winning the Electoral College. Replicating these earlier claims, Donald Trump, along with his allies, pushed claims that the 2020 presidential election was rife with corruption

and fraud caused by the Democratic Party. On the night of the election, he claimed that he "...did win this election," despite all the votes not being counted yet.

Once it became clear to Trump that he was going to lose the election, he, together with his private legal team, sought out ways that he could maintain his presidency. Lawyers that Trump hired, such as Kenneth Chesebro and John Eastman, wrote several memos detailing their plans to overturn the Electoral College and "war gaming" various outcomes that could result from their plans. These memos resulted in the false elector scheme, based on a dubious legal theory between the Electoral Count Act and the Twelfth Amendment. The theory proposes that the Electoral Count Act violates the Twelfth Amendment by restricting the Vice President's power to count the votes for President. Following the plan, Trump's team gathered people from several swing states to sign documents claiming to be the legal electors for their respective states' elections. These false slates of electors would then be sent to Congress to hopefully have Vice President Mike Pence either certify Donald Trump as the president outright or send the election back to the predominantly Republican House delegation. Upon being confronted by Donald Trump and John Eastman about the plot, Mike Pence rejected the plan, following his White House legal counsel.

While Donald Trump was working on his plans to affect the 2020 presidential election, so were the Proud Boys and the Oath Keepers. Once mail-in ballots were being tallied and started to favor Joe Biden, leaders and members of these two groups began to post aggressive rhetoric about the election. This evolved into constructing plans to go to the Capitol on January 6th to change the election's outcome to favor Donald Trump instead. Group leaders and higher-ups

created multiple group chats to accomplish this goal, discussing who should participate and what would happen. These plans were finalized in what they named "1776 Returns," initially likely created by the Proud Boys leader, Enrique Tarrio's, romantic interest Erika Gemma Flores, also known as "Eryka." On January 6th, members of the Proud Boys and Oath Keepers, namely Joe Biggs and Dominic Pezzola, provoked protesters and damaged property to help accomplish their ends.

Due to Mike Pence's rejection, Donald Trump announced to his followers on social media a "Big protest in D.C. on January 6th. Be there, will [sic] be wild!" Approaching January 6th, he posted several false claims of election fraud and how if Mike Pence "comes through for us, we will win the Presidency." On January 6th, Donald Trump held a rally at the Ellipse in front of the White House, where he then sent a large crowd of Trump supporters to the Capitol to protest the certification of the Electoral count. Protesters soon turned into rioters, and with the help of the Proud Boys and Oath Keepers, breached through barriers to the Capitol, breaking inside the building itself, resulting in the count pausing and the members of Congress evacuating to secure locations. During the breach of the Capitol, Donald Trump took no action to stop the rioters for hours while watching them on television, despite White House staff pleading for him to do something, including calling for peace.

Ultimately, after hours of waiting, Donald Trump finally released a video calling for his supporters to "go home" while still claiming the election was stolen from him. This video, along with the military finally being deployed by the Secretary of Defense at 5:00 p.m., helped clear out the Capitol an hour after arriving, allowing Mike Pence to resume Congress and finish



counting the Electoral votes, certifying Joe Biden as the winner of the 2020 presidential election.

To this day, Donald Trump continues to claim that he won the election and that he lost due to fraud, resulting in an unsettling 35% of Americans believing the 2020 presidential election was stolen from Donald Trump.