

Electoral Bigfoot does not exist

The Seattle Times' front page report, "Republicans double down on debunked myth of voter fraud," (Sunday, 12/27/20) revealed irreconcilable differences between:

- **Pres. Trump's assertions of vast voter fraud in the presidential election and that the election was "stolen"**
— compared to —
- **their 60 to 1 loss record in court.** (And the one "loss" would not change the final election result in any way.)

Things haven't changed much since then. There is still no credible or substantial evidence of election fraud. Trump clearly lost. If you want to know why read on. If you don't want to know, if you want to believe press conference assertions and speculation rather than considering evidence and reason — if that is too challenging, too uncomfortable, indeed offensive to you, then you must consider whether you are biased, naïve, gullible, a mental coward or intellectually lazy. Be brave and inquisitive. Consider this.

The Courts Require Evidence of Fraud

— news media and social media do not.

What seems unnoticed in this overwhelming court rejection of election fraud is that there is a good reason for it. The nearly total failure rate of election fraud lawsuits is not surprising because courts require *proof*. Trump's lawyers and other supporters can claim anything they want, no matter how outlandish — conspiracy theories, destroyed ballots, dead people voting — anything they can conceive of to challenge the consequences and apparently get away with it on TV. They can claim any theory conceivable, no matter how lacking in evidence, at press conferences, on Fox News, YouTube or other websites or platforms. But there is a huge qualitative difference between what they can get away with in the media and what the courts require. While these media displays may convince Trump's loyal/gullible base, they don't convince the courts — because, unlike press conferences and YouTube interviews, where the most preposterous conspiracy theories can be presented as fact without any proof, the courts require reliable evidence. The courts are well trained, experienced and equipped to decide disputed issues of fact, such as fraud. That's what they do. They require reliable evidence; real evidence, not hearsay, not anecdotal evidence, not speculation, suspicion, rumor or conjecture. But that is all that the Trump supporters have presented in court. Obviously and justifiably, the courts are not buying it. In court, as you might say, you have to put up or shut up.

When it comes to proof of fraud — in court especially — the requirements are necessarily quite stringent. Court rules require "clear cogent and convincing evidence" of fraud — that means specific facts of each element of fraud. When claims of a stolen election are proclaimed on TV by Trump fraud hucksters that is one thing, but in court they must back them up by presenting substantial, admissible, provable, relevant facts. They have consistently failed to do that and they cannot do it — because none exists. And that's why virtually all of these election fraud cases have been thrown out.

Instead fraud promoters rely on conjectures, hearsay, speculation, phony, the theories of unqualified “expert” opinion and anecdotal evidence. All of that plays well in the media, in TV interviews and press conferences and on websites *but fails every time in court*. This Bigfoot delusion of massive electoral fraud cannot be proved because it does not exist. If it did exist. If there was widespread election fraud, Trump and his legal henchmen could easily prove it, but they have not. As a matter of fact, no one, not Trump, not Giuliani, not any of his election fraud supporters can name or describe a single specific example of significant election fraud that occurred anywhere during the 2020 election. They often claim they know of instances of fraud but if asked exactly “Where, when, how and who?” they cannot answer any of those questions.

Incredibly, many Republican politicians continue to peddle the election fraud scenario even though they are in a position where they have to know it is false. Many who once denied Trump’s claims now have fearfully succumbed to his bullying pressure tactics.

Now, for those of you who still believe the election fraud fiction, how do you explain all of this? I’m not saying that the courts never make mistakes, but not in over 60 cases. Most all of us rational people have confidence that if we are sued or need to make a claim in court that our cases will be properly heard and fairly decided under the evidence and the law. We have entrusted the courts to decide these very issues. We all rely — or should rely — on the integrity and expertise of our courts as the final arbiter of all kinds of everyday disputes, some involving claims of fraud — and that includes election fraud. Fraud is a legal issue. The courts decide legal issues. That’s what they do. They are the final arbiter, the best equipped, indeed the only institution equipped and tasked with the duty to hear and decide legal issues, especially including fraud.

Of the 61 cases heard, some were heard by judges appointed by Trump himself or appointed by other Republican presidents. Some were appeals and all of the decisions have been upheld on appeal. That’s over 60 courts that have held that there was no election fraud and that claimed “irregularities” were ordinary and minor mistakes and procedural slipups that would not have changed the result. In the face of this virtually unanimous record in court, how can you say that every one of those 60 or so cases is wrong? Really ask yourself, is it at all plausible to believe that all of these decisions were wrongly decided? So you’re going to take the word of Pres. Trump or Rudy Giuliani or Sidney Powell or retired Gen. McInerney – who were not speaking in court and not subject to cross-examination or subject to the rules of evidence or required to provide reliable proof of facts – you are going to take their word over this complete judicial refutation of the election fraud fantasy?

Now you may think that it was just that the courts didn’t want to deal with a political hot potato. That’s not true because many court cases have been heard fully on the merits with all the rules and procedures in place that decide all other cases. In all the election fraud cases all the allegations and evidence Trump’s lawyers had were presented and still all were rejected. Rudy Giuliani claimed in a press conference that he had hundreds of affidavits. Did he ever present them in court? No, just two and they didn’t prove anything relating to large-scale fraud. And among these other alleged massive collections of affidavits, few if any have ever been presented in court. Many of

these affidavits present anecdotal evidence or contain inadmissible, unsupported, unqualified “expert” opinion or hearsay evidence, all of which have been rejected as insufficient proof of fraud according to time-honored, nonpolitical rules of evidence.

If you have never read any of the court cases brought by Trump and his people you are not very well informed. The court cases are available to read online. You should read one or two at least if you want the truth. I have. And, while some of these election challenges have been thrown out for lack of standing and other technical or procedural shortcomings of the claims, most others have been dismissed after a full hearing on the merits. Astonishingly, some cases were dismissed because Trump’s lawyers failed to even state a claim on which relief could be granted. In most of these cases Trump’s lawyers did not even claim fraud. Why didn’t they? Trump’s own high-priced, experienced and skillful lawyers could not bring themselves to present the flimsy proof peddled by Giuliani and other fraud hucksters. They didn’t present claims of fraud because there wasn’t any evidence for it. Obviously, if they had evidence of fraud they would have presented. Then there was former prosecutor Sidney Powell, who did try to present a totally bogus fraud claim. She has been sanctioned by the courts for violating court rules that require lawyers to present claims that are based on fact and the law and penalize them if they don’t.

The claim that an election was rigged or stolen because of massive election fraud is basically a claim that the election was *illegal*; that the conduct or the procedures of the election were illegal. Fraud is a legal issue and legal issues are for the courts to decide. The courts have time honored, well tested, balanced and fair rules and methods for deciding claims of fraud. Every one of the elements of fraud must be proven by clear, cogent and convincing evidence. That’s what the courts require and we should require no less in such a crucial matter, a matter of life or death for democracy. These rules are uniformly applied in all cases where fraud is claimed, not just election cases. The rules do not have a political bias. Fraud is not a political issue. It is an issue of reliable proof. That is because it is so easy, so tempting to claim fraud, but so harmful, so dangerous when the claim is false. In spite of what you have heard or what you might believe, there is no such evidence — not even any ordinary factual evidence at all that massive fraud swung the election to Joe Biden. I will explain fully.

Not only that, but remarkably there are in fact a good number of realists with integrity in the Republican ranks; Republicans who have the integrity and courage to acknowledge the truth. They include diplomat and very conservative former Trump advisor, John Bolton, and National Security Advisor Robert O’Brien. Bolton urged Trump to accept the result and said that his failure to do so is creating unfounded distrust in the electoral system and was hurting the country, including the transition to the Biden Administration.

The Department of Homeland Security is responsible for federal electronic and computer security. It has publicly rebuked Trump and his allies, even calling this year’s election “the most secure in American history.” The Election Infrastructure Sector Coordinating Executive Committee said in a statement that “there is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.” Cybersecurity chief for the Department of Homeland Security, Christopher

Krebs, refuted the claims of computer manipulation of election results. He said, “On allegations that election systems were manipulated, 59 election security experts all agree, in every case of which we are aware, these claims either have been unsubstantiated or are technically incoherent.” He announced that there was no security breach in the nation's voting systems. Trump then fired him. Finally, Trump loyalist, former Trump appointed Atty. Gen., William Barr, concluded that there was no evidence of election fraud. He said colorfully the claims were “BS.” As you know, that was the same conclusion reached by the Republican Secretary of State of Georgia who Trump tried to cajole into finding enough votes for him to win the state.

All claims of vast election fraud have been discredited, not only by the courts, but by state election officials as well, many of whom are Republicans and Trump supporters. In contested elections in Georgia and Arizona the paper ballots have been retained and recounted by trained election workers, supervised by *Republican* election officials. In Georgia there were three recounts and none of them disclosed fraud or even mistakes that would have changed the result. A massive hand recount of ballots in Arizona, conducted by a team hired by the Republican-controlled Arizona legislature actually came up with a few hundred more votes for Biden than had previously been counted.

In all cases in all states throughout the country that use paper ballots they are in retained according to law and are available for recount. No recounts have ever changed any of the last election results. If there is some mysterious, insidious computer software infecting voting systems why doesn't that show up in the paper ballots produced by these systems that are available for a hand recount? The laws in almost every state require paper ballots. It's just impossible to argue fraud when the paper ballots still exist and can be counted and recounted as many times as the challengers want — with the results being the same. That alone shows that fraud claims lack any supporting evidence.

Election procedures and technology have improved immensely over the years, especially since the old days of Tammany Hall and Chicago Mayor Daley. And we are no longer dealing with butterfly ballots or hanging chads. Improvements have advanced to the point where today election *fraud* is impossible unless one assumes that election officials and election workers are predominantly dishonest partisan zealots or that they are infiltrated with a vast secret, underground conspiracy of evil election workers bent on rigging elections. You have to assume either or both of these propositions in order to believe there was vast fraud in the 2020 election.

I'm not saying that mistakes and irregularities do not occur. They always do, but mistakes and irregularities are random. They are just as likely to benefit one of the candidates as the other and certainly cannot be known to favor either side because of the secret ballot rule. If ballots are always kept secret you can't know who the voter voted for. Irregularities are not fraud. But concerted, deliberate election fraud does not occur without significant collusive action of numbers of evildoers.

Moreover, election computer software is used widely and is very difficult to manipulate without being detected. None has been discovered. The reason is that election

software programs are installed and tested off-line before the elections and during, which means they are not connected to the Internet either during set up (that is the downloading of ballot formats), during pre-election testing or during the actual ballot counting process. Computerized election processes are more secure than the software that is used to charge purchases on credit cards — which most of us rely on without questioning.

There are two separate and different voting systems that are prevalent throughout America.

First, there are the cases where voting is done on separate voting machines at various polling stations located in neighborhoods and in schools, churches and other public places throughout the jurisdiction. In these cases there might be 5 to 20 machines in each polling place, adding up to hundreds throughout the entire jurisdiction. Voting machines, after being set up with the ballot format downloaded onto each machine are tested and are then ready for the election. Prior to election day they are stored under lock and key at a warehouse or other storage location. In order to change the election machine's program, a nefarious conspirator would have to break into the storage area and manipulate every one or a large number or hundreds of machines by physically opening them (with a tool of some kind) and alter the software or replace previously installed computer chips. These machines are then transported to the various polling stations just prior to election day. Voters who appear at polling stations must present suitable ID. Commonly these polling station machines throughout the country print out a ballot for the voter to review before the voter deposits his/her ballot in the scanner for optical scanning and counting. Optical scanners read the ballot exactly as it is printed. So every voter in these cases can look at their ballot print-out and see how they voted before inserting it in the scanner for counting. Many voters would note any discrepancy on the printed paper ballot right away if there is one and would report the discrepancy to election workers. The election results are tabulated at each polling station and those results reported to election headquarters for adding to the overall vote counting. The printed ballots are retained after the election and can be recounted in a hand count.

The other election method involves ballots mailed to registered voters usually a couple of weeks before the election. Voters, in the privacy of their homes, can take their time in marking their ballots. Every ballot is marked by the voter so there is little chance for fraud at that stage and we have to conclude that is what the voter intended. These ballots are either mailed or placed in a dropbox by the voter. Ballot envelopes are received at a central location or headquarters where they are checked for signature verification, the ballot is removed from the envelope and then fed into a machine that optically scans and tabulates each ballot. This is a system typified by the state of Washington and states that vote totally by mail. The safeguards against fraud in these cases are comprehensive.

Tabulating machines are set up, thoroughly tested, operated and supervised by experienced high-ranking election technicians and officials. All of this is done off-line. I emphasize: *election computers and tabulating equipment is not connected to the Internet during testing and counting of ballots*. So, again, there is no way election

equipment at centralized locations can be surreptitiously and undetectably tampered with in any massive way by internet hackers. All paper ballots that have been fed into the ballot counting machines are retained after machine counting and can later be hand counted if questioned, which was done in the case of Arizona, Michigan and other states and recounted several times in Georgia with no significant discrepancies found. Since no one outside a voter's household can alter a mail-in ballot and all such ballots are tracked by unique barcodes assigned to each voter, mail-in voting is more secure than polling station voting — contrary to Trump's unexplained assertion that mail-in balloting was "a whole big scam."

Finally, there are many processes for assuring election integrity — for detecting and reconciling discrepancies. In most cases every ballot packet sent to a voter by mail has a unique barcode included, usually affixed to a security envelope. There are several distinct steps or phases in counting ballots:

1. When received at election central locations, the barcodes on the outside security envelopes are scanned and recorded as received so that election records show how many ballot envelopes were received and exactly who voted, but not how they voted. No ballot will be counted that does not have a state issued barcode. A ballot with a phony barcode would be rejected. This is done by a ballot tracker program in most jurisdictions that use mail-in ballots, but a similar verification process is used in polling station systems.
2. Envelopes are also inspected for valid voter signatures. Those with questioned signatures are counted separately and put aside for later verification along with the enclosed ballot. Rejected ballots are counted later when and if authenticated.
3. The remaining ballots, that is, those that came with good barcodes and valid signatures, are removed from the security envelope and are counted. So at this point election offices know how many ballots were received for counting.
4. The total ballots received for counting plus the number rejected are compared and reconciled with the total envelopes received. The numbers must match.
5. Then the votes on the ballots are counted. The total ballots on which votes were counted must match the total ballots received for counting. Obviously the total number of votes for any office cannot exceed the total number of ballots received for counting.
6. In either case of polling station voting or mail in voting, if large quantities of ballots had been insidiously destroyed there would be a clear discrepancy; the number ballots cast at polling stations or received in the mail would be much greater than the total number of ballots on which votes were count-

ed or rejected. There were no significant discrepancies of this kind anywhere in the 2020 election.

Again, for emphasis, let us remember that in the vast number of challenged elections paper ballots actually existed and were retained for recounting by hand. No significant discrepancies have ever been found.

Much has been made of alleged voting by dead people and untimely voting, that is, election officials ruling that ballots received after previously set deadlines were legally cast. All those issues were thoroughly presented, debated and resolved against Trump in court. They are not cases of fraud anyway, but instead what we would call “irregularities.” There is no evidence that large numbers of deceased voters cast ballots and the courts have held that extending voting deadlines under the circumstances was within the authority of the election officials to do so and legal. The more important point to note regarding these alleged “unlawful” votes is that this is not fraud and, because of the “secret ballot” requirement, there is no way of knowing who the so-called “dead voters,” tardy voters or other illegal voters voted for. You just can’t say that illegal votes went largely for Trump or Biden. That is not fraud and whether it affected the outcome is unknowable. It is baseless speculation to assume that any number of illegal votes were ALL for Biden.

There are some, a very few, so-called election technology “experts” who support fraud claims, but they cannot explain, except in the most incredible technological debunked fantasies, how voting equipment could be sabotaged. The charges of vast election fraud could only be supported by evidence of a vast, secret, sinister conspiracy of dishonest election officials and workers, both Democrat, Republican and independents throughout the country who intentionally sabotaged the election. Critics make the incredible assumption, again without evidence, that the election workforce is infiltrated with corrupt personnel.

A far more plausible understanding of election officials and election workers is that they are likely no different than the rest of us: they are a cross-section of America, not devious, dishonest conspirators. Instead they are in all likelihood, by and large, dedicated hard-working citizens, probably like you or your neighbors, of all different political stripes or non-partisan. For them it is a job. It is safe to assume that they are honest and diligent workers. Among the thousands of these election officials and workers some would have observed ballot rigging if it occurred. But, where are the whistle blowers among them, the vast numbers of election workers? Not one has come forward to report instances of widespread vote-rigging. Mistakes, yes; irregularities, yes; but massive vote rigging of the election against Trump, no. They can’t **all** be a part of a vast evil conspiracy, can they? How can anyone assume this implausible, astonishing degree of corruption and dishonesty without a sole coming forward to report it or without any other shred of evidence that it ever took place?

There are a number of inconvenient questions that all election fraud believers must confront: If there was some credible evidence of election fraud, besides asking where is it, another question is: when did Trump and his people know of it? Did they know of it before the election or only after the election? Why did they only make a big

fuss about it after Trump lost? If they knew of it before the 2020 election why didn't they do something to stop it? If they did know about it they would have to have had knowledge of how it would happen and with that knowledge could easily have headed it off and prevented it. If they did not know of it until after the election, if they learned of it later, how and why did that come about only *after* the election? How come they became convinced there was fraud only after they lost? How could something so horrendous, so vast and pervasive remain such a carefully kept secret until after the election? — and then all of a sudden after the election Trump and his acolytes start yelling “Stop the Steal!”. If they know the election was rigged and how it was rigged by fraud why weren't they able to present evidence of it to the courts or election officials — either before or after the election?

If there was massive fraud ...

there would have to be massive evidence.

What is their evidence? Trump and his lawyers have not come up with any evidence of fraud. That's why they lost. If you are an election skeptic, what actual, specific factual evidence do *you* know of? If you can't give any examples, is your belief really just Trump's assertion, his say-so or the say-so of his close advisors? Is it just that if Trump says it happened, no evidence is needed? Why would you take Trump's word for it? He has a strong bias, a self interest in making you believe his fraud fantasy. The courts have no such bias. Bill Barr, Mitch McConnell, Steve Bannon and many others in the Trump administration or former advisors, who you would expect to have a bias, have nevertheless sided with the truth.

Why The Lie Won't Die

Election fraud partisans, confronted with the total lack of evidence for their beliefs and faced with the overwhelming evidence that it did not occur — or better said, the overwhelming lack of evidence that it occurred — have stubbornly failed to concede the inevitable.

But why? Why, given that over 60 court decisions have heard the cases and the claims and arguments (still cited by Trump supporters) and have rejected every one of them — why do they cling to these beliefs? All their claims of massive voting fraud — some outlandish and all lacking evidence of a stolen election, asserted by former President Trump and his followers — have been rejected and debunked even by highly placed members of Trump's own administration, and the Republican Senate minority leader, Mitch McConnell, and several Republican state secretaries of State. No one who believes the election was rigged, no matter how committed, can cite one piece of evidence supporting any fraud claim that has not already been thoroughly considered and rejected by the courts and by election officials or refuted in countless recounts.

Under these circumstances why is it so difficult to stamp out this persistent belief? Why are devout Trump supporters unable to accept the obvious truth? It deserves an explanation. The lie won't die just by always calling it a “big lie.”

Well, there is a rational explanation, mostly embedded in human nature and psychology. Political allegiance is no different than any other kind of allegiance, whether it

is to a country, a city, a political party, a school, a race, a class, a tribe, a clan or a sports team. It could be called tribal identity bias. Political allegiance is not much different than sports fandom. I am a steadfast Seahawks fan and for me it is easy to see and believe that the referees often get it wrong against “*my team*.” We must face the compelling human frailty that all of us are burdened with — that we want to believe that our side has won and should win, that we are on the right side and the other side is wrong and is out to wrong us. *We mostly believe what we want to believe* — sometimes to the extent that facts don’t matter. The human trait of identity or tribal bias makes it easy for committed Trump supporters to believe the election referees got it wrong because they want to believe it so badly.

But the election fraud issue is not a close call. It is not like a disputed pass interference call which is a debatable judgment call. It is *not* debatable.

Besides tribal identity bias, what else, then, explains the persistent unfounded beliefs of countless well educated, well-intentioned, intelligent Americans? They are not mostly naïve or gullible people. How does a rational person overcome overwhelming contrary evidence?

It is the impossibility of proving a negative. A fixed principle of logic is that you can never prove with 100% certainty that some fact does not exist or that some event does not occur.

So, hypothetically, if the police accuse you of possessing illegal narcotics and they search you and your house and your car but they find nothing, they can still say with perfect reason that you nevertheless *may* have illegal drugs but the police just were not able to find them.

That hypothetical situation famously materialized in a real life historical setting. During the run-up to the Iraq war members of the Bush administration, members of Congress and the news media as well, refused to accept the conclusion of weapons inspectors that Iraq possessed no WMDs. The logic was that just because weapons inspectors and our intelligence agencies couldn’t find them doesn’t mean they didn’t exist. How faulty and ruinous that turned out to be.

The same faulty logic now provides the rationalization for approximately one third of Americans and two thirds of Republicans who doubt that Biden was legitimately elected.

For their fall-back position, then, fraud believers say: “Well, while we can’t *prove* fraud actually happened, neither can anyone *disprove* it with 100% certainty.” They say that they have questions and suspicions without citing any reason for having them. From there the argument goes, “If you can’t completely eliminate all possibilities of fraud then you have to acknowledge the *possibility* that fraud occurred.” According to this argument, it is fair to assume or suspect that fraud happened because we cannot prove it didn’t happen. And that provides the opening for Trump’s fans: Since this is something you desperately want to believe this provides the quasi-logic that allows election fraud believers to feel confident in the belief that somehow, through some unexplainable, unknowable process of hidden conspiracies, an election was stolen.

But that is a bogus argument. It completely disregards reality; that is, the universal principle that we all rely on and live our lives on everyday, which is:

Consider and weigh the *probabilities*.

The probabilities that massive election fraud occurred are minuscule and are far outweighed by the probabilities that it did not. Consider this: For there to be massive undetected election fraud there would have to have been massive, secret, nefarious collusion among the ranks of election workers without a single whistleblower coming forward. Just how likely is that?

So, while there are no methods for proving with complete certainty that Bigfoot does not exist, the fraud advocates, wanting fervently to believe that election Bigfoot does exist, apparently would believe it even though the *probabilities* of that are so infinitely small that most fair-minded realists reject all forms of Bigfoot, as fantasy. Likewise, most people who aren't totally blinded by partisan wishful thinking and who look at the evidence itself — and the lack of evidence — will say, "Trump didn't get enough votes."

One final way to discredit the 100% certainty hypothesis is to consider that if you suspect fraud corrupted the 2020 election you must therefore suspect that all of our elections have been similarly corrupted — because there was nothing so different about this presidential election to distinguish it from all previous ones — EXCEPT for one thing: The bare assertion alone of the former president himself, which has never happened before. In this case, Trump completed a miraculous Hail Mary pass by convincing millions of Americans that a landslide election was stolen without citing one piece of evidence for it. It was true just because the great tribal leader said it was true.

Likewise, most people who aren't totally blinded by partisan wishful thinking and who look at the evidence — and the lack of evidence — will say, "Trump didn't get enough votes to win."

Probably the most telling evidentiary point in this entire matter is that the principal propagator of the election fraud claim, Trump himself, has never cited any evidence whatsoever for his claims. He just makes the claim and apparently that is all the support his followers need. It's the blind faith that "He said it, so it must be true." A remarkable irony is that Trump's position totally discounts the uniform decisions of the courts against him, yet he is a prodigious litigator; he is constantly suing or threatening to sue his critics and opponents. And in his (in)famous "fraud letter" published in the Wall Street Journal he made an introductory general claim of fraud, citing no evidence, but, in the following 20 bullet points, he identified no instances of fraud, not one — irregularities, so-called illegal votes, but he cited no evidence of *fraud*. He claimed thousands of illegal votes were counted but he can't say exactly where or how and, moreover, all of those claims have been heard and rejected by the courts and newspapers and editors over the country, including the Wall Street Journal — all have said his claims were false.

If you are ready to believe the election fraud fiction then you're ready to believe that the Sandy Hook school shootings were staged and that the moon landings were

faked. Please, carefully and dispassionately weigh the evidence -- and the lack of evidence -- and rationally reject the incredibly improbable scenario that a landslide election, for the first time in American history, was rigged and stolen, undetected by Trump's own election security department, by the courts, including some judges appointed by Trump, or by anyone in America's entire election workforce. Be realistic and brutally honest with yourself. Don't fool yourself. Accept the evidence, not conjecture and the groundless wishful thinking peddled by Trump and his acolytes, desperate to thereby avoid a humiliating defeat and remain in power.