

January 20, 2021

Attorney Grievance Committee
Supreme Court of the State of New York
Appellate Division, First Judicial Department
180 Maiden Lane
New York, New York 10038
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Email: AD1-AGC-newcomplaints@nycourts.gov

Re: Professional Responsibility Investigation of Rudolph W. Giuliani,
Registration No. 1080498

Dear Members of the Committee:

Lawyers Defending American Democracy (“LDAD”) is a non-profit, non-partisan organization the purpose of which is to foster adherence to the rule of law. LDAD’s open letters and statements calling for accountability on the part of public officials have garnered the support of 6,000 lawyers across the country, including many in New York.¹ LDAD and the undersigned attorneys file this ethics complaint against Rudolph W. Giuliani because Mr. Giuliani has violated multiple provisions of the New York Rules of Professional Conduct while representing former President Donald Trump and the Trump Campaign.

This complaint is about law, not politics. Lawyers have every right to represent their clients zealously and to engage in political speech. But they cross ethical boundaries—which are equally boundaries of New York law—when they invoke and abuse the judicial process, lie to third parties in the course of representing clients, or engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in or out of court.

By these standards, Mr. Giuliani’s conduct should be investigated, and he should be sanctioned immediately while the Committee investigates. As lead counsel for Mr. Trump in all election matters, Mr. Giuliani has spearheaded a nationwide public campaign to convince the public and the courts of massive voter fraud and a stolen presidential election. Mr. Giuliani personally advanced and argued claims in court that were frivolous and had no reasonable purpose other than to fuel the extrajudicial campaign of falsehoods.

Mr. Giuliani knew that his claims of widespread election fraud were false. Federal, state, and local officials who had first-hand knowledge or had conducted factual investigations unanimously agreed that there was no widespread fraud that would cast doubt on the election of then-Vice President Joseph Biden. Judges uniformly rejected the lawsuits brought by the Trump Campaign, finding claims of widespread fraud to be unsupported. When Mr. Giuliani was at greatest risk of personal court sanction, under questioning by a federal judge during oral argument in Pennsylvania, he disavowed claiming “fraud” in any respect but insisted nonetheless that state election officials should be enjoined from certifying presidential election results.

¹ We are distributing this complaint publicly and will advise the Committee promptly of the names of additional lawyers who join it.

Mr. Giuliani's flagrant and persistent lying deserves heightened scrutiny and sanctions because his intent and purpose was to undermine the most fundamental of the rights protected by the Constitution and the right preservative of all other constitutional rights: the right to vote. On January 6, Mr. Giuliani exhorted the crowd poised to march to the U.S. Capitol to engage in "trial by combat" because he "staked his reputation" that they would find election "criminality" there. The former Associate Attorney General of the United States and United States Attorney for the Southern District of New York knew what he was doing when he encouraged anger, division, and violence through false assertions. Mr. Giuliani has also achieved his object of undermining what the then-federal Chief of the Cybersecurity and Infrastructure Security Agency called "[the most secure \[election\] in U.S. history.](#)" According to polling, 70 percent of Republicans in the United States [disbelieve that the election was free and fair](#) and 52 percent [believe Mr. Trump to have been the rightful winner.](#)

A lawyer who lies to the public and abuses the court system to undermine democracy and the rule of law is not fit to practice law. *See N.Y. Rules of Prof. Conduct* 8.4(h) (prohibiting lawyer from engaging in any conduct "that adversely reflects" on his fitness as a lawyer). Other lawyers observed ethical obligations by stepping back from representing Mr. Trump and his Campaign; Mr. Giuliani not only lent his stature and status as a lawyer to the venture but shows no inclination to stop lying. As recently as January 16, it was reported that Mr. Giuliani planned to continue to claim publicly that the [claim of widespread voter fraud is true.](#)

Given Mr. Giuliani's continuing attacks on the Republic, we also request that the Committee consider exercising its authority to impose interim suspension. 22 NYCRR § 1240.9. The Committee already has "uncontroverted evidence of professional misconduct" because Mr. Giuliani has committed his violations in the public eye. Prompt action by the Committee is here both a matter of protecting the Constitution and the public peace.

Mr. Giuliani swore when he became a New York lawyer to "support the Constitution of the United States" and to "faithfully discharge the duties of the office of attorney and counselor at law." Mr. Giuliani has profoundly violated that oath. We detail below the campaign of falsehoods that Mr. Giuliani orchestrated and then describe multiple ongoing violations of the New York Rules that show Mr. Giuliani to be unworthy of the privilege of practicing law.

I. The Lawyer's Duties To Act Honestly and Respect the Legal System and To Report Other Lawyers Who Do Not.

The New York Rules of Professional Conduct (hereinafter, "Rules" or "Rule") embody the "general rule that lawyers may not engage in conduct involving dishonesty, fraud, deceit or misrepresentation." *See, e.g., N.Y. Rules of Prof. Conduct* (2020) (hereinafter, "*N.Y. Rules*"), Rule 8.4(c).²

Further, whether acting as an advocate or advisor, a lawyer has a duty to respect the law and to conduct himself or herself in a way that encourages others to do so. A lawyer is "an officer of the legal system," who "has a duty to uphold the legal process; to demonstrate respect for the legal system; to seek improvement of the law; and to promote access to the legal system

² The N.Y. Rules are codified at 22 NYCRR § 1200 et seq.

and the administration of justice.” *N.Y. Rules*, Preamble [1]. For lawyers to promote respect for law and courts is important because “in a constitutional democracy, legal institutions depend on popular participation and support to maintain their authority.” *Id.*

While “[e]very lawyer is responsible for observance of the Rules,” each is also supposed to “aid in securing their observance by other lawyers.” *N.Y. Rules*, Preamble [5]. When a lawyer becomes aware of another lawyer’s violation of the Rules that “raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness,” he or she is obligated to make a report to an authority empowered to investigate or act. *N.Y. Rules*, Rule 8.3(a).

The filing of this complaint is informed by the obligations Rule 8.3(a).

II. The Conduct of Rudolph Giuliani.

A. As National Counsel for President Trump and the Trump Campaign, Giuliani Knowingly Propagated a False Narrative of Election Fraud.

Mr. Giuliani knowingly propagated a false narrative of election fraud to de-legitimize then-Vice President Biden’s presidential victory and to undermine public confidence in the national electoral process. Prior to the election, Mr. Giuliani was the personal attorney and longtime advisor to the President. Like President Trump, Mr. Giuliani claimed even before the November election that widespread fraud would occur in the upcoming election, *see* Appendix A³ tweets dated September 24, 2020 and October 5, 2020, and the President made it known that [Mr. Giuliani would manage](#) any post-election litigation. Shortly after the election, Mr. Trump officially designated Mr. Giuliani as his [lead counsel](#) in all of his campaign’s post-election legal challenges. Mr. Giuliani’s efforts on behalf of the President and his campaign involved multiple fronts:

First, Mr. Giuliani made false statements of massive election fraud through weekly YouTube videos, press conferences, press interviews, and social media messages.

Second, Mr. Giuliani managed and participated in baseless litigation in state and federal courts seeking to invalidate millions of votes in battleground states.

Third, Mr. Giuliani gave testimony and made further false statements before state legislators in the battleground states in formal and informal hearings, followed by public and private efforts to induce state legislators to attempt to certify alternative slates of electors.

Fourth, Mr. Giuliani attempted to use the false narrative of voter fraud to persuade the public that Vice President Pence should unconstitutionally reject state certified elector votes for President-Elect Biden, pursuant to the Twelfth Amendment and the Electoral Count Act of 1878.

³ We have provided as Appendix A just a partial compilation, in chronological order, of Mr. Giuliani’s reported statements alleging election fraud, as well as links to his Common Sense YouTube videos, press conferences, appearances before legislative committees, and social media messages.

We summarize key aspects of each of these aspects of Mr. Giuliani's conduct to provide the context for a discussion of the Rules that Mr. Giuliani knowingly violated.

B. Mr. Giuliani's public statements setting forth a false election fraud narrative.

Mr. Giuliani grounded his public and nearly daily statements about the election on a core assertion of widespread fraud—a “pattern” of coordinated fraud, detectable across the contested states -- that demonstrated the election result to be unreliable. *See generally* Appendix A.

Ballot counting ended in early November with no reports of widespread or coordinated fraud. On November 12, Christopher Krebs, head of the U.S. Cybersecurity and Infrastructure Security Agency, announced that the “November 3rd election [was the most secure in American history](#). . . . There is no evidence that any voting system deleted or lost votes or changed votes or was in any way compromised.” On December 1, Attorney General Barr announced that the Department of Justice has “[not seen fraud on a scale](#) that could have effected a different outcome in the election.” By December 8, each state had duly certified electors with President-Elect Biden securing a clear majority of 306 electoral votes.

In the face of these definitive findings, and the absence of any evidence of widespread fraud, Mr. Giuliani began asserting, soon after Election Day, a “massive” and outcome-changing fraud, as he had before the election even began.

On November 7, at a press conference convened at Four Seasons Landscaping in Philadelphia, [Mr. Giuliani insinuated](#) that only voter fraud manufactured by “the Democratic machine” of Philadelphia could have accounted for the erasing of Mr. Trump's initial lead of 800,000 votes in the state. He claimed that “not a single [mail-in] ballot was inspected as the law required.”

[At a press conference on November 19](#) at RNC headquarters in Washington, D.C., Mr. Giuliani claimed the election had been stolen. He discussed “fraudulent ballots,” elaborating that “[w]e cannot allow these crooks...to steal an election from the American people...The people who did this have committed one of the worst crimes that I've ever seen...They have trashed...dishonored...destroyed the right to vote in their greed for power and money. And there is no doubt about it.” Mr. Giuliani claimed that there was even a “pattern” of coordinated fraud. He said, “it's not a single voter fraud in one state. This pattern repeats itself in a number of states. Almost exactly the same pattern . . .”

Similarly, Mr. Giuliani recorded YouTube videos throughout November to further his false election fraud narrative, for example, stating in his [November 13th video](#), that “there are thousands of pieces of evidence of hard fraud.” Beginning in December, as described in Section II.A.3 below, Mr. Giuliani made false statements to state legislatures, at meetings convened by state legislators, and in related press statements.

Mr. Giuliani emphasized in making his claims of fraud that he was acting as a lawyer for President Trump, who likewise claimed the election had been stolen from him. *E.g.*, [Mr. Giuliani's Statement on December 2, 2020 before the Michigan State House Oversight Committee](#).

1. The litigation campaign to invalidate tens of millions of votes.

Mr. Giuliani initiated or managed the numerous election-related lawsuits on behalf of the Trump Campaign and of individuals and surrogates acting on the President's behalf. There is an extensive public record of Mr. Giuliani's conduct. The pleadings, oral arguments, and court decisions in "major cases" in the multiple state and federal jurisdictions have been exhaustively catalogued by the Moritz College of Law, Ohio State University, and are available [here](#). Over 60 lawsuits were filed challenging the election results. With one minor exception not involving voter fraud, the lower and appellate courts rejected and dismissed every case.

Many of these cases shared two striking similarities. The suits asked courts to invalidate the votes of many, if not all, voters in a state. But they did so on the basis of minor procedural or administrative irregularities in mail-in balloting procedures, observer access, or the like. The complaints (and supporting affidavits) did not go beyond alleging speculation that pervasive fraud may have occurred.

The courts uniformly and emphatically dismissed the fraud allegations as unsupported by proof. For example, a federal court in Arizona ruled, "Plaintiffs have not moved the needle for their fraud theory from [conceivable to plausible](#), which they must do to state a claim." Decision and Order Dismissing Complaint, *Bowyer v. Ducey*, No. CV-20-02321-DJH at 27(D. Ariz., Dec. 9, 2020). A Nevada court stated that the campaign "did not prove [under any standard of proof](#) that illegal votes were cast and counted, or legal votes were not counted at all . . . in an amount sufficient to raise a reasonable doubt as to the outcome of the election." Decision and Order Dismissing Statement of Contest, *Law v. Whitmer*, No. 20 OC 00163 1B at 29-30 (D. Nev. Dec. 4, 2020). A Michigan court concluded that suggestions of fraud were "speculative" as well as ["incorrect and not credible."](#) Decision and Order Dismissing Complaint, *Costantino v. City of Detroit*, No. 20-014780-AW at 6, 13(3d Jud. Cir. Mi., Nov. 13, 2020).

As to Mr. Giuliani's claims that the factual allegations somehow justified the request to invalidate millions of votes in various states ([and particularly in Democratic-leaning cities with large minority populations](#)), courts emphasized that his requests to disenfranchise so many voters were legally ["extraordinary"](#), *Trump v Wisconsin Elections Commn.*, 20-CV-1785-BHL, 2020 WL 7318940, at *1, 22 (ED Wis Dec. 12, 2020), *aff'd*, 983 F3d 919 (7th Cir 2020). One federal district judge stated the impossibility of any court to address Mr. Giuliani's requested remedy: "Federal judges do not appoint the president in this country. [One wonders why](#) the plaintiffs came to federal court and asked a federal judge to do so." *Feehan v Wisconsin Elections Commn.*, 20-CV-1771-PP, 2020 WL 7250219, at *1 (ED Wis Dec. 9, 2020).

As the cases he was coordinating were decided against plaintiffs, in decisions issued by judges appointed by both Republicans and Democrats, Mr. Giuliani continued to claim fraud. At his November 19 press conference in Washington, D.C., Mr. Giuliani stated that "This is a plan...They [Democrats] do the same thing in exactly the same way in 10 big Democrat-controlled...crooked cit[ies]...They picked the places where...judges would just dismiss it. Because judges are appointed politically and [too many of them are hacks](#)." Mr. Giuliani projected onto the courts his own tactic of fabricating facts. For instance, on December 4, Mr. [Giuliani stated](#) during a Fox News interview that a Nevada judge who had dismissed one of the Trump Campaign's election cases had "created a fantasy out of the law."

2. Mr. Giuliani's false December communications with state legislators and at state legislatures.

Mr. Giuliani opened [another front of his campaign](#) of false election claims in December. He deployed his election fraud strategy to convince Republican legislators in battleground states to certify Trump electors, rather than Biden electors. When those states correctly certified their votes for then Vice-President Biden, Mr. Giuliani then sought to obtain unofficial Trump elector slates from those states. He succeeded [in Georgia, Pennsylvania, Michigan, Wisconsin, and Nevada](#).

In a nationwide “tour” of appearances in state legislatures or hosted by state legislators, and including while under oath, Mr. Giuliani repeated his allegations of a nationwide pattern of urban election fraud. Summaries of Mr. Giuliani’s legislative appearances are also listed in Appendix A. Mr. Giuliani then used these legislative appearances as fodder for additional press statements, YouTube videos, and social media posts.

A prominent example of Mr. Giuliani’s proffer of false evidence occurred on December 3, when he appeared for seven hours at a committee hearing of the [Georgia State Senate](#). By this time, it was widely commented that there was no substantiation of Mr. Trump’s and Mr. Giuliani’s assertions of massive fraud. Mr. Giuliani repeated those claims and seized on a [90-second clip of surveillance footage](#) from Fulton County’s tabulation center set up at State Farm Arena. According to Mr. Giuliani, the 1.5 minute video, which was culled from hours of footage, showed election workers pulling suitcases of ballots from underneath a table for counting in secret, after Republican monitors were told to go home. The next day, Giuliani aired his [weekly YouTube video](#) with extensive discussion of the video that he described as showing Democrats “caught red-handed” in voting fraud.

Within days, Georgia election officials and all major media outlets, after viewing the surveillance footage in full and obtaining information from election officials, dismissed the edited video as [demonstrably false](#). Because it was false, they declined to repeat Mr. Giuliani’s claims by further covering them. By that time, however, the video had gone viral, airing repeatedly on social media and opinion radio and television shows sympathetic to Mr. Trump. So far as we have been able to determine, Mr. Giuliani neither disavowed it nor acknowledged its falsity. To the contrary, he continued in subsequent legislative appearances in other states, [including Missouri](#), to describe “indisputable evidence of fraud captured on videotape.” He continued touting the video on social media. See Appendix A, tweet dated January 4, 2021. Predictably, the video has achieved iconic status among [Mr. Trump and his supporters](#) as “evidence” of the massive fraud that Mr. Giuliani scripted.

The campaign of Mr. Giuliani, President Trump, and their allies to undermine public confidence in the election appears to have been extremely successful. Polling organizations report that [70 percent of Republican voters](#) believe the election was not “free and fair.”

3. Mr. Giuliani's effort on January 6 to overturn the election in Congress and his encouragement of "trial by combat" at the U.S. Capitol.

Mr. Giuliani continued his efforts by directing his attention to the U.S. Congress. In the weeks prior to count of electoral votes by a Joint Session of Congress as prescribed by the Electoral Count Act, Mr. Giuliani was a leading voice that then Vice President Michael Pence could reject the votes of the electors from the six most-contested states, thereby enabling the House of Representatives to select the President.

As the New York Times reported, "Mr. Trump, listening to the advice of allies like Rudolph W. Giuliani, his personal lawyer, has been [convinced](#) that the vice president could do his bidding" during the vote counting process. In an interview, Mr. Giuliani [explained](#) that, at the joint session of Congress on January 6, Vice President Pence "could say, ' . . .the election was conducted illegally in these six states. Therefore, I'm throwing their votes out, they're not certified . . . that would leave Trump at 233, and that would put Biden at 230, nobody has a majority.'" Mr. Giuliani thus again grounded his legal position solely in his false narrative of "a massive fraud."

He also advanced an absurd constitutional argument, *i.e.*, that the Vice President could reject electoral votes certified in accord with processes decreed by state legislatures under Article II, section 1, and second-guess duly constituted state electoral authorities, a position completely rejected by the Electoral Commission of 1877.

After conferring with legal scholars, Mr. Pence categorically [rejected Mr. Giuliani's](#) bid to have him unilaterally discard duly certified elector votes. On January 6, he confirmed the election of President Biden before a joint session of Congress, but only after the violent insurrection at the U.S. Capitol. In remarks that built to a crescendo of exhorting the crowd at the rally to reverse the election and to march on the Capitol, Mr. Giuliani reprised tropes of election fraud that dovetailed with President Trump refrains. [Mr. Trump stated](#), "These people are not going to take it any longer . . . All of us here today do not want to see our election victory stolen Our country has had enough. . . We will stop the steal. . . And we fight. We fight like hell." Mr. Giuliani's more concise exhortation was for Trump supporters to engage in "[trial by combat](#). . . . I'm willing to stake my reputation, the President is willing to stake his reputation, on the fact that we're going to find criminality there."

C. As Lead Counsel in *Trump v. Boockvar* in Pennsylvania, Mr. Giuliani Advanced Arguments in Court Without Any Basis in Law or Fact.

1. While continuing to assert publicly that a pervasive fraud had been perpetrated, Mr. Giuliani disclaimed in court that he was alleging fraud.

Mr. Giuliani personally directed the litigation in *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-CV-02078-MWB (M.D. Pa.), filed on behalf of the Trump Campaign and two Pennsylvania voters. He appeared in the case on November 17, 2020, after original counsel from Porter, Wright, Morris & Arthur, LLP withdrew, followed several days later by the

withdrawal of several successor counsel as well. Mr. Giuliani entered his appearance on the morning that the presiding judge, the Honorable Matthew W. Brann, had scheduled oral argument on defendants' motion to dismiss the first amended complaint.

In telling contrast to his public narrative of pervasive and coordinated fraud, Mr. Giuliani's federal complaint did *not* allege fraud. Plaintiffs in *Boockvar* filed two complaints and proposed a third. The First Amended Complaint was operative when Mr. Giuliani argued alleged two constitutional claims, one based in the Equal Protection Clause and the other based in the Electors and Elections Clauses. The gravamen of that complaint was that it violated federal law for the state of Pennsylvania to allow its counties to decide for themselves whether to allow notice-and-cure for ballots mailed in and found to have procedural deficiencies (like missing signatures). Plaintiffs also alleged that some counties had placed unlawful restrictions on election observers.

The original complaint and a Second Amended Complaint that Plaintiffs sought leave to file alleged additional legal claims that were also based on purported differences or defects in county election procedures—not fraud.

Despite the narrowness of his complaint's allegations, Mr. Giuliani asked the court to order broad relief like in other state and federal litigation he was managing. The suit asked the court to enjoin Boockvar, the Secretary of the Commonwealth of Pennsylvania, and the other defendants, from “certifying the results of the 2020 General Election in Pennsylvania on a Commonwealth-wide basis.” *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-CV-02078, 2020 WL 6821992, at *7 (M.D. Pa. Nov. 21, 2020), *aff'd sub nom. Donald J. Trump for President, Inc. v. Sec'y of Pennsylvania*, 830 F. App'x 377 (3d Cir. 2020). The complaint sought alternatively an order declaring “[that the results of the 2020 presidential general election are defective and providing for the Pennsylvania General Assembly to choose Pennsylvania's electors.](#)”

[At oral argument](#), Mr. Giuliani asserted in his introductory remarks that the “best description” of what plaintiffs were alleging was a “widespread nationwide voter fraud ... this is a case that is repeated in at least 10 other jurisdictions.” Under questioning by Judge Brann, however, he quickly acknowledged that the complaint “doesn't plead fraud” and affirmed, “This is not a fraud case.”

2. The District Court dismissed the first amended complaint because it was unsupported factually and legally and Third Circuit found that amendment would be futile.

Within ten days of the oral argument before Judge Brann, Plaintiffs had lost in the District Court and Third Circuit. Judge Brann dismissed the First Amended Complaint and denied leave to further amend because amendment would unduly delay resolution of the issues, given that Pennsylvania was due to certify its results on November 23. 2020 WL 6821992, at *14. The only issue Plaintiffs appealed was whether leave to amend was properly denied; without holding oral argument, the Court of Appeals determined that on any standard of review the district court should be affirmed because amendment would be inequitable and futile. 830 Fed. App'x. at 386.

While both courts afforded full and generous process—deciding alternate procedural and merits arguments and even “piec[ing] together” arguments Plaintiffs had failed to properly raise together, 2020 WL 6821992, at *7—each made clear that there was no merit whatever to the legal claims presented under the Equal Protection Clause, nor were the issues remotely close.

Most fundamentally, each court commented repeatedly that the relief sought by Plaintiffs—the disenfranchisement of almost seven million Pennsylvania voters, and the invalidating of all down-ballot votes as well—was insupportable, even assuming for argument’s sake the validity of Plaintiffs’ factual claims.

Judge Brann’s Memorandum Opinion stated at the outset that the court had been “unable to find any case in which a plaintiff has sought such a drastic remedy in the contest of an election, in terms of the sheer volume of votes asked to be invalidated.” 2020 WL 6821992, at *1. The Court wrote that instead of the “compelling legal arguments and factual proof” one would expect to support such a “drastic” remedy and “startling outcome,” it had been presented with “strained legal arguments without merit and speculative accusations, unpled in the operative complaint and unsupported with evidence.” *Id.* at *1. Moreover, the preferred remedy for an Equal Protection Clause violation, the Court stated, was to “level up”—*i.e.* to ask for Plaintiffs’ votes to be counted. *Id.* at *12. Instead, Plaintiffs had sought not only to “level down”—to *not* count the votes of millions—but to affirmatively violate the constitutional rights of those millions by taking away the fundamental right to vote. *Id.* at *13.

The Court of Appeals was, if anything, more trenchant about the utter lack of merit in the suit, saying that even amendment to add multiple other constitutional claims would be futile. The Court’s opinion began:

Free, fair elections are the lifeblood of our democracy. Charges of unfairness are serious. But calling an election unfair does not make it so. Charges require specific allegations and then proof. We have neither here.

830 Fed. App’x. at 381.

Like the District Court, the appeals court deemed the requested relief “grossly disproportionate to the procedural challenges raised.” *Id.* at 382. It called the proposed relief “drastic and unprecedented,” noting that “tossing out millions of mail-in ballots” would “disenfranchis[e] a huge swath of the electorate and upset[] all down ballot races too.” *Id.*

The Third Circuit repeatedly referenced Mr. Giuliani’s concession that the case was *not* a fraud case, explaining the legal significance. It stated, “Pennsylvania law...favors counting votes as long as there is no fraud.” *Id.* Yet in the suit “[t]here is no allegation of fraud (let alone proof) to justify” the “breathtaking” proposed relief of “harming millions of voters.” *Id.* at 388, 390. Instead the Campaign had alleged “modest” numbers of ballots potentially affected by the alleged procedural violations, which “will not move the needle,” given the certified margin of Mr. Biden’s victory of over 80,000 votes. *Id.* at 390.

The Third Circuit also noted clear defects in the suit beyond the many identified by the District Court. It stated that “most of the claims in the Second Amended Complaint boil down to issues of state law,” many of which the Trump Campaign “has already litigated and lost,” and

now sought improperly to “collaterally attack,” *Id.* at 381, 387. The basic foundation of an Equal Protection claim was absent because the complaint “never alleges that anyone treated the Trump Campaign or Trump votes worse than it treated the Biden Campaign or Biden votes.” *Id.* at 381.

The appellate court concluded that any further litigation of the claims was “futile”:

[T]he Campaign cannot win this lawsuit. It conceded it is not alleging election fraud. It has already raised and lost most of these state law issues, and it cannot relitigate them here. It cites no federal authority regulating poll watchers or notice and cure. It alleges no specific discrimination. And it does not contest that it lacks standing under the Elections and Electors Clauses. These claims cannot succeed.

Id. at 389.

The Court affirmed the denial of leave to amend, denied the requested injunction pending appeal, and ordered the mandate to issue immediately. *Id.* at 391.

III. The Grievance Committee Should Investigate Mr. Giuliani’s Conduct and Impose Sanctions, Including Interim Suspension.

A. Violations of multiple New York Rules are clear from the public record.

Mr. Giuliani’s conduct—in public and before the courts—warrants a full investigation by the Grievance Committee and interim suspension. *E.g., In re Perchekly*, 149 A.D.3d 17, 19-21 (1st Dep’t 2017) (interim suspension granted upon receipt of evidence that attorney’s misappropriation of client funds “threaten[ed] the public interest.”). We review the specific Rules that Mr. Giuliani has violated.

1. Mr. Giuliani’s conduct violated Rule 3.1 – “Non-Meritorious Claims and Contentions.”

Rule 3.1 states in pertinent part as follows:

- (a) A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous. . . .
- b) A lawyer’s conduct is “frivolous” for purposes of this Rule if:
 - (1) A lawyer knowingly advances a claim or defense that is unwarranted under existing law, except that the lawyer may advance such a claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law;

(2) The conduct has no reasonable purpose other than to delay or prolong the resolution of litigation, in violation of Rule 3.2, or serves merely to harass or maliciously injure another; or

(3) The lawyer knowingly asserts material factual statements that are false.

The foundational principle behind Rule 3.1 is that a lawyer has “a duty not to abuse legal procedure,” *N.Y. Rules*, R.3.1 cmt. 1, and should withdraw from the representation at the point when he or she is asked to advance frivolous claims. The word “proceeding” in the phrase “bring a proceeding” includes federal and state proceedings, and “encompasses lawsuits, motions, hearings, [and] arbitration.” Roy D. Simon, Jr., *Simon’s N.Y. Rules of Prof. Conduct Annot.*, § 3.1:3 (2020) (hereinafter, “*Simon’s*”). To “assert or controvert” an issue within a “proceeding” also has a broad meaning—specifically, to “advance[] or oppose[] specific issues within a proceeding.” *Id.*

Here, the Committee need go no further than *Boockvar*, which Mr. Giuliani personally led and argued, to find violations of Rule 3.1. The Third Circuit found the suit “futile,” even in the form of Mr. Giuliani’s proposed broadest complaint. Most dispositive is that both the trial and appellate courts found no facts or law supported the “breathtaking” and “drastic” relief sought—the disenfranchisement of millions of voters, even as to down-ballot races.

There is ample proof that Mr. Giuliani advanced these claims “knowing”⁴ that they were unsupported, even by any good-faith argument for an extension in the law. The District Court in *Boockvar* pointedly noted that *the very design* of the complaint showed a mindful effort to evade “controlling” precedent. It stated that “[t]his claim, like Frankenstein’s monster, has been haphazardly stitched together from two distinct theories in an attempt to avoid controlling precedent.” 2020 WL 6821992, at *4-5, (noting that it was “not lost on the Court” that “Plaintiffs are trying to mix-and-match claims to bypass contrary precedent.”).

This is conduct in which no ethical lawyer should engage. But additional “circumstances,” also noted by the district court and Third Circuit, demonstrate that Mr. Giuliani well knew that he was advancing frivolous claims. These include:

- That multiple other lawyers had withdrawn and were withdrawing from representing Plaintiffs;
- That the federal claims were “repackaged” failed state claims that sought to circumvent prior decisions upholding Pennsylvania voting and ballot counting procedures;

⁴ Under Rule 1.0, “‘Knowingly,’ ‘known,’ ‘know,’ or ‘knows’ denotes actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.”

- That Plaintiffs’ Equal Protection claim failed to allege any disparate treatment and that Plaintiffs’ defense of that claim consisted of a single paragraph in briefing;
- That the relief sought bore no *logical*—much less legal—relation to the procedural defects alleged, which taken together could not have “moved the needle” of the election results. 830 Fed. App’x. 377 at 390; 2020 WL 6821992, at *12 (plaintiffs sought “a remedy *unhinged from* the underlying right being asserted”) (emphasis supplied).

Far from arguing for a non-frivolous extension of the law, Mr. Giuliani “cite[d] no authority” for the remedy of barring Pennsylvania from certifying its results. 830 Fed. App’x. at 388. It is hornbook election law that election outcomes only get overturned when plaintiffs allege and prove defects sufficient to change the result. *See, e.g., Bognet v. Secretary Commonwealth of Pennsylvania*, 980 F.3d 336, 351 (3d Cir. 2020); *Sibley v. Alexander*, 916 F. Supp. 2d 58, 62 (D.D.C. 2013). And as both the district and appeals court stated, and even a non-lawyer would recognize, “levelling down” was patently not the way to vindicate Plaintiffs’ purported rights, and would instead have resulted in the court-ordered violation of the constitutional rights of the millions whose votes Plaintiffs proposed to take away.

Mr. Giuliani’s admission that the *Boockvar* suit did not allege fraud left the suit without a basis in fact as well as in law. And again, Mr. Giuliani knew this was the case. Mr. Giuliani admitted that there was no plausible theory of fraud to allege—or he obviously would have alleged it. Second, as the Third Circuit explained, it was axiomatic that without such widespread fraud there was no possibility of the “invalidate-the-election” remedy which Mr. Giuliani improperly sought via blocking the certification of the election results.

The *Boockvar* suit was “frivolous” within the meaning of Rule 3.1 also because it “had no reasonable purpose other than to delay or prolong the resolution of litigation, within the meaning of Rule 3.2.”⁵ Like the other failing cases Mr. Giuliani coordinated, he brought *Boockvar* not to win the litigation or to press in good faith for a change in law. Rather, Mr. Giuliani and the Trump Campaign mounted the litigation blitz to mislead and confuse the public into thinking there might be “legal” reasons the election result was invalid. In *Boockvar* as in many of the other election cases, the Trump Campaign sued late—*not* when the purportedly defective election procedures were implemented, but only after the counting was underway (or over). While claiming urgency and burdening courts, Plaintiffs then sought to buy time by amending and re-amending equally meritless complaints.

The reason even the unbroken string of dozens of losses did not alter plaintiffs’ course—unlike in good-faith litigation—was that the very pendency of cases before the courts enabled Mr. Trump and Mr. Giuliani to claim that they were pursuing “legal” rights, as they repeatedly did. It is a credit to the courts that the judges carefully and expeditiously gave full consideration to the election cases. The courts’ attention does not change, however, that Trump Campaign and Mr. Giuliani brought to those courts claims and arguments that were legally and factually baseless. Having exploited the legitimacy of the court system for their own deceitful ends, they

⁵ Rule 3.2 states that “[i]n representing a client, a lawyer shall not use means that have no substantial purpose other than to delay or prolong the proceeding or to cause needless expense.”

now have turned the corner into using the totally foreordained litigation losses to generate further “outrage” about a purely fictional “fraud.” This is conduct as far from “demonstrate[ing] respect for the legal system” or helping to “maintain [the] authority” of the legal system, *N.Y. Rules*, Preamble [1], as one can imagine.

The seriousness and grave consequences of Mr. Giuliani’s frivolous litigation campaign to de-legitimize the presidential election exponentially exceeds the abuse of legal procedure which has historically warranted sanctions.⁶ For the foregoing reasons, there is more than substantial basis to conclude Mr. Giuliani knowingly violated Rule 3.1.

2. Mr. Giuliani’s conduct violated Rule 4.1 – “Truthfulness” in Statements to Others.

Rule 4.1 states that “[i]n the course of representing a client, a lawyer shall not knowingly make a false statement of fact or law to a third person.” The rule is not limited to statements made in court.

Mr. Giuliani’s repeated out-of-court assertions of widespread or “pervasive” or “coordinated” fraud, sufficient to warrant overturning the results of the presidential election, violated this rule (and others, as is discussed below).

Compelling proof of Mr. Giuliani’s knowledge of the falsity of his massive fraud narrative is his unambiguous disavowal of any fraud when responding to Judge Brann’s questioning in *Boockvar*, where Mr. Giuliani also signed the pleadings. When the potential of a court-imposed sanction was most immediate, *see* Fed. R. Civ. P. 11, and thus his personal interests most at risk, Mr. Giuliani denied asserting fraud, in sharp contrast to what he was saying in public. The about-face showed that Mr. Giuliani was well aware of the falsity of his public fraud claims.

Mr. Giuliani’s “tell,” however, only reinforces the obvious. Since states first completed ballot counting, it was apparent that no widespread fraud had occurred and that there was no “stolen” election. Nonetheless, Mr. Giuliani has been espousing the same “widespread fraud” myth from before the election until today, despite escalating contrary facts:

- On Election Day, [Twitter began tagging President Trump’s tweets](#) about the election returns in Pennsylvania as “potentially misleading claims about an election.”
- After Election Day, the states with close election results completed counting ballots and conducted required recounts required by law. None turned up outcome-altering fraud.

⁶ New York has adopted an objective, “reasonable attorney” test for frivolousness. *Principe v. Assay Partners*, 154 Misc. 2d 702, 708 (Sup. Ct. New York Cnty. 1992). New York Lawyers have been sanctioned for filing frivolous pleadings. *See, e.g., In re Khoudary*, 124 A.D.3d 154 (1st Dep’t. 2014) (two-year suspension); *In re Chiofalo*, 78 A.D.3d 9, 11 (1st Dep’t. 2010) (two-year suspension).

- On November 12, Christopher Krebs announced the election was “the most secure in American history.” ([President Trump subsequently fired him](#)).
- On November 11 & 13, [the law firms Porter Wright and Snell & Willmer withdrew](#) from representing the Trump Campaign in campaign litigation in Pennsylvania and Arizona, respectively.
- On November 16, [attorneys Linda Kerns, John Scott, and Douglas Bryan Hughes sought to withdraw](#) from representing Plaintiffs in the *Boockvar* litigation, and by that day [the Trump Campaign had lost at least six election suits just in Pennsylvania](#).
- On December 1, then-Attorney General Barr denied that there was any fraud on a scale that affected the outcome of the election.
- By December 8, [all states had all certified their results](#).
- On December 11, the [Supreme Court dismissed the petition filed by the Attorney General of Texas](#) against the four states in which President Biden had narrowly prevailed, on standing grounds.
- On December 15, [Senate Majority Leader Mitch McConnell acknowledged President-Elect Biden’s victory](#).
- On January 5, media reported that Vice President Pence had told Mr. Trump at lunch on January 4, after obtaining legal advice, that he had no authority not to certify the election results.
- By January 6, [the Trump Campaign had lost over 50 lawsuits challenging election procedures and election results](#).
- On January 8, [Twitter](#) and [other social media sites suspended](#) Mr. Trump’s accounts.

In other words, if Mr. Giuliani ever believed that the election was undermined by massive fraud (even hypothetically), he cannot have honestly maintained that belief throughout the time he spread his false statements. Either from the outset or as he continued claiming widespread election fraud, Mr. Giuliani understood the claim was baseless. Yet, he has doubled and tripled down on his public message, including when he encouraged the crowd at the U.S. Capitol to engage in “trial by combat” because he was willing to stake his reputation on “finding criminality.”

That Mr. Giuliani has “knowingly made false statements” is also evidenced by his inability to adduce proof of widespread fraud and his willingness to lie that he had found “evidence.” Mr. Giuliani seized, for example, on the 90-second video clip of footage from Fulton County’s tabulation center to fill an evidentiary void that by that time had become glaring. He repeated that the tape was “indisputable” evidence of fraud even after election officials explained that the video showed ordinary ballot counting and the media had stopped disseminating his false claims. Mr. Giuliani was, as he often reminds his audiences, an

experienced fraud prosecutor. It beggars belief to think that Mr. Giuliani thought that the excerpted and facially benign video was “indisputable” in proving fraud, or evidence of any value at all. Rather, he used his status as a nationally known lawyer and former federal prosecutor to wrongly imbue the video with a significance he knew it did not have.

There was also no legal foundation for Mr. Giuliani’s assertion that Mr. Pence was constitutionally empowered to reject state certified electoral votes at the Joint Session of Congress. Article II, section 1 of the Constitution entrusts exclusively to the states power to select presidential electors. Under the Electoral Count Act, 3 U.S.C. §5, state certified electoral votes following resolution of disputes six days before the convocation of the Electoral College in the 50 States and the District of Columbia (*i.e.*, December 8, 2020 for the 2020 presidential election) are conclusive on the Joint Session of Congress counting the electoral votes. Moreover, the Electoral Commission of 1877 held that state certified electors by duly constituted state authorities are binding in the counting of electoral votes. There is no non-frivolous argument that the Vice President is constitutionally empowered to hijack the authority of the States and the District of Columbia to decide whether or not to accept State and D.C-certified electoral results.

Rule 4.1 demands truth while representing a client.⁷ It is difficult to imagine a knowing falsehood of greater significance than an attorney lending his credentials to help a President make the false claim that an election was stolen from him or asserting without any basis that the Vice President has constitutional power to decide the outcome of a presidential race at odds with the electors’ choice.

3. Mr. Giuliani’s conduct violated Rule 4.4 (a) – “Respect for Rights of Third Persons.”

Subsection (a) of Rule 4.4(a), entitled “Respect for Rights of Third Persons,” states:

In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass or harm a third person or use methods of obtaining evidence that violate the rights of such a person.

Rule 4.4(a) applies to “every matter in which a lawyer represents a client.” *Simon’s*, § 4.4:4. A “third person” means “any person except the lawyer and the client.” *Id.*, § 4.4:2.

⁷ In *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991), the Supreme Court struck down a state disciplinary rule deemed void for vagueness because it contained words like “general” and “elaboration,” *id.* at 1077. The majority in *Gentile*, however, held that but for the vagueness it would have been permissible to discipline the lawyer for making public pretrial comments about a single case, where they were “substantially likely to have a materially prejudicial effect” on a proceeding. *Id.* at 1076. The highest courts of two states have considered statements by a lawyer made in the course of campaigning and concluded that rights to free speech give way to disciplinary rules prohibiting lawyers from making known falsehoods or misrepresentations. See *State v. Russell*, 610 P.2d 1122, 1124 (1980); *In re Discipline of Hafter*, 381 P.3d 623 at *2 (2012) (unpublished disposition) (cert. denied Nevada 11-16-2012 U.S. Sup. Ct. Actions 9 (2012)).

First, Mr. Giuliani's prosecution of the *Boockvar* litigation violated Rule 4.4(a), as well as Rule 3.1. As the decisions in *Boockvar* noted, to harm third party voters was the express intent of the *Boockvar* case. *E.g.*, 830 Fed. App'x. at 390 ("Granting relief would harm millions of Pennsylvania voters too."). To overturn the results of the presidential election, or block the seating of President Biden, without proof or even an allegation of fraud, would *necessarily* disenfranchise the tens of millions of Americans who voted for President Biden. It is hard to imagine a more substantial harm that a lawyer might attempt to inflict.

Second, Mr. Giuliani's false public claims of widespread fraud equally failed to respect the rights of third persons, in violation of the Rule. *See Simon's*, § 4.4:4 (Rule 4.4(a) "is not limited to the litigation context."). The purpose of the public campaign is the same as the *Boockvar* litigation: to disenfranchise tens of millions of voters.

Further, the "means" in the case of the public campaign included known false assertions of "massive," coordinated fraud. That claim can have had no substantial purpose other than to harm third persons. Mr. Trump and Mr. Giuliani portray Mr. Trump as a victim. But the allegations of a "stolen" election or "criminality" necessarily, and without any basis, accuse others of being fraudsters, crooks, and thieves, while stealing the election from Mr. Biden and Vice President Kamala Harris.

Nor have the many victimized by Mr. Giuliani's false claims of fraud suffered merely theoretical harm. Election officials in Georgia understandably resorted to [recording calls with the President and another of his counsel, Cleta Mitchell](#), to protect themselves from expected strong-arming and lying on the part of the President. [State officials have implored Mr. Trump to stop claiming fraud](#), including for the reason that low-level election workers have received death threats. [Manufacturers of voting machines have had to sue to protect their name](#). [Members of Congress have crouched under furniture in the U.S. Capitol while rioters overwhelmed and attacked police](#) after President Trump and Mr. Giuliani told them that a stolen election should be redressed with "combat."

Mr. Giuliani's campaign to deceive has also harmed the nation and communities that comprise our nation by relying on racist tropes and rhetoric. Mr. Giuliani singled out cities and districts in which minority voters predominate as those most rife with election fraud. [When Mr. Giuliani made statements that a coordinated fraud](#) "specifically focused on big cities" that are . . . "controlled by Democrats" and "have a long history of corruption," or that "for the last 60 years," Philadelphia has "cheated in just about every election. You could say the same thing about Detroit," he was inviting voters to be deemed criminals based on race, not on evidence. Mr. Giuliani urged the public to believe that election fraud occurred because cities with large minority populations, and their leadership, have long histories of cheating and corruption and should not be believed to be capable of acting otherwise. This is the infliction of harm by most offensive and damaging "means."

The substantial—indeed, necessary—ends of the means used by Mr. Giuliani to represent Mr. Trump and his campaign should be investigated and sanctioned.

4. Mr. Giuliani's conduct violated Rule 8.4(c)–“Misconduct – Conduct Involving Dishonesty.”

Rule 8.4, which prohibits “Misconduct,” states in subsection (c) that a lawyer shall not “engage in conduct involving dishonesty, fraud, deceit or misrepresentation.” The terms “fraud” or “fraudulent” denote “conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction or has a purpose to deceive.” *N.Y. Rules*, R.1.0(i).

Rule 8.4(c) “encompasses every kind of dishonesty, fraud, deceit, or misrepresentation, whether inside or outside law practice and whether civil or criminal.” *Simon’s*, § 8.4:15. Here, as discussed above, Mr. Giuliani engaged in “conduct involving” dishonesty—knowingly making false public statements of widespread election fraud—with the demonstrated purpose of deceiving voters and the public generally. Mr. Giuliani’s conduct was also plainly deliberate—he chose to propagate false claims of massive election fraud and has done so repeatedly and with great elaboration. *See, e.g., Matter of Posner*, 127 A.D.3d 129, 134 (2d Dep’t 2015) (“even in the absence of venal intent, ‘knowing and purposeful’ conduct constitutes dishonesty, fraud, deceit, or misrepresentation”); *Peters v. Committee on Grievances for District Court*, 748 F.3d 456, 461-62 (2d Cir. 2014) (deliberate choice to obtain additional transcripts, after being ordered to surrender them because possession violated Confidentiality Order, supported finding of conduct involving dishonesty, fraud, deceit, or misrepresentation).

As discussed above, Mr. Giuliani’s false statements of widespread election fraud appear to have been successful in helping to convince 70% of Republicans that the election was not free and fair. Mr. Giuliani’s months-long course of dishonest conduct has thus been epically consequential.

“Nothing erodes the public trust in the profession more than a belief that lawyers are active co-conspirators with their clients in defrauding the public.” *Simon’s*, § 1.2:21. Mr. Giuliani should face the consequences of his deliberate decision to help Mr. Trump lie and destabilize the nation.

B. Mr. Giuliani has violated Rule 8.4(h) by engaging in conduct that adversely reflects on his fitness to practice law and his ongoing conduct merits interim suspension.

1. Mr. Giuliani’s dishonest attacks on the rule of law are the most serious violations of the Rules possible.

Rule 8.4, the catch-all provision of the rule prohibiting “Misconduct,” makes clear that a lawyer shall not “engage in any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.” This rule was carried into the Rules from the New York Code of Professional Responsibility. *See* N.Y. Disciplinary Rule 1-102(A)(7). It has been upheld and applied to the conduct of making false public statements. *E.g., In re Holtzman*, 78 N.Y.2d 184, 184 (1991). The conduct need not be “prejudicial to the administration of justice.” *Compare N.Y. Rules*, R. 8.4(d) (prohibiting such conduct).

As demonstrated above, the publicly available evidence that Mr. Giuliani engaged in the most serious possible violation of the Rules is compelling. Knowing that he had no factual

justification, Mr. Giuliani sought to invalidate millions of votes. The right to vote is fundamental and preserves all other rights in the U.S. Constitution. *Reynolds v. Sims*, 377 U.S. 533, 562 (1964). The Elections and Electors Clauses of the Constitution are in a special category of indispensable elements of our form of government. As such, for a lawyer to violate the Rules by making false claims designed to de-legitimize the vote must be taken much more seriously than a lawyer having brought a baseless slip-and-fall suit or having obtained evidence by creating a social media account under a false name. Ethical violations that undermine the bedrock rights of citizens cry out for investigation.

Mr. Giuliani also sought to undermine the rule of law by cynically abusing the authority of the law and the courts. As the Preamble to the Rules states, the Rules exist in part because Americans participate in a “constitutional democracy” that relies on legal institutions enjoying and requiring public support. A lawyer’s duty is to preserve and promote faith in the law and the legal system. Mr. Giuliani’s conduct of bringing frivolous cases, solely as grist for the mill of a false campaign to convince voters that a presidential election was stolen, disgraces the profession.

2. The Committee should suspend Mr. Giuliani’s license while it investigates.

This Committee has the authority to suspend Mr. Giuliani’s license on an interim basis. 22 NYCRR § 1240.9.

Even as this complaint is being submitted, violence fed by Mr. Giuliani’s attack on democracy is eroding the rule of law. The inauguration of an American President will take place while places of lawful government are fortified and defended by National Guardsmen and police. Far from stepping back from the lies he has spread on Mr. Trump’s behalf, Mr. Giuliani, even in recent days, has repeated and amplified them. Safeguarding the rule of law through enforcement of ethical standards is this body’s paramount responsibility. The Committee should not permit Mr. Giuliani to continue to use his professional stature and his bar license to tear apart the social fabric of this country, and threaten public safety, while it investigates. The violations are too clear, and there is too much is at stake.

Conclusion

The Committee should investigate Mr. Giuliani for violating his oath to uphold the U.S. Constitution and multiple Rules of Professional Conduct, and should suspend his license in the interim while it does so.

Respectfully Submitted,

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**** Affiliations of signers are for identification purposes only**

Appendix A- Chronology of Public Statements of Mr. Giuliani

Date	Event	Giuliani Statement	Link
August 17, 2020	False Allegation of Electoral Fraud		https://www.youtube.com/watch?v=vFw6h58O7h8&feature=youtu.be
September 24, 2020	False Allegation of Electoral Fraud		https://twitter.com/rudygiuliani/status/1309214672449679361?lang=en



Date	Event	Giuliani Statement	Link
October 5, 2020	False Allegation of Electoral Fraud	 Rudy W. Giuliani @RudyGiuliani · Oct 5, 2020 Join me on a live #LawyersForTrump National Call this evening at 7 PM EDT! Ballot FRAUD and mismanagement have been uncovered in several states and we can only expect it to get worse as Joe Biden and Democrats try to STEAL this election. Register below: events.donaldjtrump.com/events/lawyers...  404 1.3K 2.6K	https://twitter.com/rudygiuliani/status/1313132530564988928

Date	Event	Giuliani Statement	Link
October 13, 2020	Giuliani Named as Counsel in Challenges to Election Results	<p>1. Riotta, C. “Giuliani to Potentially Lead Trump’s Election Court Battle, Report Says, as He Calls for ‘Major Legal Effort.’” <i>Independent</i>. (October 13, 2020).</p> <p>As Rudy Giuliani campaigns for Donald Trump across the country, the president is reportedly considering his personal lawyer for a potential disaster-scenario job: overseeing a historic legal battle if the election is contested come November.</p> <p>The former New York City mayor has pushed conspiracy theories about election fraud ever since the 2016 election, when he claimed “dead people usually vote for Democrats” and that the vote was rigged against Mr Trump.</p> <p>Mr Giuliani echoed those comments in an interview with Fox News’ Sean Hannity earlier this month, claiming the Democratic Party was getting “dead people” to vote in state elections and adding that any evidence of mail-in voter fraud during the Covid-19 pandemic must be met with a major legal challenge.</p> <p>2. Suebsang, A. “Trump Taps Rudy Giuliani and Jay Sekulow to Oversee Post-Election Legal Battles.” <i>The Daily Beast</i>. (October 13, 2020).</p> <p>In recent months, President Donald Trump has spoken directly to his personal lawyer Rudy Giuliani about overseeing a legal fight that could arise from a close or contested 2020 election, two people familiar with the situation tell The Daily Beast.</p> <p>In related conversations with Giuliani and other confidants, Trump has also made clear that he wants Jay Sekulow, another personal attorney to Trump who defended the president during Special Counsel Robert Mueller’s two-year investigation, playing a major role if the courts got involved in resolving election disputes.</p> <p>The president has discussed the matter a number of times in recent weeks with Giuliani, who was also involved in the president’s debate prep last month. The president wanted his team of lawyers immediately ready to go with a war plan mapped out—as he’s continued to insinuate that he will turn to the judicial system to question the validity of numerous mail-in ballots. It is unclear if Trump has talked directly to Sekulow about this, however. And it remains to be seen how large such a legal team would ultimately become.</p> <p>“The president trusts Jay and Rudy, especially if the case should go all the way to the Supreme Court, where Jay has argued many cases. Even though Rudy doesn’t have a background in election law, it makes sense that the president would ask him to play the same role that Jim Baker played back in 2000 for George W. Bush.”</p> <p>The likelihood that there will be litigation around mail-in balloting has seemed to increase as the election has neared, with the Department of Justice weakening guidelines that discouraged staff from bringing election fraud cases close to Election Day. The expectation in</p>	<p>1. https://www.independent.co.uk/news/world/americas/us-politics/trump-court-battle-election-rudy-giuliani-mail-in-voting-b1013701.html;</p> <p>2. https://www.thedailybeast.com/trump-taps-rudy-giuliani-and-jay-sekulow-to-oversee-post-election-legal-battles</p>
November 3, 2020	Election Day		

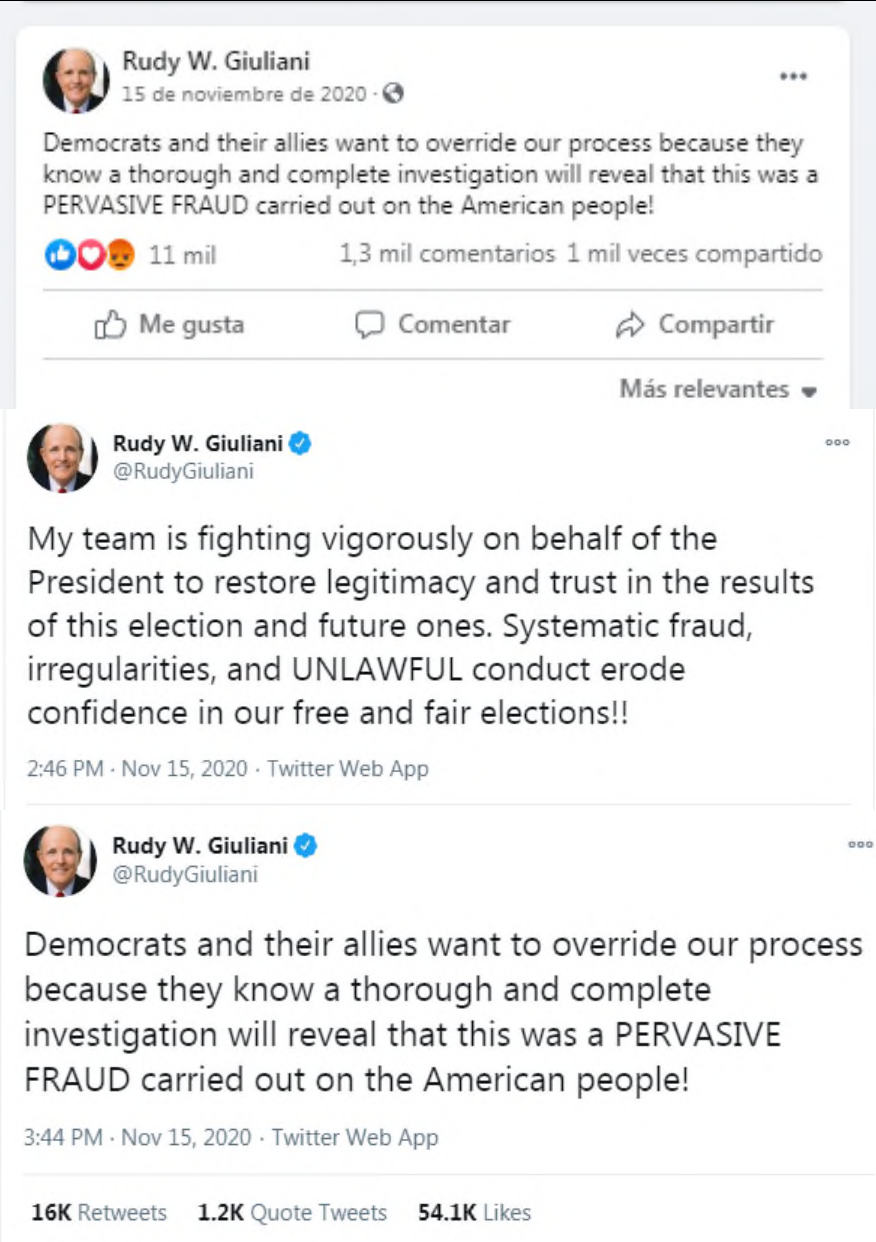
Date	Event	Giuliani Statement	Link
November 5, 2020	False Allegation of Electoral Fraud	 Rudy W. Giuliani @RudyGiuliani · Nov 5, 2020 This is a fight to ensure the integrity of our elections! We have received calls NATIONWIDE reporting FRAUD and ABUSE by Democrats. 4.5K 20.6K 51.7K	https://twitter.com/rudygiuliani/status/1324409285103767552?lang=en
November 7, 2020	Four Seasons Total Landscaping Press Conference: Giuliani Denies Biden Elected and Says Evidence Supports Disqualifying Certain Pennsylvania Ballots	<p>Mulraney, F. “Rudy Giuliani is finally lost for words: Trump’s lawyer fumes ‘networks don’t get to decide elections’ as he learns Biden is the winner during...” <i>Daily Mail</i>. (November 7, 2020).</p> <p>He was then asked whether the team would be able to change the result as it stands now through the courts.</p> <p>‘Of course!’ he claimed. ‘Courts set aside elections if they’re illegal.</p> <p>‘In this particular case, I don’t know if there’s enough evidence to set aside the entire election - certainly not across the entire country - maybe in Pennsylvania.</p> <p>‘However, there certainly is enough evidence to disqualify a certain number of ballots,’ he alleged.</p> <p>The ballots that were not properly inspected should be thrown out and that number of ballots should be taken out of the count. That could affect the election.</p>	<p>1. https://www.dailymail.co.uk/news/article-8924581/Moment-Rudy-Giuliani-declares-networks-dont-decide-elections-learns-Biden-call.html</p> <p>2. https://www.youtube.com/watch?v=7QTRO9MG6z8</p> <p>3. https://www.rev.com/blog/transcripts/rudy-giuliani-trump-campaign-philadelphia-press-conference-november-7</p>

Date	Event	Giuliani Statement	Link	
November 9, 2020	Poll Released Showing 70% of Republicans Don't Believe Election Free and Fair	Kim, C. "Poll: 70% of Republicans Don't Think Election was Free and Fair." <i>Politico</i> . (November 9, 2020).	https://www.politico.com/news/2020/11/09/republicans-free-fair-elections-435488	
		Poll dates:		November 6– 9, 2020
		Pre-election belief election would be fair		Democrats: 52%/
		Pre-election belief election would not be fair		Republicans: 35%
		Post-election belief in fair election		Democrats: 90%;
		Post-election belief election not fair		Republicans: 70%
		Not fair b/c of mail-in ballots		78% of belief election not fair
		Not fair b/c ballot tampering		72% of belief election not fair
		“...70 percent of Republicans now say they don’t believe the 2020 election was free and fair, a stark rise from the 35 percent of GOP voters who held similar beliefs before the election. Meanwhile, trust in the election system grew for Democrats, many who took to the streets to celebrate Biden’s victory on Saturday. Ninety percent of Democrats now say the election was free and fair, up from 52 percent before Nov. 3 who thought it would be.		
		“...Among those who believed that the election wasn’t free and fair, 78 percent believed that mail-in voting led to widespread voter fraud and 72 percent believed that ballots were tampered with... a majority of the people that thought the election was unfair, 84 percent, said it benefited Biden. Although only 18 percent of Republicans had said the results would be unreliable prior to Election Day, now 64 percent feel the same way following Biden’s victory. By contrast, 86 percent of Democrats say they trust the results....		
‘...Sixty-two percent of Republicans said the Pennsylvania results would be unreliable, a stark contrast to the 8 percent of Democrats who held the same beliefs....				
5				
“Distrust is similarly high in Wisconsin (55 percent), Nevada (54 percent), Georgia (54 percent) and Arizona (52 percent). The				

Date	Event	Giuliani Statement	Link
November 12, 2020	Head of the U.S. Cybersecurity and Infrastructure Security Agency Statement Confirms Election Security	<p>The members of the federal government’s Election Infrastructure Government Coordinating Council Executive Committee said, “The November 3rd election was the most secure in American history. Right now, across the country, election officials are reviewing and double checking the entire election process prior to finalizing the result.</p> <p>“When states have close elections, many will recount ballots. All of the states with close results in the 2020 presidential race have paper records of each vote, allowing the ability to go back and count each ballot if necessary. This is an added benefit for security and resilience. This process allows for the identification and correction of any mistakes or errors. There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.” (emphasis original).</p>	https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election

Date	Event	Giuliani Statement	Link
November 13, 2020	False Allegation of Electoral Fraud	<p>Rudy W. Giuliani @RudyGiuliani · Nov 13, 2020</p> <p>REVEALED: Sworn Evidence Of Pervasive Voter Fraud #Affidavits</p> <p>Rudy Giuliani breaks it down here: youtu.be/sd-5Xm5PFmg</p>  <p>8.5K 29.6K 84.1K</p>	https://www.youtube.com/watch?v=sd-5Xm5PFmg&t=10s
		<p>Rudy W. Giuliani 13 de noviembre de 2020 ·</p> <p>REVEALED: Sworn Evidence Of Pervasive Voter Fraud #Affidavits</p> <p>Rudy Giuliani breaks it down here: https://youtu.be/sd-5Xm5PFmg</p>  <p>8,1 mil 738 comentarios 1,7 mil veces compartido</p> <p>Me gusta Comentar Compartir</p> <p>Más relevantes</p>	https://youtu.be/sd-5Xm5PFmg

Date	Event	Giuliani Statement	Link
November 13, 2020	Opinion & Order from the Third Judicial Circuit Court for the County of Wayne	In response to a challenge to Wayne County's (Michigan's) elections, the Court said, "that suggestions of fraud were "speculative" as well as "incorrect and not credible."	https://electioncases.osu.edu/wp-content/uploads/2020/11/Costantino-v-Detroit-Opinion-and-Order.pdf at 1300.





Date	Event	Giuliani Statement	Link
November 15, 2020	False Allegation of Electoral Fraud	 <p>Rudy W. Giuliani 15 de noviembre de 2020 · 🌐</p> <p>Democrats and their allies want to override our process because they know a thorough and complete investigation will reveal that this was a PERVASIVE FRAUD carried out on the American people!</p> <p>11 mil 1,3 mil comentarios 1 mil veces compartido</p> <p>Me gusta Comentar Compartir</p> <p>Más relevantes ♥</p> <p>Rudy W. Giuliani ✓ @RudyGiuliani</p> <p>My team is fighting vigorously on behalf of the President to restore legitimacy and trust in the results of this election and future ones. Systematic fraud, irregularities, and UNLAWFUL conduct erode confidence in our free and fair elections!!</p> <p>2:46 PM · Nov 15, 2020 · Twitter Web App</p> <p>Rudy W. Giuliani ✓ @RudyGiuliani</p> <p>Democrats and their allies want to override our process because they know a thorough and complete investigation will reveal that this was a PERVASIVE FRAUD carried out on the American people!</p> <p>3:44 PM · Nov 15, 2020 · Twitter Web App</p> <p>16K Retweets 1.2K Quote Tweets 54.1K Likes</p>	<p>1. https://twitter.com/RudyGiuliani/status/1328107210363310081</p> <p>2. https://twitter.com/RudyGiuliani/status/1328121631798161410</p>


Date	Event	Giuliani Statement	Link
November 16, 2020	President Trump Names Giuliani Lead Counsel in Election Litigation	<p>1. Stracqualursi, V. “Trump puts Giuliani in charge of post-election legal fight after series of losses.” <i>CNN</i>. (November 16, 2020.</p> <p>President Donald Trump has put his personal lawyer Rudy Giuliani in charge of his campaign’s long-shot post-election legal challenges, according to a tweet from the President Saturday night.</p> <p>“I look forward to Mayor Giuliani spearheading the legal effort to defend OUR RIGHT to FREE and FAIR ELECTIONS! Rudy Giuliani, Joseph diGenova, Victoria Toensing, Sidney Powell, and Jenna Ellis, a truly great team, added to our other wonderful lawyers and representatives!” Trump said in the tweet.</p>	https://www.cbs58.com/news/trump-puts-giuliani-in-charge-of-post-election-legal-fight-after-series-of-losses


Date	Event	Giuliani Statement	Link
November 17, 2020	Giuliani Admits in Pennsylvania federal court "This is not a fraud case."	<p>1. Megerian, C. "As Trump's election lawsuits fizzle, Giuliani goes to court. It doesn't get better." <i>LA Times</i>. (November 17, 2020).</p> <p>"It's a widespread, nationwide voter fraud," Giuliani said. He accused local election officials of being part of a "little mafia" and preventing Republican Party observers from watching ballots being counted. He said only cities "controlled by Democratic machines" had problems, and "you'd have to be a fool to think this is an accident."</p> <p>But under questioning from U.S. District Judge Matthew W. Brann, Giuliani admitted, "This is not a fraud case." Brann did not issue a ruling on Tuesday, but he was openly skeptical of Giuliani's arguments.</p> <p>2. Lerer, L. "Giuliani in Public: 'It's a Fraud.' Giuliani in Court: 'This is Not a Fraud Case.'" <i>New York Times</i>. (November 18, 2020).</p> <p>The clearest tell that Mr. Trump's effort is a security blanket and a prayer strategy is the difference between what Mr. Trump's supporters say in the press and what they say in court.</p> <p>On Nov. 7, the day most media outlets called the race for Joe Biden, Rudy Giuliani stood outside a landscaping business in Philadelphia, making false claims about widespread election malfeasance.</p> <p>"This is a gross miscarriage of the process that would assure that these ballots are not fraudulent," he said. "It's a fraud, an absolute fraud."</p> <p>Under questioning from a federal judge in Pennsylvania on Tuesday, Mr. Giuliani made a different admission: "This is not a fraud case," he said.</p> <p>Since Election Day, the Trump campaign and its allies have filed more than 30 lawsuits that seek to stop the certification of results or have ballots thrown out. None have gotten any real legal traction, as lawyers back away from suggestions that the election was stolen, admit in court that there's no sign of fraud and have their evidence dismissed as unreliable. One minor win in Pennsylvania set aside a relatively small number of ballots that hadn't been counted yet — an inconsequential victory since Mr. Biden had already won the state without them.</p>	<p>1. https://www.latimes.com/politics/story/2020-11-17/trump-election-lawsuits-fizzle-as-giuliani-appears-in-court-for-him</p> <p>2. https://www.nytimes.com/2020/11/18/us/politics/trump-giuliani-voter-fraud.html</p> <p>3. https://www.nbcnews.com/politics/donald-trump/rudy-giuliani-baselessly-alleges-centralized-voter-fraud-free-wheeling-news-n1248273</p> <p>4. https://www.c-span.org/video/?478267-1/pennsylvania-judge-dismisses-trump-campaign-lawsuit-listen-oral-argument (denial of fraud at 2:16:50; 2:42:00)</p>

Date	Event	Giuliani Statement	Link												
November 18, 2020	Poll Released Showing 50% of Republicans Believe the Election Was Stolen	<p>Kahn, C. “Half of Republicans Say Biden Won Because of a Rigged Election: Reuters/Ipsos Poll.” <i>Reuters</i>. (November 18, 2020).</p> <table><tr><td>Poll dates:</td><td>November 13 – 17, 2020</td></tr><tr><td>Belief in fraudulent, stolen election:</td><td>50% Republicans</td></tr><tr><td>Belief Biden won election:</td><td>73% of people polled</td></tr><tr><td>Believe Trump won:</td><td>5% people polled</td></tr><tr><td>Biden “rightfully won.”</td><td>29% Republicans</td></tr><tr><td>Trump “rightfully won:</td><td>52% Republicans</td></tr></table> <p>“About half of all Republicans believe President Donald Trump “rightfully won” the U.S. election but that it was stolen from him by widespread voter fraud that favored Democratic President-elect Joe Biden, according to a new Reuters/Ipsos opinion poll.</p> <p>Altogether, 73% of those polled agreed that Biden won the election while 5% thought Trump won. But when asked specifically whether Biden had “rightfully won,” Republicans showed they were suspicious about how Biden’s victory was obtained.</p> <p>Fifty-two percent of Republicans said that Trump “rightfully won,” while only 29% said that Biden had rightfully won...</p>	Poll dates:	November 13 – 17, 2020	Belief in fraudulent, stolen election:	50% Republicans	Belief Biden won election:	73% of people polled	Believe Trump won:	5% people polled	Biden “rightfully won.”	29% Republicans	Trump “rightfully won:	52% Republicans	https://www.reuters.com/article/us-usa-election-poll/half-of-republicans-say-biden-won-because-of-a-rigged-election-reuters-ipsos-poll-idUSKBN27Y1AJ
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Date	Event	Giuliani Statement	Link
November 19, 2020	False Allegation of Electoral Fraud in DC Press Conference	<p>1.</p> <p>Rudy Giuliani: (01:19:09)</p> <p>Well, it is about something. Let's go from the big picture to the smaller picture. The most important thing here is that this has been a massive attack on the integrity of the voting system in the greatest democracy on earth. The people who did this have committed one of the worst crimes that I've ever seen or observed. One of the things we're the most proud of in this country is that we've been such a longstanding democracy based on the right to vote. They have trashed the right to vote. They've dishonored the right to vote. They've destroyed the right to vote in their greed for power and money. And there's no doubt about it. This was not an individual idea of 10 or 12 Democrat bosses. This is a plan. You would have to be a fool not to realize that. They do the same thing in exactly the same way in 10 big Democrat controlled, in most cases, crooked city.</p> <p>Rudy Giuliani: (01:20:08)</p> <p>And when I say crooked city, go look at how many of their officials have gone to jail in the last 20 or 30 or 40 or 50 or 60 years, that they have dominated and destroyed those cities. They picked the places where they could get away with it. They pick the places where, whether or not Republicans testified to something, judges would just dismiss it. Because judges are appointed politically and too many of them are hacks. They pick places where they could get a sheriff that refused to enforce a court order. When we got a court order that we could be 10 feet closer, our representatives were told, "If you try to do it, I'll arrest you."</p> <p>2. Timm, J.C. "Rudy Giuliani Baselessly Alleges 'Centralized' Voter Fraud at Free-Wheeling News Conference." <i>NBC News</i>. (November 19, 2020).</p> <p>Nov. 19, 2020, 11:26 AM PST / Updated Nov. 19, 2020, 7:24 PM PST</p> <p>By Jane C. Timm</p> <p>President Donald Trump's attorney, Rudy Giuliani, took the president's voter fraud claims even further on Thursday, baselessly alleging during a frenzied news conference that the fraud was nationally coordinated.</p> <p>The president's legal team alleged already debunked claims of voter fraud, baseless allegations of corrupted and hackable voting machines, election interference by foreign communists, and even references to antifa. The former New York City mayor also offered alternative election results for swing states and argued the president had a viable path to a second term.</p> <p>"It's not a singular voter fraud in one state," Giuliani said, speaking at Republican National Committee headquarters in Washington. "This pattern repeats itself in a number of states, almost exactly the same pattern, which any experienced investigator prosecutor, which</p>	<p>1. Transcript of Press Conference: https://www.rev.com/blog/transcripts/rudy-giuliani-trump-campaign-press-conference-transcript-november-19-election-fraud-claims</p> <p>2. https://www.youtube.com/watch?v=sq7TeUJwQD4</p> <p>3. https://www.nbcnews.com/politics/donald-trump/rudy-giuliani-baselessly-alleges-centralized-voter-fraud-free-wheeling-news-n1248273</p> <p>4. https://www.france24.com/en/live-news/20201119-chavez-soros-and-my-cousin-vinny-giuliani-s-wild-vote-fraud-presser</p>

Date	Event	Giuliani Statement	Link
November 21, 2020	<i>Boockvar</i> District Court Decision		https://www.pamd.uscourts.gov/sites/pamd/files/20-2078_202.pdf
November 22, 2020	False Allegation of Electoral Fraud	<p>1.</p>  Rudy W. Giuliani ✓ @RudyGiuliani <p>Democrat big city hacks followed the same plan to steal votes in 10 or more cities.</p> <p>Blocking ballot inspectors, backdating votes, stuffing the mail in ballot box, curing ballots for Democrats, and not Republicans, are the common practices used by these crooks.</p> <p> This claim about election fraud is disputed</p> <p>5:13 AM · Nov 22, 2020 from Washington, DC · Twitter for iPad</p> <p>2.</p>  Rudy W. Giuliani ✓ @RudyGiuliani <p>Want evidence of fraud.</p> <p>In 70% of Wayne County, Detroit, there were PHANTOM VOTERS.</p> <p>There were more votes than registered voters.</p> <p>120%, 150%, 200%, even 300%.</p> <p> This claim about election fraud is disputed</p> <p>5:24 AM · Nov 22, 2020 from Washington, DC · Twitter for iPad</p>	<p>1.</p> https://twitter.com/RudyGiuliani/status/1330499768641052679 <p>2.</p> https://twitter.com/RudyGiuliani/status/1330502378035027975

Date	Event	Giuliani Statement	Link
November 25, 2020	False Allegations of Electoral Fraud before Pennsylvania Senate Majority Policy Committee	Giuliani says, “This election, the numbers don’t add up. Count the honest votes and the winner of this election changes.”	Video of hearing: https://policy.pasenategop.com/112520/
November 27, 2020	False Allegation of Electoral Fraud		https://www.youtube.com/watch?v=xqUrKIK_3s
November 27, 2020	Boockvar Third Circuit Opinion		https://www2.ca3.uscourts.gov/opinarch/203371np.pdf

Date	Event	Giuliani Statement	Link
November 30, 2020	False Allegations of Electoral Fraud with Arizona Lawmakers	<p>Giuliani says “Let’s say there were 5 million illegal aliens in Arizona. It is beyond credulity that a few hundred thousand didn’t vote.”</p> 	https://www.youtube.com/watch?v=QfC2T7UpkI
December 1, 2020	Attorney General Bill Barr Confirms no Widespread Election Fraud	<p>Balsamo, M. “Disputing Trump, Barr says no widespread election fraud.” <i>AP News</i>. (December 1, 2020).</p> <p>Disputing President Donald Trump’s persistent, baseless claims, Attorney General William Barr declared Tuesday the U.S. Justice Department has uncovered no evidence of widespread voter fraud that could change the outcome of the 2020 election.</p>	https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d

Date	Event	Giuliani Statement	Link
December 2, 2020	False Allegation of Electoral Fraud in hearing before Michigan State House Oversight Committee	<p>Giuliani presented unsworn testimony from witnesses alleging voter fraud in Michigan, including some that had been previously found not credible.</p> <p>1. Parseghian, A. “Watch: Giuliani pushes Michigan lawmakers to overturn election, questions witnesses during hearing.” <i>Fox 17 Online</i>. (December 2, 2020).</p> <p>President Trump’s Attorney Rudy Giuliani came to Lansing Wednesday, to testify in front of the Michigan House Oversight Committee.</p> <p>Giuliani continues to claim widespread fraud cost Trump the 2020 election and is urging the Legislature to award electors to the president.</p> <p>At the hearing, Rudy Giuliani was the one asking most of the questions of witnesses he brought in, as they laid out allegations of election fraud in Detroit.</p> <p>None of them were under oath.</p> <p>The former New York City Mayor began his testimony by questioning his first witness, city of Detroit Engineer Jessy Jacob.</p> <p>Jacob claimed to have witnessed fraud including that she was ordered to change dates on absentee ballots.</p> <p>“Would you say Jessy that was an experience you never expected? That level of crookedness and dishonesty at the Detroit center for counting votes?” Giuliani questioned.</p> <p>“Yes, the whole city...” she replied before being cut off by Democratic State Rep. Cynthia Johnson, D-Detroit.</p> <p>In a recent lawsuit, Jessy Jacob’s sworn affidavit was considered not credible by a Wayne County judge.</p>	<p>1. Video from House Oversight Committee: https://www.house.mi.gov/SharedVideo/PlayVideoArchive.html?video=OVER-120220.mp4</p> <p>2. https://www.fox17online.com/news/election-2020/giuliani-urges-michigan-lawmakers-to-overturn-election-questions-witnesses-during-hearing</p>




Date	Event	Giuliani Statement	Link
December 3-10, 2020	False Allegations of Georgia Electoral Fraud; including in hearings in the Georgia State Senate and House of Representatives	<p>Rudy W. Giuliani @RudyGiuliani · Dec 4, 2020</p> <p>Are we going to let Democrats steal the election in front of our faces. If we cant stand up to the pressure of saving our country from rampant voter fraud because we are afraid of the elite reaction, we better find more courageous people for our party.</p> <p>Grant Stinchfield @stinchfield1776 · Dec 3, 2020</p> <p>This is a total game changer! Sure looks like ballot stuffing in GA! All caught on camera. Busted! @realDonaldTrump @JennaEllisEsq @RudyGiuliani #stopthesteal</p>  <p>3.6K 17K 44.7K</p> <p>Rudy W. Giuliani 5 de diciembre de 2020 ·</p> <p>VIDEO EVIDENCE: Caught Red Handed, TRUMP WON GEORGIA! Rudy Giuliani Analyzes Video Evidence Here: youtu.be/PchtaUsRH70</p> 	<ol style="list-style-type: none"> https://twitter.com/RudyGiuliani/status/1334982029117714432 https://www.washingtonpost.com/politics/2020/12/04/giuliani-boasts-about-finally-providing-evidence-fraud-which-doesnt-appear-be-evidence-fraud/ https://youtu.be/PchtaUsRH70 https://www.gpb.org/news/2020/12/04/fact-checking-rudy-giulianis-grandiose-georgia-election-fraud-claim https://www.washingtonpost.com/politics/2020/12/04/giuliani-boasts-about-finally-providing-evidence-fraud-which-doesnt-appear-be-evidence-fraud/ Video from Senate hearing: https://www.youtube.com/watch?v=Ur4v15UTN8g&list=PLNiGhWqYcxYtSqok7aytLdFhgUU9ko_Ip Video from House of Representatives hearing: https://livestream.com/accounts/25225474/events/9117221/videos/214677184


Date	Event	Giuliani Statement	Link
December 4, 2020	Order from First Judicial District in the State of Nevada Released	In response to a challenge to Nevada's elections, the Court said, " "did not prove under any standard of proof that illegal votes were cast and counted, or legal votes were not counted at all . . . nor in an amount sufficient to raise a reasonable doubt as to the outcome of the election."	https://electioncases.osu.edu/wp-content/uploads/2020/11/Law-v-Gloria-Order-Granting-Motion-to-Dismiss.pdf at 31
December 5, 2020	Giuliani Announce Plan to Stop State Legislature from Certifying Election Results	<p>Colarossi, N. "Rudy Giuliani Accuses Judge of Creating a 'Fantasy,' Says 'We Don't Need Courts' in Election Fight." <i>Newsweek</i>. (December 5, 2020).</p> <p>"The simple fact is, we don't need courts," Giuliani declared. "The United States Constitution gives sole power to the state legislature to decide presidential elections."</p>	<p>1. https://www.newsweek.com/rudy-giuliani-accuses-judge-creating-fantasy-says-we-dont-need-courts-election-fight-1552597</p> <p>2. https://www.nytimes.com/2020/12/15/technology/fake-dueling-slates-of-electors.html</p>



Date	Event	Giuliani Statement	Link												
December 9, 2020	Poll Released Showing Quarter of Republicans Don't Trust Election Results	<div><div>Detrow, S., Montanaro, D., Davis, S. "Most Americans Believe the Election Results—Some Don't." <i>NPR</i>. (December 9, 2020).</div><table><tr><td>Poll Date</td><td>December 9, 2020</td></tr><tr><td>Trust election results</td><td>60% Americans</td></tr><tr><td>Don't Trust results</td><td>25% Republicans</td></tr><tr><td>Believe Trump won:</td><td>5% people polled</td></tr><tr><td>Trump should concede</td><td>2/3rd of Americans</td></tr><tr><td>Trump should not concede</td><td>4 in 10 Republicans</td></tr></table><div><p>"A new NPR/PBS News Hour/Marist survey finds that more than sixty percent of Americans — but just one quarter of Republicans — say they trust the results of the 2020 presidential election.</p><p>That comes as President Trump continues to push baseless allegations of electoral fraud as he has for more than a month, even as his lawsuits falter in court. Now, two-thirds of Americans believe that Trump should formally concede to President-elect Joe Biden—a belief shared by fewer than four in ten Republicans."</p></div></div>	Poll Date	December 9, 2020	Trust election results	60% Americans	Don't Trust results	25% Republicans	Believe Trump won:	5% people polled	Trump should concede	2/3rd of Americans	Trump should not concede	4 in 10 Republicans	https://www.npr.org/2020/12/09/944685514/most-americans-believe-the-election-results-some-dont
Poll Date	December 9, 2020														
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Trump should concede	2/3rd of Americans														
Trump should not concede	4 in 10 Republicans														
December 9, 2020	Decision and Order from the U.S. District Court for the Eastern District of Wisconsin	<div>In considering a challenge to the certification of Wisconsin election results, the Court said, "Federal judges do not appoint the president in this country. One wonder why the plaintiffs came to federal court and asked a federal judge to do so. After a week of sometimes odd and often harried litigation, the court is no closer to answering the "why." But this federal court has no authority or jurisdiction to grant the relief the remaining plaintiff seeks."</div>	https://electioncases.osu.edu/wp-content/uploads/2020/12/Feehan-v-WEC-Doc83.pdf at 2.												

Date	Event	Giuliani Statement	Link		
December 10, 2020	Poll Released Showing 77% of Republicans Believe There Was Widespread Electoral Fraud	Keating, C. “Quinnipiac Poll: 77% Republicans believe there was widespread fraud in presidential election; 60% overall consider Joe Biden’s victory legitimate.” <i>Hartford Courant</i> . (December 10, 2020).	https://www.courant.com/politics/hc-pol-q-poll-republicans-believe-fraud-20201210-pcie3uqqvrhyvnt7geohhsyepe-story.html		
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		Belief widespread election fraud		77% Republicans	
		<table><tr><td>Election legitimate</td><td>60 % All Registered voters</td></tr></table>		Election legitimate	60 % All Registered voters
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		<table><tr><td>Election not legitimate</td><td>34% All Registered voters</td></tr></table>		Election not legitimate	34% All Registered voters
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<table><tr><td>No widespread fraud</td><td>97% Democrats/ 62 % Independents</td></tr></table>	No widespread fraud	97% Democrats/ 62 % Independents			
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<p>HARTFORD — A new Quinnipiac University poll says 77% of Republicans believe there was widespread voter fraud during the November election between President Donald Trump and Democrat Joe Biden.</p> <p>In a deeply polarized nation, 60% of registered voters polled believe that Biden’s victory was legitimate, but 34% do not.</p> <p>The latest national poll by the Hamden-based university shows huge differences in political perceptions by voters, based on their party affiliation. Among Democrats, 97% say there was no widespread fraud in the election, but 77% of Republicans believe there was. Among independents, 62% said there was no widespread fraud and 35% said they believe there was</p>					



Date	Event	Giuliani Statement	Link
December 12, 2020	Decision and Order from the U.S. District Court for the Eastern District of Wisconsin	In considering a challenge to the certification of Wisconsin election results, the court said, “This is an extraordinary case. A sitting president who did not prevail in his bid for reelection has asked for federal court help in setting aside the popular vote based on disputed issues of election administration, issues he plainly could have raised before the vote occurred. This Court has allowed plaintiff the chance to make his case and he has lost on the merits. In his reply brief, plaintiff “asks that the Rule of Law be followed.” (Pl. Br., ECF No. 109.) It has been.”	https://electioncases.osu.edu/wp-content/uploads/2020/12/Trump-v-WEC-Doc134.pdf at 22.
December 14, 2020	False Allegation of Fraud Before Missouri State Legislature	<p>1. Keller, R. “After testy debate, Missouri GOP bill casting doubt on Joe Biden’s victory likely dead” <i>The Kansas City Star</i>. (December 15, 2020).</p> <p>In his testimony, given via video link, Giuliani repeated claims made in other venues, that observers were prevented from watching ballot validation, that large numbers of ballots were surreptitiously added to the count in Georgia and several other claims.</p> <p>“I said the courts have held no hearings,” Giuliani said. “They have dismissed the cases that have been brought on procedural grounds, like standing.”</p>	<p>1. Video from Hearing: https://sg001-harmony.sliq.net/00325/Harmony/en/PowerBrowser/PowerBrowserV2/20200831/13/2102 (discussion of fraud at minute 5:53:25)</p> <p>2. https://www.kansascity.com/news/politics-government/article247852575.html</p>
December 21, 2020	Trump Campaign Petitions files Writ of Certiorari in <i>Boockvar</i> Litigation		https://www.supremecourt.gov/DocketPDF/20/20-845/164240/20201220131128005_Trump%20v%20Boockvar%20Petition.pdf

Date	Event	Giuliani Statement	Link
December 21, 2020	False Allegation of Fraud	<div data-bbox="655 154 1522 495">  <p>Rudy W. Giuliani @RudyGiuliani · Dec 21, 2020</p> <p>Let's find out, once and for all, did Biden cheat to become President like he cheated to get through law school?</p> <p>PA, Ariz., GA, Michigan and Wisconsin should agree to let us audit the Dominion machines.</p> <p>What are they afraid of, if they didn't cheat?</p> <p>No winner without an audit?</p> <p>4K 22.6K 72.1K</p> </div> <div data-bbox="655 527 1522 1242">  <p>Rudy W. Giuliani @RudyGiuliani · Dec 21, 2020</p> <p>DISCOVERY: A 68% ERROR rate found in votes PROVES intentional fraud!</p> <p>PA, AZ, GA, MI, and WI should agree to let us audit the Dominion machines. If they didn't cheat, what are they afraid of? We MUST have an audit!</p> <p>Rudy Giuliani's analysis HERE: youtu.be/UUtmBrgIC9w</p>  <p>3.3K 17.3K 44.4K</p> </div>	https://twitter.com/RudyGiuliani/status/1341050325751492608

Date	Event	Giuliani Statement	Link
December 31, 2020	False Allegation of Fraud Before Georgia State Senate Subcommittee	<p>Richards, D. "Gov. Kemp Agitated by Giuliani's Testimony, Trump's Tweets." <i>11 Alive</i>. (December 31, 2020).</p> <p>▶ ATLANTA — President Donald Trump's lawyer Rudy Giuliani made another appearance at the Georgia State Capitol on Wednesday.</p> <p>By doing so, Giuliani caught the ire of Gov. Brian Kemp, who criticized his testimony and his behavior during a press conference Wednesday afternoon at the State Capitol.</p> <p>Giuliani told a Senate subcommittee he had little use for Georgia's election recounts or election audits. That included an audit by agents of the Georgia Bureau of Investigation, among others, of absentee ballot signatures in Cobb County.</p> <p>The state says the signature audit yielded zero fraudulent signatures.</p> <p>"The recount in Cobb County is a joke. It's an insult," Giuliani declared during the hearing.</p> <p>RELATED: Secretary of State's office says 'No Fraud' in Cobb County signature audit</p> <p>"That's a joke," countered Kemp during his press conference a few hours later. "He doesn't know the Georgia Bureau of Investigation very well."</p> <p>A screenshot of a tweet from Rudy W. Giuliani (@RudyGiuliani) dated December 31, 2020. The tweet text reads: "Brian Kemp's personal attack on me is stupid. His law enforcement agents took pictures with me and appreciate my support. They all think there is something wrong with this guy. He's covering up a massive voter fraud in GA to help Democrats. Why?" The tweet shows engagement metrics: 3.1K replies, 22.8K retweets, and 75.3K likes. There is a share icon on the right.</p>	https://www.11alive.com/article/news/politics/elections/kemp-giuliani/85-185061d6-16b8-4204-bd72-ac3a6d8ccdb1

Date	Event	Giuliani Statement	Link
January 1-6, 2021	Giuliani Maintains Fraud Allegations and Encourages Attendance at the January 6 th Protest	<div data-bbox="636 142 1491 922">  </div> <div data-bbox="636 925 1526 1620">  </div>	<ol style="list-style-type: none"> https://www.youtube.com/watch?v=jxubAQe03gY https://www.youtube.com/watch?v=7vRckA6PqGA&feature=youtu.be https://twitter.com/RudyGiuliani/status/1346618559108165633

Date	Event	Giuliani Statement	Link
January 5. 2021	Vice President Pence Informs President Trump he Lacks Power to Block Certification of President-Elect Biden's Electoral College Victory While Giuliani Alleges the Vice President Has Such Power	<p>1. Haberman, M, and Karni, A. "Pence Said to Have Told Trump He Lacks Power to Change Election Result" <i>New York Times</i>. (January 7, 2021).</p> <p>Vice President Mike Pence told President Trump on Tuesday that he did not believe he had the power to block congressional certification of Joseph R. Biden Jr.'s victory in the presidential election despite Mr. Trump's baseless insistence that he did, people briefed on the conversation said.</p> <p>2. Stahl, J. "Can Mike Pence Really OVerturn the Election?" <i>Slate</i>. (January 5, 2021).</p> <p>"He could say, 'In these states, the election was conducted illegally in these six states. Therefore, I'm throwing their votes out, they're not certified,' " Giuliani suggested. "That would leave Trump at 233, and that would put Biden at 230, nobody has a majority." If Pence threw out those electoral votes, according to the president's attorney, the House of Representatives would then "automatically" vote to overturn the election and make Trump president, because the vote is conducted by state delegation and Republicans hold the current advantage in that tally.</p>	<p>1. https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election-results.html;</p> <p>2. https://www.nytimes.com/2021/01/06/us/politics/pence-rejects-trumps-pressure-to-block-certification-saying-he-loves-the-constitution.html;</p> <p>3. https://www.cnn.com/2021/01/06/politics/pence-trump-electoral-college-letter/index.html</p> <p>4. https://slate.com/news-and-politics/2021/01/can-mike-pence-overturn-election-trump-electoral-college-count.html</p>

Date	Event	Giuliani Statement	Link
January 6, 2021	Giuliani Attends Rally; Gives Speech Calling for “Trial by Combat”; and Claims Vice President Pence to Block Certification of President-Elect Biden’s Electoral Victory; Claims President Trump “Truly Elected President”	<p>Rudy Giuliani: (00:09)</p> <p>Hello. Hello everyone. We’re here just very briefly to make a very important two points. Number one; every single thing that has been outlined as the plan for today is perfectly legal. I have Professor Eastman here with me to say a few words about that. He’s one of the preeminent constitutional scholars in the United States. It is perfectly appropriate given the questionable constitutionality of the Election Counting Act of 1887 that the Vice President can cast it aside and he can do what a president called Jefferson did when he was Vice President. He can decide on the validity of these crooked ballots, or he can send it back to the legislators, give them five to 10 days to finally finish the work. We now have letters from five legislators begging us to do that. They’re asking us. Georgia, Pennsylvania, Arizona, Wisconsin, and one other coming in.</p> <p>Rudy Giuliani: (02:43)</p> <p>Over the next 10 days, we get to see the machines that are crooked, the ballots that are fraudulent, and if we’re wrong, we will be made fools of. But if we’re right, a lot of them will go to jail. Let’s have trial by combat. I’m willing to stake my reputation, the President is willing to stake his reputation, on the fact that we’re going to find criminality there.</p> <p>1.</p> <div data-bbox="674 1015 1438 1079">  <div> Rudy W. Giuliani ✓ @RudyGiuliani </div> </div> <p>The truly elected President!</p> 	<p>1. Transcript of Speech: https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat</p> <p>2. https://twitter.com/RudyGiuliani/status/1346868458030571521</p>

Date	Event	Giuliani Statement	Link
January 16, 2021	Giuliani Continues to Assert Fraud Claims are "True"	<p>Karl, J. and Steakin, W. "Giuliani says he's working on Trump's impeachment defense, would argue voter fraud claims" <i>ABC News</i>. (January 16, 2021).</p> <p>President Donald Trump's personal attorney Rudy Giuliani tells ABC News he's working as part of the president's defense team in his upcoming second impeachment trial -- and that he's prepared to argue that the president's claims of widespread voter fraud did not constitute incitement to violence because the widely-debunked claims are true.</p> <p>"I'm involved right now ... that's what I'm working on," Giuliani told ABC News Chief White House Correspondent Jonathan Karl.</p>	https://abcnews.go.com/US/giuliani-working-trumps-impeachment-defense-argue-voter-fraud/story?id=75302032

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