



COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG, PA

TOM WOLF  
GOVERNOR

JOSH SHAPIRO  
ATTORNEY GENERAL

May 6, 2021

Abigail Reardon, Esq.  
Robert J. Anello, Esq.  
Chairs, Attorney Grievance Committee  
Supreme Court of the State of New York  
Appellate Division, First Judicial Department  
180 Maiden Lane  
New York, NY 10038

Dear Ms. Reardon and Mr. Anello:

On behalf of the Commonwealth of Pennsylvania, we submit this letter to aid the Committee in its investigation into the conduct of Rudolph Giuliani relating to the 2020 election.

Mr. Giuliani was part of an unprecedented effort to overturn the results of the election and entrench Donald Trump as president. Mr. Giuliani peddled false claims—both in and out of court—that ex-President Trump had in fact won the presidential election, or that he was the victim of widespread voter fraud. Neither, of course, is true. And although Mr. Giuliani's lies predictably failed to convince any judge to disregard the voters' will, his abusive misuse of courts had serious consequences. Pennsylvania election workers have received death threats from individuals convinced of the truth of Mr. Giuliani's lies.<sup>1</sup> And Pennsylvania spent more than three million dollars on outside attorneys to respond to election-related lawsuits, including more than \$1.7 million to respond to lawsuits brought by the Trump Campaign. These consequences must not be ignored.

Pennsylvania, more than any other state, bore the brunt of ex-President Trump's crusade to overturn the legitimate results of the 2020 election. For months, ex-President Trump attacked the integrity of Pennsylvania's election, repeating lie after lie at every opportunity, in the hopes

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<sup>1</sup> Fredreka Schouten and Kelly Mena, *Falsehoods and death threats haunt local election workers weeks after Capitol siege*, CNN, Feb. 13, 2021, <https://www.cnn.com/2021/02/13/politics/threats-still-haunt-election-officials/index.html>; Michael Wines, *Here Are the Threats Terrorizing Election Workers*, NY Times, Dec. 3, 2020, <https://www.nytimes.com/2020/12/03/us/election-officials-threats-trump.html>; John Bowden, *Election officials face threats in five swing states: report*, The Hill, Nov. 19, 2020, <https://thehill.com/homenews/campaign/526664-election-officials-face-threats-in-five-swing-states-report>; Dan Glaun, *Threats to Election Officials Piled Up as President Trump Refused to Concede*, PBS Frontline, Nov. 17, 2020, <https://www.pbs.org/wgbh/frontline/article/threats-to-election-officials-piled-up-as-president-trump-refused-to-concede/>.

of holding onto office despite the outcome of the 2020 election. Mr. Giuliani was a central figure in this effort.

Mr. Giuliani facilitated ex-President Trump's efforts by overseeing frivolous lawsuits in multiple states. In Pennsylvania, he went further: Mr. Giuliani personally represented ex-President Trump in a federal action filed in the Middle District of Pennsylvania. In that case, he asked the court to enjoin certification of Pennsylvania's presidential election results. As the district court judge noted, granting that request would have "disenfranchise[d] almost seven million voters."<sup>2</sup>

Mr. Giuliani made his remarkable request based on sensational allegations of irregularities that, he insisted, were part of a broad-ranging conspiracy among state and local officials across Pennsylvania to steal the election for President Biden. For example, in a proposed Second Amended Complaint, which Mr. Giuliani himself verified, Mr. Giuliani alleged that "Democratic controlled counties violated the mandates of the [Pennsylvania] Election Code and the determinations of the Pennsylvania Supreme Court, advantaging voters in Democratic-heavy counties as compared to those in Republican-heavy counties."<sup>3</sup> He accused then-Secretary of the Commonwealth Kathy Boockvar of adopting procedures intended to "favor Biden over Trump."<sup>4</sup> Those purportedly biased processes supposedly led to "over 70,000 mail and other mail ballots which favor Biden [being] improperly counted."<sup>5</sup>

During oral argument before the district court, Mr. Giuliani made accusations of "widespread, nationwide voter fraud"<sup>6</sup> before later contradicting himself and conceding that the case's operative complaint did not actually plead allegations of fraud.<sup>7</sup> In the same argument, he informed the court that the alleged irregularities in Pennsylvania's elections were part of a "situation" dating back to 1960 in which "corrupt big cities" either "hold back votes" or "produce votes after the election."<sup>8</sup> He also told the court that the supposed irregularities in Pennsylvania were similar to other irregularities occurring throughout the country, all of which favored President Biden.<sup>9</sup> In the end, he stated in court that 1.5 million illegal votes were cast in Pennsylvania and, as a result, the Democratic Party stole the Pennsylvania election.<sup>10</sup>

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<sup>2</sup> *Donald J. Trump for President, Inc. v. Boockvar*, No. 20-2078, 2020 WL 6821992, at \*1 (M.D. Pa. Nov. 21, 2020).

<sup>3</sup> Second Amended Complaint at ¶ 8, *Donald J. Trump for President, Inc. v. Boockvar*, No. 20-2078 (Nov. 18, 2020), ECF No. 172-2.

<sup>4</sup> *Id.* at ¶ 117.

<sup>5</sup> *Id.* at ¶ 18.

<sup>6</sup> Transcript of Oral Argument at 15, *Donald J. Trump for President, Inc. v. Boockvar*, No. 20-2078 (Nov. 17, 2020).

<sup>7</sup> *Id.* at 118.

<sup>8</sup> *Id.* at 16–17.

<sup>9</sup> *Id.* at 17.

<sup>10</sup> *Id.* at 26–27.

None of these allegations had any basis in fact. In reality, Pennsylvania's 2020 Election was free, fair, and conducted in accordance with Pennsylvania's laws. Under remarkably difficult circumstances, bipartisan election officials in Pennsylvania held the Commonwealth's first-ever general election in which voters were given the option of no-excuse mail-in voting. As a result, more than 2.5 million Pennsylvanians voted by mail, while more than four million voted in person on November 3.<sup>11</sup> In total, nearly seven million Pennsylvanians voted in 2020, exceeding 2016 turnout by nearly one million voters. When all the ballots were counted, President Biden won Pennsylvania by about 80,000 votes, and Pennsylvania's 20 electors duly cast their votes for President Biden and Vice President Harris on December 14, 2020.<sup>12</sup>

Given these facts, the specious lawsuit Mr. Giuliani brought on behalf of ex-President Trump was dismissed because it was wholly without merit and because it was brought on behalf of parties who had lacked standing.<sup>13</sup> The district court aptly characterized the suit as based on "strained legal arguments without merit and speculative accusations, unpled in the operative complaint and unsupported by evidence."<sup>14</sup> The district court was not alone criticizing the mismatch between the sweeping nature of the request that Mr. Giuliani made on behalf of ex-President Trump and the total lack of precedent or facts that supported the request. On appeal, the United States Court of Appeals for the Third Circuit wrote, "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."<sup>15</sup>

Outside of court, Mr. Giuliani propagated the same lies. As one example, Mr. Giuliani appeared before a partisan committee of members of Pennsylvania's General Assembly for a hearing designed to further broadcast his claims. At that hearing, he continued to make false allegations regarding Pennsylvania's free and fair election. He claimed, without any evidence, that "20,000 [ballots] were returned before they were mailed."<sup>16</sup> He further asserted that Democrats "submitted 8,021 ballots from dead people, mail-in ballots for dead people."<sup>17</sup> This claim, too, was never supported by evidence. These same lies formed the faulty foundation of Mr. Giuliani's dishonest declaration that Pennsylvania's election was a "sham."<sup>18</sup> Although Mr.

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<sup>11</sup> See <https://www.dos.pa.gov/VotingElections/BEST/Pages/BEST-Election-Stats.aspx>.

<sup>12</sup> See <https://www.electionreturns.pa.gov/#>.

<sup>13</sup> See generally *Donald J. Trump for President, Inc. v. Boockvar*, No. 20-2078, 2020 WL 6821992 (M.D. Pa. Nov. 21, 2020).

<sup>14</sup> *Id.* at \*1.

<sup>15</sup> *Donald J. Trump for President, Inc. v. Sec'y of Pennsylvania*, 830 F. App'x 377, 381 (3d Cir. 2020).

<sup>16</sup> Hearing before Pennsylvania Senate Republican Lawmakers ("Hearing") (Nov. 25, 2020), at 32:03, <https://www.rev.com/blog/transcripts/pennsylvania-senate-republican-lawmaker-hearing-transcript-on-2020-election>.

<sup>17</sup> Hearing at 32:03.

<sup>18</sup> *Id.* at 33:04, 2:25:32.

Giuliani never presented any proof for that accusation, he still asked the General Assembly to discover some way to “disqualify 682,000 votes.”<sup>19</sup>

Mr. Giuliani’s litigation and his testimony predictably failed to overturn the results of the election, but his actions still caused significant harm. By repackaging lies about Pennsylvania’s election as legal claims and legislative testimony, Mr. Giuliani imbued those lies with the legitimacy and good faith assumed of the forums in which he appeared. His frivolous litigation imposed a significant strain on the resources of the Commonwealth, which spent more than three million dollars on outside attorneys to respond to election-related lawsuits, including more than \$1.7 million to respond to lawsuits brought by the Trump Campaign. These amounts do not reflect the countless hours devoted by employees of the Office of Attorney General, the Department of State, and other Commonwealth entities. And they do not reflect the strain placed on overworked election officials of both parties and other public servants across Pennsylvania, who were forced to divert time and attention from their critical election-related duties to rebut Mr. Giuliani’s baseless claims.

Even more dangerously, Mr. Giuliani’s ongoing statements had the predictable—and intended—effect of undermining confidence in the 2020 election in Pennsylvania and elsewhere. In fact, Mr. Giuliani exploited the distrust that he had helped to sow to justify doomed efforts to have the election results overturned by state legislatures or in Congress.

Those efforts culminated in the tragic events of January 6, 2021. At his rally that day, President Trump repeated one debunked claim after another about the election in Pennsylvania and elsewhere.<sup>20</sup> And Mr. Giuliani insisted to the crowd that there had been widespread fraud in the 2020 election: he called it “the worst election in American history” and told the crowd that “[t]he election was stolen in seven states ... where they have crooked Democratic cities, where they could push everybody around.”<sup>21</sup> The fraud, according to Mr. Giuliani, was “a matter of scientific proof,” which he only “need[ed] two days to establish.”<sup>22</sup> Of course, Mr. Giuliani had already had plenty of chances to demonstrate widespread fraud in court, and had utterly failed to do so. But his failures in court did not stop him from recklessly repeating the same lies to the angry crowd that, moments later, attacked the Capitol and attempted to block the certification of President Biden’s victory.

Mr. Giuliani’s actions following the 2020 election had meaningful consequences in Pennsylvania and throughout the nation. Time will tell whether the trust that was damaged in the aftermath of the election can ever be fully restored. But imposing accountability on those responsible can play a vital role in that process. Mr. Giuliani was not, of course, the only

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<sup>19</sup> *Id.* at 30:17.

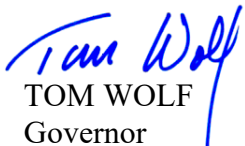
<sup>20</sup> Jonathan Lai, *Fact-checking Trump’s false claims about Pennsylvania’s election before his supporters attacked the Capitol*, Philadelphia Inquirer, Jan. 6, 2021, <https://www.inquirer.com/politics/election/trump-washington-rally-pennsylvania-fact-check-20210106.html>.

<sup>21</sup> Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’ Jan. 6, 2021, <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.

<sup>22</sup> *Id.*

individual who spread lies about the election. But he is subject to the standards of this Court and of the courts in which he appeared, and his actions fell well short of those standards. Indeed, because of his position as an attorney, his allegations carried with them an imprimatur of credibility—even if they were shown to be wholly baseless. Mr. Giuliani abused his position as an attorney and caused genuine harm to Pennsylvania and the nation. He should be appropriately disciplined for this reckless conduct.

Respectfully submitted,



TOM WOLF

Governor

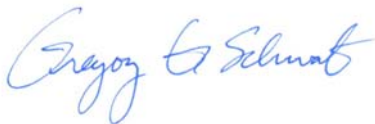
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