

Episode 100: Do the votes matter at all? With Tom Fitton

Bill Walton ([00:08](#)):

Welcome to a special edition of the Bill Walton Show, as we're talking with my friend, Tom Fitton, who's President of Judicial Watch, which is America's largest and most effective government watchdog organization and a national leader for cleaner elections. He's also written a great new book which just came out, which I will highly recommend. It's called A Republic Under Assault: The Left's Ongoing Attack on American Freedom. Tom, welcome. Hi, good to see you.

Tom Fitton ([00:35](#)):

Thanks for having me, Bill.

Bill Walton ([00:36](#)):

I haven't seen you in at least a day or two.

Tom Fitton ([00:37](#)):

I know. I know. I know.

Bill Walton ([00:40](#)):

Hey, Tom, I know you saw this coming. I mean, you've been warning about this for as long as I can remember. Here we are in November, we're a couple of weeks after the election. Can we undo what the Democrats have been putting in place now for at least the last year, maybe several years, in order to upend this election the way they have?

Tom Fitton ([01:04](#)):

Well, it would require extraordinary political will by the candidate who is being victimized here, President Trump, certainly extraordinary activism by Americans, and I think any American ought to be concerned about this. This is a non-partisan issue about whether the votes matter at all. Whether elections, it doesn't matter what the outcome is going to be, it's going to be manipulated potentially in a way that essentially just negates anyone who voted. It doesn't matter if you voted for Biden or for Trump. They don't care in the end, as long as the outcome in a particular state matches what they need to get the candidate of their choice in office.

And I think given what happened in Georgia and Pennsylvania, Nevada, Michigan, Wisconsin, where you had President Trump winning on election night and losing in the extraordinary and unprecedented accounts afterwards, should give pause to any of those state legislatures. And that's what the political angle is, and give pause to Congress who in the end must bless this mess in January by approving electoral college slates that are put forward by the states.

Bill Walton ([02:16](#)):

Well, it seems to me that President Trump needs to fight this to the bitter end. I mean, everybody I talk to, there are 70 plus million Americans who are feeling pretty disenfranchised right now. You're right. The Democrats may be temporarily happy, but this can be done to them too. Or, I mean, when you let somebody else control the outcome, then you're not living in a democracy or a republic. And I think

Trump needs to stay in the fight until every last legal vote is counted and all the illegal votes are tossed out. But do we have the evidence? I mean, people have been talking about fraud in Georgia, fraud in Arizona, fraud in Nevada, fraud in Pennsylvania. Do we have the evidence to make the case and do we have enough time?

Tom Fitton ([03:03](#)):

Well, yes, we have enough time. And I do think the evidence is out there, at least for the political case. The courts ... you never know. It depends on which judge, as to whether or not you have the evidence legally. But when you have, in the cases of Georgia and Pennsylvania, election counting pause, when you have mailed ballots coming in, in ways never seen before, counted in ways that suggests that you can't trust how they were counted, that to me is enough to question the outcome.

If I were the state legislatures, I'd be asking about, can we do a do-over? Can we appoint electoral slates that are clean, in the sense, haven't been infected by these counts? The allegations up in Pennsylvania, where you had 600,000 ballots pointed without any meaningful observation by Republicans who are supposed to be there to watch under state law. And so how is it you can trust that outcome?

I mean, you're in business. If someone engages in, runs their business with all the indicia of a fraud, you can't see what we're doing. The numbers are changing and our accounting standards change, depending on what money's coming in where, what would you do as a business? You'd say, "I can't do business here. We just have to presume fraud." And certainly, that's what the IRS would do. We're supposed to take these elections seriously, given all this misconduct? Excuse me, but no.

Bill Walton ([04:37](#)):

Well, I so agree, but in business, you can take it to a judge and presumably you can find a judge to oversee a business dispute to give you a fair hearing. Not always, but often. But in the case of Pennsylvania, for example, we've got the state Supreme Court ruling to change the state's election law when only the legislature is constitutionally allowed to do it. So we got judges here that are in on the fix.

Tom Fitton ([05:05](#)):

Well, as I said earlier, you never know what the judges are going to do or what the justices of the Supreme Court are going to do. But the electoral college system is a constitutional system that's separate and apart from judicial decision-making, so good rulings would make it easier to overturn the results for the electoral college process, but it doesn't make it impossible for the states. In Pennsylvania, for instance, the state legislature has plenary authority. Plenary, meaning you really can't review it. To change the outcome and appoint electors that reflect what they view to be the clean outcome, which is in my view, the president won in Pennsylvania. Similarly in Congress, they get to bless and ratify these electoral college counts and they can step in and reject certain counts. And in the end, the president could win there too. So this is a legal, constitutional and political battle. So we shouldn't put all our eggs in the judicial basket.

Bill Walton ([06:05](#)):

Well, I agree. In my view, I've talked about, whatever the big word is. Trump won this election. If you just look at the legal votes he won, and if you throw out the illegal votes, he won even bigger. And yeah, we got to get to that count. Sidney Powell has come out and said that she has information about Dominion software and the computer software, the tallies, the counts, and that it's dirty. The software is dirty and it was sold to people knowingly, people who knew it could be used to rig the outcome. Have

you talked with her? What's the sense of what she has? And just as a sidebar, I'm delighted she's now working directly for Donald Trump in the campaign, where she'll have more of a voice.

Tom Fitton ([07:00](#)):

Yeah. I'm not sure what she has, other than what I've learned, heard about publicly. I do know when she says she has something, she's not one to make idle boasts. Usually, there's evidence. We saw that with General Flynn. Everyone thought she was way out there on General Flynn. Remember that? It turned out she was dead to rights as to what happened there and the evidence bore her allegations out. So anyone who dismisses what she says, I think does it at their own risk. Certainly, this Dominion software issue, where an election result was changed in Michigan, is more than enough reason to evaluate how that system was used in other states and to do the necessary auditing and double-checking to make sure those issues didn't arise, not only in the big states we're talking about, but who knows, myriad number of other states where numbers could have been [crosstalk 00:07:54] changed by the software or slash human error, as is alleged in Michigan.

Bill Walton ([07:58](#)):

Well, I love her pushback to Maria Bartiromo. It was sort of saying, well, could this be true? And we both know Sydney. Sydney says, "I never say anything I can't prove."

Tom Fitton ([08:11](#)):

That's right. She doesn't go out on a limb, because she knows she's going to be in court the next day, practically speaking. So this computer issue, I know it sounds, like I said, long haul, but if she's got the goods, if there's anyone who's going to have the goods, it's going to be Sydney.

Bill Walton ([08:29](#)):

Well, you've been dealing with the media for years. What's your advice to deal with the things like, New York Times is saying, what we're saying is a torrent of falsehoods. And CNN calls it baseless voter fraud claims. And NPR, false claims of fraud, rigged election. CBS news, voter fraud complaint is garbage. I mean, you read this, you look online and you just think, gee, we're really up against it with this wall of disinformation. Ideas about how we punch through that?

Tom Fitton ([09:02](#)):

Well, I would highlight the fact that a) the allegations of voter fraud are substantial. There's evidence, it's court evidence. They're making allegations that the system was broken in a way that we can't know one way or another whether votes were accurately counted. And secondly, these are civil rights allegations that are being made in court right now. These are the civil rights of voters that are trying to be vindicated under these challenges. And we should be unafraid and unembarrassed to try to vindicate the civil rights of millions of Americans in terms of their core right to participate in the democracy through voting, and put the onus on them to justify why it is civil rights cases should be shut down so Joe Biden, in theory, can get an extra two weeks to do his bureaucratic navel gazing that usually happens during transitions.

Bill Walton ([10:01](#)):

Does you're book-

Tom Fitton ([10:03](#)):

Legally speaking, that's being impacted by this dispute being resolved in the ordinary and constitutional courts.

Bill Walton ([10:10](#)):

Your book, *A Republic Under Assault: Left's Ongoing Attack on American Freedom*. This is sort of the chapter that didn't get written, this was more or less predicted in your book, wasn't it?

Tom Fitton ([10:23](#)):

Yeah. We knew this was coming. They told us it was coming. They talked about the red mirage. Trump's going to win on election day, but don't worry, he'll lose a few days later. We knew that when you mail ... We've been doing litigation, Bill, as you know, to clean up election rolls, 800,000 extra names in Pennsylvania alone on the rolls that shouldn't be there. So surprise, surprise. They mailed millions of ballots, the dirty voting rolls. And there are questions about the results. They can't even count them properly. I mean, there's nothing like this in American history where we don't know who won the election.

And even in 2000, we knew who won. It was being disputed by an effort to do a recount, but there was certification more or less about who won on election day. Here, the states couldn't even be bothered to count the votes properly, and they're counting votes from places and through a method that's inherently suspect and invites fraud. Look, when you're counting votes on election day, even if you're partisan, you don't know how many votes you need. When you count votes after election day, all of a sudden, you know how many votes you need. It infects and compromises the process inherently.

Bill Walton ([11:39](#)):

So the big thing that's different this time, there's been fraud every time. It's just in some of these cases with softwares egregious, but there's always been software fraud. The big difference now is the mail-in voting. And for your conspiracy theorists, you almost think that people use the COVID-19 as an excuse to gin up mail-in voting, where you're voting months before the election, and then you keep counting after the election. And the sanctity of a Tuesday eight o'clock deadline, and that's it guys, that's gone. And what I discovered, that I can't find anybody that contradicts it, we're the only Western democracy, or democracy for that matter, that allows this scale of mail-in voting. Everybody else requires people to show up at the polls.

Tom Fitton ([12:27](#)):

Yeah, we did too much mail-in voting before COVID. Many states, you don't need an excuse to do mail-in voting, but people like to vote in person. So it was increasing, the availability of mail-in voting was increasingly being used by the public, but obviously it's dramatically increased thanks to the scare mongering of the left. But every expert, before Biden, turned all of this, changed everyone's views because of partisanship.

Everyone used to acknowledge mail-in balloting was fraught with opportunities for fraud. Everyone knew you can't track, it's harder to vote, to commit fraud in person, not impossible, but harder to. Easy to do it through the mail-in ballot process. You can't track vote buying schemes. You can't track fraud easily. Look, if you've got voter ID in states, all of that is being negated in large measure because you don't need voter ID when you vote in by mail. So all of that is ... we should endeavor to third world election security measures in this country. It's and it's not getting better. It's getting worse.

Bill Walton ([13:38](#)):

Well, mail-in balloting voting becomes the new normal. We can forget people trusting the result of any election. Then we got to somehow figure out how to put that genie back in the bottle. John Fund's recommending a presidential commission. Other people talk about the Senate holding hearings, or House holding [inaudible 00:00:13:59], things like that. Going forward, what do you suggest we do to ensure the next election is fair?

Tom Fitton ([14:10](#)):

By making sure this election's fair, because if we don't do it here, the left is going to be happy to have presidential commissions and hearings for weeks and years afterwards. That doesn't change what their policies will be, what their pushes will be. I often joke that we're going to regret comparing COVID to the flu, because the left's response will be, you're right. We should just treat the flu like COVID and have similar restrictions in perpetuity.

There's always going to be a reason to mail in ballots from their perspective. They don't like elections. And when you have really, effectively, no voting day, you're not having an election. You're just having some type of ratification of the liberal narrative. And they're not going to let anything other than that successful ratification occur under the methodology we've talked about, mail-in balloting, basically without end, that begins months before the election and ends when they figure out how to win.

Bill Walton ([15:12](#)):

So we're in the same place. We need to fight this to ensure every vote is legal, toss out the illegals, fight this to the end. One metaphor is bitter end. I think we call it the sweet end or the happy end. And I think when we prevail, we can keep the republic.

Tom Fitton ([15:32](#)):

We fight as long as the Constitution allows us to fight. And that is at least through January when Congress meets to ratify the electoral college votes. Even Congress can save us here.

Bill Walton ([15:47](#)):

This is terrific. Even Congress. Wait, that's a whole other show. Even we're counting on Congress to save us. Well, Tom Fitton, thank you. The president of Judicial Watch, probably the most effective activist group in the country, if not the world. And Tom, you've built it from not much to something very powerful, so I'm thrilled to hear what your thoughts are. And again, you've written a terrific book, Republic Under Assault: The Left's Ongoing Attacks on America. So everyone should read that book and then head down to Georgia or Arizona or Pennsylvania where we can help people win those elections. Tom, thank you.

Tom Fitton ([16:24](#)):

Thank you, Bill. Appreciate the good word.

Bill Walton ([16:26](#)):

Okay. Anyway, thanks everyone for listening. Of course, we'd love to hear what you think. Let us know on Parlor, Facebook, Twitter, where you can find the Bill Walton Show. For previous episodes, you can find us on Apple podcast, Spotify and YouTube, and of course, at thebillwaltonshow.com.

Speaker 3 ([16:45](#)):

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