

Lou Dobbs debunks his own claims of election fraud — after Smartmatic sends Fox a legal demand

[washingtonpost.com/media/2020/12/19/lou-dobbs-debunk-fact-check-smartmatic](https://www.washingtonpost.com/media/2020/12/19/lou-dobbs-debunk-fact-check-smartmatic)

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“There are lots of opinions about the integrity of the election, the irregularities of mail-in voting, of election voting machines and voting software,” Dobbs told his viewers before introducing Edward Perez, an expert with the nonprofit Open Source Election Technology Institute, to give “his assessment of Smartmatic and recent claims about the company.”

Perez then appeared in an apparently pretaped segment, where he shot down various conspiratorial theories in response to questions from an off-camera, unidentified voice — not Dobbs’s.

The segment, it turns out, was in response to a [20-page legal demand letter](#) that was sent this month by Smartmatic to Fox News Media. Similar letters went to Fox’s smaller competitors on the right, Newsmax and One America News. The letters demanded “a full and complete retraction of all false and defamatory statements and reports” aired by the network in its coverage of the Nov. 3 presidential election.

Specifically, the company charged: “Fox News has engaged in a concerted disinformation campaign against Smartmatic. Fox News told its millions of viewers and readers that Smartmatic was founded by [the late Venezuelan President] Hugo Chávez, that its software was designed to fix elections, and that Smartmatic conspired with others to defraud the American people and fix the 2020 U.S. election by changing, inflating, and deleting votes.”

Not only are these claims false, the company says, it played only a relatively minor role in this year’s presidential election, as a contractor for the election process in Los Angeles County, Calif.

In the legal letter, Smartmatic included multiple segments from Dobbs’s prime-time show as examples of “false and defamatory statements/implications,” with some comments coming from Dobbs himself — Dobbs said on Nov. 18 that the company consists of “left-wing radicals” — and others from guests such as Giuliani and onetime Trump campaign attorney Sidney Powell.

Fox News confirmed to The Washington Post on Saturday that the fact-checking segment seen on Dobbs’s show Friday night will also air on “Justice with Judge Jeanine,” hosted on Saturday night by Jeanine Pirro and “Sunday Morning Futures,” hosted on Sunday morning by Maria Bartiromo, the shows mentioned in the demand letter. (Smartmatic had

demanded that the corrections “must be published on multiple occasions” and must be made during prime-time shows, so as to “match the attention and audience targeted with the original defamatory publications.”)

Gregory A. Miller, a co-founder of OSET, told The Post that his group had no idea that the segment Perez appeared in would be used to debunk the inaccurate claims made on the network. “In fact, it was a bit sketchy in terms of Fox disclosures about purpose — not uncommon in our experience,” he said in an email. “They informed us that it would be a Zoom interview to serve in a ‘package of reporting’ about election systems vendors. ... We were all surprised when it ran, how it was framed, and what it ended up being.”

Miller said that Perez “had no knowledge of why they were doing this” and did not know which election vendor he would be asked about. “We were not told clearly if or when any such package or segment would run,” Miller said.

In the segment, Perez clarified that Smartmatic is, “for all intents and purposes,” a completely separate company from Dominion Voting Systems, another voting technology company that has faced unsubstantiated charges of wrongdoing. In a Nov. 12 appearance on Dobbs’s show, Giuliani claimed that Dominion is owned by Smartmatic; on Nov. 16, Dobbs said that “Dominion has connections” to Smartmatic, while also claiming the since-denied theory that Smartmatic “had ties to” Venezuela’s Chavez.

During Friday night’s fact-checking segment, the questioner asked Perez: “Have you seen any evidence of Smartmatic sending U.S. votes to be tabulated in foreign countries?”

This appeared to be a reference to Giuliani’s Nov. 12 claim on the show that with Smartmatic software, “the votes actually go to Barcelona, Spain.” Perez responded, “No, I’m not aware of any evidence that Smartmatic is sending U.S. votes to be tabulated in foreign countries.”

It is unclear whether the fact-checking segment fulfilled Smartmatic’s demand for a retraction. A spokesperson for the company declined comment on Saturday. In the legal demand letter, Smartmatic said that the comments made on Fox will cost the company “hundreds of millions, if not billions, of dollars” in value.

Thus far, Fox appears to be the only network that has publicly made amends in response to Smartmatic’s complaint. Newsmax, which only began referring to Biden as “president-elect” on Monday, released a statement responding to Smartmatic’s demand letter by placing the burden of blame onto the guests who expressed those views on air.

“Individuals, including plaintiff’s attorneys, congressmen and others, have appeared on Newsmax raising questions about the company and its voting software, citing legal documents or previously published reports about Smartmatic,” the company said. “As any

major media outlet, we provide a forum for public concerns and discussion. In the past we have welcomed Smartmatic and its representatives to counter such claims they believe to be inaccurate and will continue to do so.”