

**From: Howard Kleinhendler**

**howard@kleinhendler.com**

**Subject: FW: IMPORTANT: Fact-checking for  
ProPublica article about Sidney Powell /  
Response required by March 18**

**Date: Mar 15, 2022 at 8:28:30 PM**

**To: mikectrimarco@yahoo.com**

---

FYI.

---

**From:** Doug Bock Clark <[Doug.Bock.Clark@propublica.org](mailto:Doug.Bock.Clark@propublica.org)>

**Sent:** Saturday, March 12, 2022 1:59 PM

**To:** Howard Kleinhendler <[howard@kleinhendler.com](mailto:howard@kleinhendler.com)>

**Subject:** IMPORTANT: Fact-checking for ProPublica article about Sidney Powell / Response required by March 18

Dear Howard,

I'm a reporter for ProPublica who is finishing up an article that includes a description of the actions of your business partner Sidney Powell as they relate to various attempts to challenge the results of the 2020 presidential election. It is very important that you give her with the fact-checking letter found below and that she provides any answers to us by 2:15 p.m. EST on 3/18/22, as we want to make sure we have the best possible understanding of her side of the story.

We would also appreciate the chance to interview you for this article given your involvement with events.

Thanks for your help,

Doug Bock Clark

I'm reaching out because ProPublica and Frontline will soon be releasing an article and documentary that includes a description of your actions as they relate to various attempts to challenge the results of the 2020 presidential election. We have reached out to you multiple times but have not heard back. Now we are reaching the final fact-checking stage of our article.

Please review the following information for accuracy and to provide comments, clarifications or further context. For our story to include your responses, we need to hear back by 3:30 EST on March 18, 2022. We also are available until that date if you are willing to be interviewed. We want to have a full understanding of your responses and any other points or material you'd like for us to consider.

1. Our understanding is that you were a member of a coalition of people working on an effort to prove and publicize the belief that Donald Trump had won the 2020 election. **Do you have any comments or clarification?**
2. Our understanding is that Michael Flynn was the leader of the coalition and that at various times the coalition included you, Patrick Byrne, Lin Wood, Phil Waldron, Doug Logan, James Penrose, Todd Sanders, Conan Hayes, Seth Keshel and others. It is also our understanding that Rudy Giuliani was a periodic collaborator. **Do you have any comment or clarification?**

3. Our understanding is that, starting in November 2020, members of this group were present at a plantation in South Carolina owned by Lin Wood or were in close touch with people who gathered at the plantation, and that you first arrived there early in the afternoon on Nov. 15, 2020. **Do you have any comment or clarification?**

4. Our understanding is that then-President Trump spoke to you by telephone while you were at Lin Wood's plantation on Nov. 15, 2020. **Is this accurate? If so, what did you discuss with the former president?**

5. Our understanding is that you played a prominent role in the first four months of the coalition's existence by contributing legal work and promoting on social networks the idea that Dominion voting machines had been hacked. **Do you have any comment or clarification?**

6. Our understanding is that for a period of time during the above-mentioned four months, James Penrose, a former senior official for the National Security Agency, and Doug Logan, a cybersecurity contractor who would go on to lead the audit of Arizona's 2020 election results, reported to you and that their job was to help prove the Dominion voting machines had been hacked. **Do you have any comment or clarification?**

7. Our understanding is that on the day before the November 2020 election, you appeared on Steve Bannon's podcast for a discussion about how votes might be stolen from President Trump. You explained that the election might be stolen through a theory called: Hammer and Scorecard. **Do you have any comment or**

**clarification?**

**8.** Our understanding of the Hammer and Scorecard theory is that it holds that a surveillance system originally developed by a CIA contractor called the Hammer was commandeered by Obama administration officials for nefarious purposes, then used by private citizens for a variety of purposes, including spying on American citizens such as Trump, Flynn and yourself. It is also our understanding that the theory eventually evolved to say that the Hammer employed a software called Scorecard to alter results in American voting machines. **Do you have any comment or clarification?**

**9.** Our understanding is that on Bannon's podcast, after Bannon asked why listeners shouldn't think the Hammer and Scorecard theory was "tin foil hat," you replied that there was evidence confirming it and that you believe it is true. **Do you have any comment or clarification?**

**10.** Our understanding is that Hammer and Scorecard bore similarities to a theory that you had heard in late 2018 when, along with Republican activists and congressmen, you attended a [secretive presentation](#) put on by a Texas security contracting company called Allied Security Operations Group in a converted airplane hangar. It is also our understanding that ASOG claimed to have proof that American elections were being stolen by foreign communist hackers, including Venezuela. **Do you have any comment or clarification?**

**11.** Our understanding is that on the night of the election, as Trump's lead began to evaporate, you asked one of your assistants to call former ASOG employee

Joshua Merritt and ask why the president looked likely to lose. It is also our understanding that Merritt pointed out that all six of the swing states were using Dominion voting machines, which Allied Security had already developed suspicions about. **Do you have any comment or clarification?**

12. Our understanding is days after the election, you promoted the Hammer and Scorecard and the Dominion theories on Fox channels. On Nov. 6, 2020, you brought up Hammer and Scorecard, and on Nov. 8, 2020, you said that the election was stolen and that Dominion voting machines were to blame. **Do you have any comment or clarification?**
13. Our understanding is that on the afternoon of Nov. 8, 2020, you and Rudy Giuliani met with Trump in the White House, and that around that time both of you became advisors to him on how to challenge his loss in the 2020 election. It is also our understanding that, soon after that meeting, Trump began promoting the Dominion theory. **Do you have any comment or clarification?**
14. Our understanding is that on Nov. 12, 2020, you and some of your researchers moved into the Westin Gateway Hotel in Alexandria, Virginia, which had become a hub for researchers from various groups who were seeking evidence that the election was stolen. It is also our understanding that as word spread of what was going on, those who claimed to have information about election fraud began showing up and that you and your team began working with some of them and debriefing others for information about election fraud. **Do you have any comment or clarification?**
15. Our understanding is that around Nov. 15, 2020, you began providing people at the Westin Gateway hotel and elsewhere with a contract stating that they would be working for Sidney Powell, P.C., and the Trump Campaign, and suggesting that

you were working for the Trump campaign at that time. **Do you have any comment or clarification?**

16. Our understanding is that your group at the Westin Gateway Hotel became a leading team for collecting and centralizing evidence of election fraud from around the country, and that one of the goals of doing so was for that information to be used in legal filings and to get that information to the White House. **Do you have any comment or clarification?**
17. Our understanding is that one of the main conduits between the group at the Westin and the White House was Garrett Ziegler, a staffer who worked for trade advisor Peter Navarro. It is also our understanding that he would often come to the Westin to meet with researchers and to gather evidence which he would then take back to the White House. **Do you have any comment or clarification?**
18. Our understanding of the group working with you at the Westin was that there was little if any command structure or plan for investigating campaign fraud. **Do you have any comment or clarification?**
19. Our understanding is that within a few days of being at the Westin, you, Byrne and Flynn began to express concerns about the security of the team and that you and the team might be the targets of spying there. It is also our understanding Lin Wood, who had been texting for months with you and Flynn, offered his plantation, and Flynn made the decision to move you and your team down there. **Do you have any comment or clarification?**
20. Our understanding is that on Nov. 14, 2020, Russell Ramsland, Phil Waldron, and others gathered in your suite at the Westin and discussed how to expand the operation beyond just gathering affidavits about election fraud to, among other things, accessing voting machines to get digital proof that they had been hacked. **Do you have any comment or clarification?**

21. It is also our understanding that you asked the people in the suite how they planned to do this, and that Ramsland said they needed something he called “hunting licenses” — which people in the room understood to mean a type of presidential authorization to seize voting machines. Further, it is our understanding that you responded that you’d have to get people presidential pardons in that case. **Do you have any comment or clarification?**
22. Our understanding is that when Trump tweeted the night of Nov. 14, 2020, that Giuliani was leading his election challenges with you serving on the team, that arrangement already had been the reality behind the scenes for a number of days. **Do you have any comment or clarification?**
23. It also is our understanding that while other lawyers on the team handled cases by geographic region, you were in charge of the aspects of the cases related to Dominion Voting Systems. **Do you have any comment or clarification?**
24. Our understanding is that you arrived on Lin Wood’s plantation on Nov. 15, 2020, a little after 12:00 PM. **Do you have any comment or clarification?**
25. Our understanding is around the time you arrived at the plantation, you and Lin Wood were interested in a new piece of evidence you were convinced bolstered the Dominion conspiracy, and which one person on the plantation said you and Wood likened to “a holy grail of evidence”: a video of a Venezuelan man who claimed to have once been a favored bodyguard for the Venezulean dictator Hugo Chavez, as described in this [affidavit](#) (Exhibit N Redacted Declaration — Document #6, Attachment #14, in Wood. v. Raffensberger). **Do you have any comment or clarification?**
26. Our understanding is that the video had been recorded on Nov. 13, 2020, at

your request in the law office of Lewis Sessions, the brother of Texas congressman Pete Sessions. **Do you have any comment or clarification?**

27. Our understanding is that this is how you learned about the Venezuelan man: He had reached out to contacts in the American intelligence services, and his concerns got to a former CIA officer active in New York Republican politics, Gary Bertsen, and then to you. **Do you have any comment or clarification?**

28. Our understanding is that Trump campaign staffers around Nov. 15, 2020, vetted the most substantial claims the Venezuelan man made in the video and determined them to be baseless, which the staffers shared in an internal memo. **Do you have any comment or clarification? Were you aware that Trump campaign staffers had found the allegations not to have merit? If so, when? What kind of vetting did you or others do of the Venezuelan's allegations?**

29. Our understanding is that there was a multi-pronged plan devised by the group at the plantation: to use litigation, public persuasion, and access to the voting equipment to reverse the outcome of the 2020 election. **Did you help to devise this plan?**

30. Our understanding is that in Wood's lawsuit challenging the 2020 election results, Wood v. Raffensberger, he included an affidavit from Allied Security Operations Group that contained a detailed list of voting machine equipment that the company suggested could be used to analyze data and determine the cause of anomalies in machines. Our understanding is that this list got used many times later, including for the Arizona audit as well as in later efforts in Michigan,



Massachusetts and Pennsylvania. **Do you have any comment or clarification?**

31. Our understanding is that the lawsuits you and Wood subsequently filed quickly became known under the name “Kraken,” and that the name comes from a mythical sea monster that appears in versions of the movie “The Clash of the Titans.” **Do you have any comment or clarification?**

32. Our understanding is that *Wood vs. Raffensberger* established a template for the other so-called “Kraken” lawsuits that you filed in four battleground states. **Do you have any comment or clarification?**

33. Our understanding is that the Venezuelan man’s affidavit was central to all of the Kraken lawsuits. **Do you have any comment or clarification?**

34. Our understanding is you submitted an affidavit from Joshua Merritt, the former ASOG employee, in connection with litigation you brought challenging the 2020 election. Merritt says that you did not vet or fact-check his research. **Is that accurate? Did you ever review Merritt’s research? And if so, did you vet or fact-check that research in any way?**

35. Our understanding is that you and other people who met on the plantation wanted to determine how to gain possession of the Dominion voting machines and the group decided to try to go through the courts to gain access and to try other, more unorthodox, means. **Do you have any comment or clarification?**

36. Our understanding is that some people in the coalition were worried that some of the efforts to access voting machines might cross legal boundaries. **Do you have any comment or clarification?**

37. Our understanding is that members of the coalition also were trying to bypass the courts and collect information directly from voting machines, often with the help of local officials. Our understanding is that efforts to arrange access to voting machines in that way were undertaken by two teams: one was composed of Doug Logan and Jim Penrose, who were reporting to you and Wood, and the second was composed of Todd Hayes and Conan Sanders, who were working out of Washington D.C. hotels where Rudy Giuliani and Patrick Byrne were. **Do you have any comment or clarification?**

38. Our understanding is that a British businessman named Andrew Whitney arrived at Lin Wood's plantation on your recommendation around Nov. 14, 2020, and was subsequently accused of being a spy and asked to leave the plantation. **Do you have any comment or clarification?**

39. Our understanding is that Whitney, who spent a few days on the plantation working with the coalition, sent an email to Wood in November 2020 that said there was a need for members of the group to have a "hunting license that provides the top cover for ops" — which was described as a method to provide Russ Ramsland, Phil Waldron and another security contractor with legal authority from the president to inspect and analyze voting machines backed by federal marshals. Our understanding is that Whitney wrote in the email he wanted to get a draft of the

license to “F,” which we understand to be Flynn. **Do you recall receiving information about this plan, and if so, do you recall your response? Do you have any comment or clarification on this account?**

**40.** Our understanding is that Phil Waldron in November 2020 shared a list of voting equipment that was circulated to other coalition members and suggested that it be disseminated to state GOPs so that they could start filing injunctions. State GOPs, as well as other entities and individuals, later used portions of this equipment list in legal filings to seek access to Dominion voting machines and to delay certification of the presidential election results. It is also our understanding that the list was used by officials in Arizona as part of their efforts to launch an audit of the election results. **Is this accurate?**

**41.** Our understanding is that on Nov. 19, 2020, you participated in a press conference in which you said Venezuela, Cuba and “likely China” had been involved in interfering with elections in the U.S. **Do you have any comment or clarification on this finding?**

**42.** Our understanding is that though a statement was put out on Nov. 22, 2020, by Giuliani announcing you no longer worked on behalf of Trump or his campaign, behind the scenes you remained in direct contact with the president. **Do you have any comment or clarification?**

**43.** Did you or other coalition members give ASOG’s report on Antrim County to then-President Trump in the period from late November to early December 2020?

44. Our understanding is that an unsigned executive order, dated Dec. 16, cited Allied Security Operations Group's Antrim report and that it shared word-for-word language with a document previously posted to your website, according to an [analysis](#) by a cybersecurity specialist. It is also our understanding that the unsigned executive order strongly echoed the "hunting license" idea, in that the order would have allowed the administration to "seize, collect, retain and analyze all machines, equipment, electronically stored information, and material records" of the election and empowered a special counsel to investigate. (A copy of this document can be seen in this [report](#) by *Politico*.) **Do you have any comment or clarification?**

45. Our understanding is that on Dec. 18, 2020, Peter Navarro staffer Garrett Ziegler helped you, Flynn and Byrne enter the White House and that the three were able to enter the Oval Office, where you presented to President Trump your plan for him to use his authority to have the administration seize voting machines. **Do you have any comment or clarification?**

46. Did the draft executive order you presented to President Trump on Dec. 18, 2020, include language that would've made you a special counsel to the President?

47. It is also our understanding that Pat Cipollene, the White House Counsel, and others walked into the room during that Dec. 18, 2020, meeting, resulting in a [well-chronicled](#) argument that went on for hours. **Do you have any comment or clarification?**

48. Our understanding is that when it became known after the election that Giuliani and you were investigating possible election fraud and members of the group on the plantation began posting about this on message boards, many tips poured in. Our understanding is that some were hearsay or anecdotes misinterpreting everyday events; others were internet rumors; and many were recycled narratives that the team at the plantation already was pushing on social media. As described in the next 10 questions, our reporting indicates that tips that easily could have been dismissed as unreliable instead were widely circulated by you and other people on the plantation. **Do you have any comment or clarification?**

49. Our understanding is that one of the tips you and Byrne relied on for your belief in election fraud came from Edward Solomon, whom online news outlets had called an “expert mathematician” when in fact Solomon did not have a college degree and had pleaded guilty to selling drugs in 2016, according to a February 2021 Factcheck.org [story](#). Factcheck.org also cited multiple mathematical and election experts who cast doubt on Solomon’s analysis. [A study published](#) in November 2021 in the Proceedings of the National Academy of Sciences found that the numbers Solomon had said were suspicious actually were normal for a fraud-free election and that by not considering this, his analysis was a classic example of how “fishing for a finding” can “lead an argument astray.” **Do you have any comment or clarification?**

50. It is also our understanding that five months after the Factcheck.org story, you were asked in a sworn deposition which mathematicians or statisticians you relied on to support your ongoing belief that the election was stolen. You cited Solomon and five other individuals or groups who had done analysis. Three of the

others you cited had not claimed to have a mathematical or data science degrees. **Do you have any comment or clarification? Are you aware of any vetting of Solomon or his analysis? If so, when did you become aware?**

51. Our understanding is that you communicated with others in the coalition about a woman named Staci Burk and also spoke to her directly about her belief that a South Korean airplane had flown thousands of fake ballots into Phoenix, that she had a tape of a man confessing to this scheme, and that she had a witness who had heard about bags of ballots passing through a Seattle FedEx facility. Our understanding is that you used Burk as a Jane Doe witness for your legal case in Arizona, Bowyer v. Ducey, who would “testify about illegal ballots being shipped around the United States including to Arizona.” Our understanding is you promoted this theory widely in traditional media and social media and said in an interview published Dec. 5, “We have evidence of a significant plane-load of ballots coming in.” **Do you have any comment or clarification?**

52. Our understanding is that James Penrose said he spent \$75,000 on a team of former FBI analysts who checked out Burk’s claims after you filed your lawsuit and found nothing to support them. It is also our understanding that the analysts traced the South Korean airplane rumors to a man who said he made them up because he hated the MAGA people he worked with. It is also our understanding that Penrose’s analysts also interviewed the man and found he had fabricated everything. It is also our understanding that Burk came to disavow her previous belief in election fraud and acknowledged that she believed a lot of lies. **Did Penrose share his findings with you? If so, when? If not, did you at any point become aware of them? Do you have any comment or clarification?**

53. Our understanding is that you submitted an anonymous affidavit in your “Kraken” cases by a person later revealed to be Terpsichore Maras-Lindeman, a social media influencer who goes by the online handle Tore Says. (The filing was anonymous but the *Washington Post* [identified](#) the witness to be Maras-Lindeman.) Our understanding is that the affidavit was filed after Patrick Byrne and people working as debriefers for him determined she was unreliable. As Byrne wrote: “Tore was taken out and interviewed by some people I know from the intelligence community who are absolutely on our side. They came back telling me: ‘She know some things and has been behind the curtain, but she also lies, exaggerates, deflects, changes subject rapidly trying to throw people off, and we cannot rely on her for anything factual because we caught her in too many lies and exaggerations over three hours.’” **Did Byrne or anyone else make you aware of the concerns about Maras-Lindeman’s credibility? If so, when? Do you have any comment or clarification?**

54. It is also our understanding that in September 2020, Maras-Lindeman had been [found](#) in a civil consumer-fraud judgment in North Dakota to have made false online charitable fundraising solicitations and to have created “an entirely fake online persona.” **Were you aware that Maras-Lindeman had been found in a civil consumer-fraud judgment? If so, when did you become aware? Do you have any comment or clarification?**

55. Our understanding is that at a Nov. 19, 2020, press conference at the RNC headquarters you made claims that Dominion Voting Systems was corrupt based on accusations from the conservative podcaster Joel Oltmann, who claimed he had joined an antifa call in which he purportedly heard a Dominion executive speak about making sure Trump lost the election. **Do you have any comment or clarification?**

56. Our understanding is that you made those claims at the press conference even while a vetting effort you were funding to determine the veracity of Oltman's claims was still underway. **Do you have any comment or clarification?**

57. Our understanding is that you paid for an investigator to travel to and stay in Denver before the press conference on Nov. 19, 2020, and that he interviewed Oltmann at a brewery in Castle Rock, Colorado. It is also our understanding that the investigator then spent several days checking out Oltmann's claims. Our understanding is that the investigator emailed his assessment to you conveying an impression was that Oltmann was at the very least embellishing, but you did not respond. **Do you have any comment or clarification?**

58. It is also our understanding that a week or so later you filed an affidavit from Oltmann. Our understanding is that the Dominion employee, Eric Coomer, later brought a defamation suit against Oltmann and you, and in a deposition for that lawsuit you were asked if you had anyone look into Mr. Oltmann's background, to which you replied that you did not recall that you had done so. **Do you have any comment or clarification?**

59. Based on the information outlined in the preceding 10 questions, it is our understanding that you and people working with you did not do thorough vetting of individuals who served as witnesses in your lawsuits or who were presented to the public and to legislators via social media or other means as having evidence — or that when there was vetting, it often occurred too late or you or people working with you ignored it. **Do you have any comment on these tips and/or on the efforts**



**to conduct vetting? Did you or your staff do any vetting of the evidence and/or witnesses that you held up as evidence of election fraud at things like public hearings?**

**60.** Were you present for a Trump Hotel meeting on Jan. 4, 2021, with Patrick Byrne, members of congress, and congressional staffers? We've been told that the group discussed whether then-VP Mike Pence would delay certification of the vote on January 6. **Is that your recollection?**

**61.** Our understanding is that the evidence assembled by teams led by you, Flynn, Byrne, Wood, Waldron, Giuliani and others was used in the days leading up to Jan. 6, 2021, to try to convince lawmakers that the results of the election were questionable or fraudulent. **Is this accurate?**

**62.** Our understanding is that at a point in December 2020, members of the coalition no longer had to present evidence that would succeed in court because they could instead use the evidence to appeal directly to state legislatures and then Congress, eventually placing pressure on Mike Pence to stop or delay certification on January 6. **Do you have any comment or clarification on this account?**

**63.** Our understanding is that much of the evidence the coalition had collected in December 2020 made its way into reports or talking points or memos that were coming out of the White House via Peter Navarro or from Rudy Giuliani. **Is this accurate?**

**64.** Our understanding is that the coalition members were also briefing Congressional representatives and publicizing their theories in speeches, on social media and on TV. Our understanding is that the aim was to help create a public outcry that would put pressure on Republican lawmakers to stop or delay certification of the Biden electoral votes. **Do you have any comment or clarification of this account?**

**65.** Our understanding is that in late 2020 Lin Wood criticized you over typos in one of the Kraken court cases, *Feehan v. Wisconsin Elections Commission*. **Do you have any comment or clarification?**

**66.** Our understanding is that Wood was sidelined from the coalition of people who'd been working on the plantation. **Do you have any comment or clarification?**

**67.** Our understanding is that after Jan. 8, 2021, when Dominion Voting Systems filed a [lawsuit](#) against you for defamation in a Washington, D.C., court, you and people working with you began talking less about Dominion and more about voting machines that didn't target a single company. **Do you have any comment or clarification?**

**68.** Our understanding is that in late March 2021, you, Byrne, Flynn and others worked in an old bank building in Sarasota, Florida, under the umbrella of your nonprofit, Defending the Republic, and that you all quickly clashed over how you were accounting for the millions of dollars that you had raised in the name of overturning the election. **Do you have any comment or clarification?**

**69.** It is also our understanding that after a few weeks, Byrne and Flynn left to establish their own nonprofit, the America Project. (Our understanding is similar to what has been [reported](#) in the Washington Post.) **Do you have any comment or clarification? Would you like to expand or clarify or otherwise comment on what was reported in the Washington Post?**

**70.** Our understanding is that you contributed to the funding of the Arizona audit through Defending the Republic as part of the \$7 million raised by outside groups. **Do you have any comment or clarification?**

**71.** Our understanding is that you were sanctioned by a federal judge for one of your “Kraken” lawsuits, *King v. Whitmer*, and the judge wrote that the suit constituted “a historic and profound abuse of the judicial process.” Our understanding is that you, Wood, and other lawyers were fined \$175,000 by the judge, but that the amount you were ordered to pay is just a fraction of the millions of dollars you raised while seeking to prove election fraud in the aftermath of the election. **Do you have any comment or clarification?**

**72.** Our understanding is that you have been subpoenaed by the January 6 committee in the House of Representatives. **Do you have any comment or clarification?**

**73.** Our understanding is that many of the specifics that members of the coalition were presenting — including interpretations of data from Antrim County, Michigan;

the information from the Venezuelan security officer about the corruption of the Dominion Voting Systems; and the suggestion of impropriety in the Arizona audit — have been debunked and discredited in extensive reports from Republican-led experts and teams. These include the Michigan Republican legislators in the case of Antrim County, the Trump campaign staff in the case of the Venezuelan report, and the Maricopa County Elections Department (led by a Republican recorder) in the case of the Arizona audit. **Do you have any comment or clarification?**

74. Our understanding is that the consensus among government agencies and former administration officials, such as former Attorney General William Barr, is that no evidence of widespread election fraud has emerged. **Do you have any comment or clarification on this? Do you continue to believe the election was stolen and if so why? Have you ever wavered on this belief? What is your response to the commonly expressed criticism that spreading the idea that the election was stolen is undermining faith in American democracy?**

I'm available during normal working hours at [doug.clark@propublica.org](mailto:doug.clark@propublica.org) or 678.243.0784.

Thank you,

Doug Bock Clark