

## **Democracy in Danger**

### **S3E7 Some Fine States Pt3 – Colorado**

**Will Hitchcock** [00:00:03] Hello, I'm Will Hitchcock.

**Siva Vaidhyanathan** [00:00:04] And I am Siva Vaidhyanathan

**Will Hitchcock** [00:00:06] And from the University of Virginia's Deliberative Media Lab. This is Democracy in Danger.

**Siva Vaidhyanathan** [00:00:11] Will, it's really good to be back with you. What did I miss last week?

**Will Hitchcock** [00:00:15] Well, Siva, we talked a lot last week about the effort in Virginia to redraw congressional and state districts with a new commission that has descended into partisan squabbling. There is a surprise. And we also discussed how in a federal system such as ours, states really are testing grounds for a wide range of policies and politics. And as it turns out, that's a double edged sword.

**Siva Vaidhyanathan** [00:00:39] Yeah, it really is. And you know, that couldn't be more true than what we see in a bizarre case we're going to look at this episode in Colorado. That's where a local election official in Mesa County appears to be undermining confidence in her own county's electronic voting systems. This is a strategy right out of the Trump 2020 playbook played out at a very local level. Now here's Colorado Secretary of State Jena Griswold announcing in August a lawsuit against that county clerk, Tina Peters.

**Jena Griswold** [00:01:16] To be very clear, Mesa County Clerk and Recorder allowed a security breach. And by all evidence at this point, assisted it. The voting equipment currently in Mesa County can no longer be used. These machines will have to be replaced, or Mesa County will have to do a hand count.

**Will Hitchcock** [00:01:33] Yeah, in this case, an elected official is working to make conspiracy theories go mainstream. The Secretary of State's Office is alleging that Peters and her deputy, Belinda Knisley, snuck an unauthorized consultant into their office to copy voting machine data while their own security cameras were turned off. Seems pretty fishy, and for a while, Peters kind of vanished, claiming that she feared for her safety.

**Siva Vaidhyanathan** [00:01:58] Well, today we have investigative reporter Emma Brown of The Washington Post. She's here to flesh out this story. Emma has been covering the Tina Peters debacle and efforts last year to undermine President Biden's legitimate electoral victory. Emma, welcome to democracy in danger.

**Emma Brown** [00:02:18] Thank you so much for having me.

**Siva Vaidhyanathan** [00:02:20] Well, Emma, we called you because we wanted to talk about this weird story out of Colorado, but we really have to start with this latest investigation you've been working on. Just this weekend, you co-wrote a report that the Trump campaign had set up a command center at the Willard Hotel in Washington, D.C. They wanted to get state lawmakers and Vice President Pence to work in concert to halt the certification of the Electoral College vote, which of course, was the precipitation to the invasion of the Capitol on January 6. Can you tell us more about this story? How close did they actually come to preventing the certification of the electoral votes?

**Emma Brown** [00:03:02] Well, I think our story helps fill out a picture of this - less, you know - January 6 drew so much attention for the violence and just the the brutality and the violation of physical violation of people against police and against the building of the Capitol and the danger that lawmakers were in and this very physical sort of visceral experience. But I think our story helps fill out this picture of a less visible but also very dangerous effort that had been underway you know, really since the election, but very intensely in the days leading up to January 6th. So we already knew because of reporting - really great reporting from the book Peril by my colleagues, Bob Woodward and Bob Costa about these memos written by conservative legal scholar John Eastman that sort of purported to provide this legal argument so that Pence could reject Biden's electoral votes on January 6th. So we knew that that had happened. We knew Trump was pressuring Pence. That had been reported. But what our story helps provide is this picture of Trump's most loyal lieutenants. You know, Rudy Giuliani, Boris Epstein, Steve Bannon sometimes, John Eastman - there at the Willard Hotel, which is about a block from the White House complex in a set of suites and rooms that they called sometimes the war room or the command center. They were organizing this multipronged effort to create the conditions so that Pence could or would interfere on Jan. 6, and that involved calling lots of state legislators and trying to persuade them that really, really, this is up to you guys. You are the ones who determine the electoral votes and trying to get them to put pressure on Pence, which some of them did try to put public pressure on Pence to delay the vote so that then there could be further investigation and so that states where Biden had won could decertify their votes and hand the presidency to Trump.

**Siva Vaidhyathan** [00:04:56] Well, we know they failed. But how much traction did this effort get within tight Republican circles? How much traction did these efforts get within the states themselves, which is really what we're trying to uncover through this particular part of our season, like we're really trying to get a sense of how crucial states are to the full operation of American democracy.

**Emma Brown** [00:05:15] Well, there was a phone call on January 2nd between 300 state legislators, including many from the really contested states. So I'm talking here about like Pennsylvania and Arizona, Michigan, Georgia. And this call was an opportunity for President Trump and also on the call was Rudy Giuliani and John Eastman to try to put the pressure on states and make the case to them that these legislators held in their hands the power to reject the will of the voters in their states and overturn the electoral results in their states. So were they successful? Well, you know, three days later, the the organization that helped put on that call put out a press release and said 88 state legislators had signed on to a letter urging Pence to delay and give them the opportunity to decertify their votes and more were signing on every hour, the press release said. So I think, yes, it caught on and we continue to see it. Of course, even now, with the calls for audits, for example, so-called audits in states to continue to question the electoral results in these key states. And those calls are coming in many cases from state legislators in the Republican Party.

**Will Hitchcock** [00:06:31] Wow. Well, Emma, this is a great segway into the work that you have been doing also on Colorado. And I just want to bring us back to that subplot here. So in 2020, Trump got hammered in Colorado, right? I mean, he lost by a margin of about 13 percentage points. You'd think there wasn't much chance in a situation like that that like rumors of foul play were going to take hold. But Tina Peters seems to have set up a campaign of her own in Colorado to discredit the election results. Who is Tina Peters and how does this relatively unknown local official become the center of this crazy national story?

**Emma Brown** [00:07:09] So Tina Peters is the elected clerk and recorder of Mesa County, which is a really ruby red part of Colorado on the western slope where Trump did very well. I mean, he won by a comfortable margin. And so to your point about, you know, there wasn't much dispute in Colorado about who won well, there wasn't much dispute in this county that Trump did quite well. And Peter's job there is to oversee the elections. She became - your listeners just have to sort of suspend reality for a minute because this story can get really kind of crazy. But the way she came to national attention is Ron Watkins, who is the guy who used to be the administrator for the 8Chan message board, where Q used to leave messages

**Siva Vaidhyanathan** [00:07:55] For the like the QAnon - the source of the whole QAnon conspiracy theory.

**Emma Brown** [00:08:00] Yeah, some people believe that he is Q - something he's denied, but he is anyway for very well known in the Q world. He purported to have been in touch with a whistleblower and he started posting - this is in early August - videos and photos that he said came from this whistleblower and showed information about Dominion voting machines. Well, one of these photos was of passwords to Dominion voting machines, and ironically, he said, 'You know, I got to be very careful what I post here. I don't want to dox this whistleblower.' Well, the passwords were like a blinking neon light, shining an arrow at Mesa County because they were passwords that were unique to the Dominion machines and Mesa County. And so as soon as that happened, Jena Griswold, whose tape we heard a few minutes ago, the secretary of state in Colorado announced an investigation into what had happened with the machines there. And that, you know, a few days later, there was even more attention on Mesa County because Watkins was presenting hard drives that had come from Mesa County. Hard drives from Dominion voting machines at Mike Lindell's Cyber Symposium, right? So this is the three day event where the MyPillow CEO was going to finally unveil proof of election fraud in 2020. And Watkins kind of interrupted himself and said, Oh, I just heard from my lawyer. We have to stop talking about this because this data was stolen from Mesa County. And then a few minutes later, he said he interrupted and he said, No, no, no, I was wrong. It wasn't stolen.

**Siva Vaidhyanathan** [00:09:28] Oh, my god. So, so Tina Peters doesn't deny, right? She doesn't deny that she asked someone to come in and copy data, essentially to mess with the equipment to, you know, breach the security of voting equipment that is maintained by Dominion Voting Systems. And she did this on two different days last May. But she claims it was to ferret out fraud, right? She says it was for a very good reason. So as a result, she is criticizing and also countersuing the Secretary of State, Jena Griswold, who of course, is trying to strip Peters of her duties. So here's Peter's last month speaking with KKCO in Grand Junction, Colorado, after she sort of resurfaced right after coming out of hiding.

**Tina Peters** [00:10:13] Behind my back and contrary to prior representations, many of these records were destroyed by the secretary of state and the vendor and preventing any audit of the 2020 election. This appears to be a serious crime, but thanks to my arranging for a forensic image that the EMS servers just before hand, those records are preserved.

**Siva Vaidhyanathan** [00:10:39] OK, so what is Tina Peters talking about here? Who is this mystery person she allowed into her office and why does she claim that that was necessary? What the heck is going on here?

**Emma Brown** [00:10:52] OK, so voting machines have to be updated. They're not connected to the internet. The sort of software update has to be done manually and in order to do it, it's a really tightly guarded process. Voting machines are considered part of critical infrastructure, you know, critical to our nation's national security. So they're a very tightly controlled. So representatives from the secretary of state and from the county and from Dominion are supposed to meet and do this together. And that was supposed to happen in Mesa County on May 25th. What Tina Peters argues now is that that voting machine software update was actually a secret attempt to erase the information that was needed to fully investigate the 2020 election and discover fraud.

**Siva Vaidhyanathan** [00:11:38] So a standard software update, which actually could be for the sake of security, she is saying, was an erasure.

**Emma Brown** [00:11:46] Yes, that is her argument. And she she then decided she would copy the Dominion hard drive before this update, and then she would copy it after the update and then compare them. And that was her aim. So in order to do that - she was not a computer expert - So she brought in somebody named Gerald Wood, who now she says, 'It is totally legal. I was hiring a consultant.' At the time the surveillance cameras were turned off. She presented Gerald Wood as an administrative assistant in her office when he was in fact not an employee, because only employees were allowed to be there for this software update, right? And so he came to the software update. He apparently, although we've never heard from Gerald Wood and no charges have been filed against Gerald Wood. He apparently had a hand in helping to make these copies.

**Siva Vaidhyanathan** [00:12:39] Wow.

**Will Hitchcock** [00:12:40] So she's ended up the target of a state investigation. But Peters has also become kind of a cause celebre among right wing conspiracy theorists and proponents of the Big Lie, the notion that Trump really won the 2020 election. I just have to ask, do you think that was her goal all along? Or do you think that her motives were truly to uncover some gigantic fraud? Of course it's hard to know, but you, of all people, would have a sense for whether she was kind of playing the system or whether she really believed there were there was some gigantic fraudulent activity.

**Emma Brown** [00:13:14] You know, I've done quite a bit of reporting now on conspiracy theories around the 2020 election and the people who spread them. And I find it really hard to definitively understand their motivations or their thought processes. But I think in Peter's case, she was convinced by -apparently she was convinced by a man who works closely with Mike Lindell, who is a, you know, he has a doctorate. He makes presentations with a lot of math, with six degree polynomials purporting to prove fraud that I think a lot of people have found compelling. And the case was made to her that she was a guardian of democracy. She was the last stand. And she if she didn't stand up and do this - if she didn't copy these hard drives, then the evidence of the 2020 election fraud would be lost forever. And you know, that was the case that was made to her, and that's what she says she was trying to do.

**Siva Vaidhyanathan** [00:14:13] Now you've just made the point, and I think you've made the point in your reporting as well, right? We shouldn't look at this Mesa County soap opera in isolation. This is not about Mesa County, Colorado. This is not about the state of Colorado, that this is part of an escalation and these are actually your words, an escalation in the attacks on the nation's voting system that is now increasingly involving election officials themselves, some of whom have been elected. Can you talk about the larger

implications here? And you know what, our election administrators as a whole saying about the spread of these tactics. I mean, it is a professional group. They have professional societies. They meet every year. They share best practices. They're involved intimately with the voting technology industry and its lobbyists. I mean, this is a pretty tight group of formerly very professional people. What's going on in this community and what should we think about when we think about the nationwide implications?

**Emma Brown** [00:15:10] Yeah, I mean, we didn't write this story in The Washington Post because it was a crazy story in Colorado. We wrote it because we thought it and we, in talking to people, understood that it was part of a much broader set of concerns about the future of our voting systems. So the professional election administrators that I've spoken to are horrified by what's happened in Mesa County, but they are also fearful because this has become a job that is increasingly stressful and untenable. I mean, it's always a stressful job to, you know, have the weight of an election riding on you, but...

**Siva Vaidhyanathan** [00:15:44] It used to be invisible.

**Emma Brown** [00:15:45] Yeah, these people are now the target of death threats and in their every move, you know, under great scrutiny. And so there's a fear that there is an exodus of experienced election administrators and that that void or the vacancies that those people leave behind will be filled by people who are very partisan who have fallen under the sway of these conspiracy theories and will use those positions, perhaps to create security risks, perhaps to further undermine just confidence in voting. And I think the local election administrators are there so many there's thousands across the country and it can be hard to get a grip exactly on what is happening in real time in those positions. But you can see it right now in the Secretary of State races. So there are a number of very high profile figures who have denied the legitimacy of Biden's victory, who have been really key figures in spreading baseless theories about the 2020 election. I'm speaking here of people like Mark Finchem, who is a state representative in Arizona, who is running for secretary of state there and others who have been endorsed by Trump now. So they are running to be the chief elections officials in their states. And I think if you think back to the 2020 election, there were key points where individuals stood up to the pressure to create chaos in the electoral system. It happened in Michigan with a Republican on the state canvassing board who refused to say that the election results were illegitimate and that person also, of course, faced death threats. But what happens when the people who are in those pivotal positions, you know, next time are people who have fallen under the sway of these theories or who are very partisan? It's a question that is concerning, I think, to a lot of people watching elections right now.

**Will Hitchcock** [00:17:35] Emma, over the summer, you reported that there's a lot of big money behind this effort to discredit the 2020 election. And you cited, as an example, a recently released film backed by the money of Patrick Byrne, the former CEO of Overstock.com called 'The Big Rig'. I guess that's supposed to counter the Big Lie. And but this is, you know, apparently reverberating through right wing social media. But here's a question that I'm puzzled about: Does this take root beyond those circles? What is the evidence that these kinds of efforts are, you know, changing minds? Are persuading people in the middle that, yeah, hey, maybe there really was a fraudulent election? Or does it just keep echoing within the same sort of right wing conspiracy fed circles and therefore maybe doesn't really move the needle?

**Emma Brown** [00:18:26] So 'The Deep Rig' that's Patrick Burns movie, I think is just one part of a really broad effort to create, you know, media and memes around so-called

election fraud. So Mike Lindell has made multiple movies, you know, so-called documentaries, and he has now his own website and own streaming service. He has a twice daily show that is his where he appears. So there is so much content being generated and then being beamed into people's Facebook feeds and their telegram and their social media. And I think the question you ask is really key. Is it only reinforcing people who are already sort of true believers or is it reaching new people? And I think we don't know the answer to that in real time, but we do know that a huge proportion of voters and particularly Republican voters, believe something was fishy about the 2020 election. And so in some, I mean, in some sense, I think that these efforts have been successful because they have - even people who might say, Well, I don't that I haven't seen that movie or I haven't. I'm not familiar with these particular characters - the sense that something was not right and something needs to be fixed...That seems to have succeeded and really penetrating a lot of people's view of American democracy.

**Siva Vaidhyanathan** [00:19:47] So maybe it doesn't matter how ultimately persuasive these efforts are - these propaganda efforts are - as long as they put a seed of doubt, the little piece of sand in the shoe. Here we have 50 separate presidential elections every four years, and every two years we have 435 separate elections for members of Congress. What should we be worried about in the United States? What are the warning signs we should look for as we go forward into the next year and the next three years?

**Emma Brown** [00:20:22] Well, I mean, I think that the polling that we see is really concerning in the United States that we've already referred to a couple of times showing how many people just think something's not quite right. And I think, you know, just to bring it back to Mesa County for a minute, the local county commissioners there - so Tina Peters, she's been stripped of her election duties. And so it fell to the county commissioners to sort of come up with a plan. They are going to go to great lengths and expense in the upcoming election in November to assure their voters - they're so worried, you know, when I speak to the commissioners they're so upset that the legitimacy of their county elections has been called into question and that they're getting such angry and upset, you know, communications from so many of their constituents. And they believe that their elections were absolutely airtight. But they are going to not only count their votes on Dominion machines, they're going to count their votes on another kind of machine - clear ballot machines. They're also going to hand count their election and they're going to post images of every ballot online so that people can go, look and, you know, do their own kind of audit if they need to. But they're really hopeful that that's going to shore up confidence. But they're, you know, they don't know for sure. And I think the fear is that what do we do when that little seed of doubt becomes people not accepting the outcome of the elections no matter how much evidence is provided to them, showing that it was legitimate

**Siva Vaidhyanathan** [00:21:50] It's their job to run the elections and to count the votes. It's our job to make sure that the ethical foundations of democracy and the norms that support democracy actually operate in the country, right? So I think the work is actually on us, and it's a shame that it seems to have fallen on them.

**Will Hitchcock** [00:22:08] Emma, just one follow up question. Do you have a sense from just being in the field that the efforts to cast doubt on the whole process of elections and the difficulties with machines and the accusations about fraud? Is this likely to impact turnout? I mean, of course, it could cut either way, I don't know which party would benefit, but I wonder if, in general, if Americans begin to feel that the act of voting is already rigged, then do they just throw up their hands and stop voting? Is that a possibility? Or

does it, on the contrary, make people feel that much more eager to make sure that their vote counts, that they understand how their vote is tabulated and so forth? Any sense about which way this might this might go?

**Emma Brown** [00:22:50] Well, I think we had a little test case of that in the Georgia Senate race in January, when then President Trump suggested that, you know, really wasn't that important for people to show up since it was all rigged anyway. And then that, you know, both Democrats won. Right? The fear I hear from election experts, election administrators is if people do lose faith and they're not speaking in a partisan way, but just if people start to lose faith and disengage that that is when democracy is no longer workable because true extremists minorities can take power if the rest of us don't do our job and participate and vote and be informed. So we'll see. I think the Virginia race upcoming here in November and then next year's midterms are really going to tell us something about how the 2020 election and all the conspiracy theories that preceded and followed the 2020 election are going to impact voting turnout and voting habits.

**Siva Vaidhyanathan** [00:23:46] Well, Emma Brown, thank you for joining us today on Democracy in Danger.

**Emma Brown** [00:23:52] It was great to talk to you. Thank you for having me.

**Siva Vaidhyanathan** [00:24:00] Emma Brown is an investigative reporter with The Washington Post, who has been all over the story of Trump's baseless election claims. Before joining the Post, she wrote for the High Country News in Paonia, Co., a magazine that covers the American West.

**Will Hitchcock** [00:24:17] Democracy in Danger is part of the Democracy Group Podcast Network. Visit Democracy Group dot org to find all our sister shows. Here's a quick message from our friends.

**advertisement** [00:24:27] Hi, I'm Mark Simon and my podcast, The Journalism Salute. We spotlight important and interesting journalism organizations and people. The goal of our show is to introduce you to different perspectives and different careers in the field. We talk to reporters, editors, publishers and professors. There are so many great groups to learn about. We're also here to show you that journalists are not the enemy of the people. That's the journalism salute available wherever you get your podcasts.

**Will Hitchcock** [00:25:00] That's all we have for this week on Democracy in Danger. Stay tuned for the last show in our mini series on the state of democracy in various interesting states. We conclude with some highlights from the Sunshine State: Florida.

**Desmond Meade** [00:25:14] Lost in all of that politics is a reality. That man, what we were talking about is not about votes. We talk about real people's lives.

**Siva Vaidhyanathan** [00:25:23] Also coming up, don't miss a live recording of our show this coming Monday, November 1st. We're going to consider the upcoming trial of the neo-Nazis and white nationalists who overran our hometown of Charlottesville, Virginia, in August of 2017.

**Will Hitchcock** [00:25:40] Find out more and register to join our live show online on our web page. DinDanger.org. And stay in touch. Tag us on Twitter @dindpodcast. That's D. I. N.D. podcast.

**Siva Vaidhyanathan** [00:25:54] Democracy in Danger is produced by Robert Armongol with help from Jennifer Ludovici. Sidney Halleman edits the show. Our interns are Denzel Mitchell, Jane Frankel and Elie Bashkow.

**Will Hitchcock** [00:26:05] And we want to make a special shout out to our biggest fan. Middle schooler Jack Katamartori of Hoboken, New Jersey. Hi, Jack. Support comes from the University of Virginia's Democracy Initiative and from the College of Arts and Sciences. The show is a project of UVA's Deliberative Media Lab. We're distributed by the Virginia Audio Collective of WTJU Radio in Charlottesville. I'm Will Hitchcock.

**Siva Vaidhyanathan** [00:26:29] And I'm Siva Vaidhyanathan. Until next time.