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DISPATCH

THE TEARFUL DRAMA OF NORTH CAROLINA'S ELECTION-FRAUD HEARINGS

*How Mark Harris, a prominent Republican pastor in Charlotte, lost his way in
the Ninth Congressional District.*

By Doug Bock Clark

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Mark Harris fights back tears as his son John Harris testifies on Wednesday during the third day of a public hearing investigating voting irregularities in the November, 2018, election. Photograph by Travis Long / The News & Observer / AP

As the leader of North Carolina's Baptist Convention, Mark Harris spearheaded a statewide effort to ban gay marriage, which he used as a springboard to run for the U.S. Senate, in 2014. ("I was willing to do whatever it took to be the man that God would use," he said in a speech the following year to other religious leaders, "and sacrifice whatever needed to be sacrificed.") But his Senate bid came up short, and, in 2016, he lost a Republican primary for North Carolina's Ninth Congressional District. In last year's midterm elections, Harris defeated the centrist incumbent in the Republican primary by eight hundred and twenty-eight votes, and faced off against the Democrat Dan McCready, a former marine and solar-power entrepreneur, in

what became one of the hardest-fought races in the nation. Although gerrymandering had kept the Ninth District in Republican hands for nearly two generations, analysts speculated that not even the multiple rallies that President Donald Trump held for Harris's campaign could stop the "blue wave." But on Election Night, Harris was declared the victor by nine hundred and five votes, despite losing six of eight counties in the district. "Thank God for Bladen County," Harris declared.

On Monday, the North Carolina State Board of Elections convened a special hearing to consider whether Harris had stolen the congressional seat. In early December, the bipartisan agency had refused to certify the election results because of irregularities discovered with hundreds of mail-in ballots, most of which had originated in Bladen County. In the course of last week's hearings, in Raleigh, investigators laid out their case—based on at least a hundred and seventy-two interviews and tens of thousands of pages of records—that the election had been tainted by a "coordinated, unlawful, and substantially resourced absentee ballot scheme." At the center of the scandal was the Republican operative Harris had employed in Bladen County, Leslie McCrae Dowless, whose operation, according to investigators, included filling out at least a thousand mail-in-ballot requests, many without voters' knowledge, and deploying a team of friends, family members, and other associates to pose as election officials and collect them. Votes for Democrats were allegedly tossed out, and everything else was cast—or altered—for Harris. Among the important questions to be answered at the hearings was what Harris knew about Dowless's scheme, and when he knew about it.

North Carolina's Republican establishment had vehemently maintained that Harris should be allowed to claim the vacant congressional seat. At a meeting of the state's G.O.P. executive committee, on February 9th, Harris had blamed the controversy on "a liberal activist" on the Board of Elections and dismissed the allegations of absentee-ballot fraud as "unsubstantiated slandering" driven by the "liberal media." A month earlier, in an [interview](#) with a local TV station, Harris insisted that he had only become aware of concerns about Dowless when the North Carolina Board of Elections declined to certify the race. Since then, he said, his team had fully cooperated with the investigation. "We've tried to do it right," he [said](#). "We've tried to follow the process."

On the first day of the hearings, Lisa Britt, the daughter of Dowless's ex-wife, said she collected more than thirty ballots, which she gave to Dowless. She also said that she altered between five and ten ballots herself. Britt described extensive efforts to hide the fraud: ballots were sent at staggered times, mailed from the post office nearest a voter's home, and the ink color of fraudulent witness signatures was carefully matched with those of voters. Britt also produced a typed message from Dowless, given to her a few days before her testimony, which instructed her to say he was free of guilt and to plead the Fifth. She trusted Dowless, she said, because he "has been a father figure to me for thirty years," and she didn't expect him "to put you out here to do something illegal." Later that day, Dowless himself took the Fifth.

Over the next two days, Andy Yates, who effectively ran Harris's campaign through his political consultancy, Red Dome, spent eight hours on the stand. Later, Harris testified that he had expected Yates to provide oversight of Dowless. Yates said that his background check on Dowless consisted of a Google search and a cursory look at CourtRecords.org, which revealed three misdemeanor charges, including "assault on a female." (Dowless also has a felony fraud conviction.) According to Yates, this was not a concern because Harris, who had already settled on the hire, had alerted him that Dowless had charges "related to a divorce." Yates said that Dowless also assured him that his absentee-ballot program was legal. During the campaign, Yates paid Dowless more than a hundred and thirty thousand dollars, including a monthly fee that rose to more than sixteen hundred dollars, and around two dollars and fifty cents for each mail-in ballot collected by one of Dowless's workers. Yates never asked to see any receipts. "If his word was good enough for Dr. Harris," Yates said, "it was good enough for me."

At the close of Yates's testimony, Kim Strach, the director of the North Carolina Board of Elections, asked if Yates had any recollection of someone warning him about Dowless. When he said that he did not, she pressed him. "I just want to ask you," she said, "do you recall having a phone conversation with Dr. Harris's son, John Harris?" Yates, who appeared surprised, denied being warned by John Harris about Dowless. "If that conversation happened," he said, "I do not recall it happening." Strach could barely suppress a smile. "O.K.," she said. "That's all I have."

Ever since the scandal broke, in late November, 2018, Harris's son, John, a twenty-nine-year-old

federal prosecutor in Raleigh, had restricted contact with his father, speaking to him only at holiday gatherings and after Harris was hospitalized for a severe infection, in early 2019. Around 11 o'clock on the evening after Yates's testimony, John's younger brother Matthew told his father that John would be testifying the next day—"I don't want you to be shocked," Harris later recalled Matthew saying. In fact, during the first two days of testimony, John had been sequestered in a room separate from most of the other witnesses. Moments before he was sworn in, on the third day, the lawyers for Harris's campaign frantically attempted to submit additional evidence: e-mail correspondence between John and his father spanning the previous two years. Josh Lawson, the general counsel for the Board of Elections, initially refused the offer; it quickly became clear that the state already had access to them.

"I thought what [Dowless] was doing was illegal, and I was right," John said during his testimony. Dowless, he added, had told his parents and other campaign associates that "he wasn't doing any of this, and they believed him." Seated near the front of the room, about twenty-five feet away from his son, Harris placed three fingers over his mouth and silently wept.

According to the e-mails and John's subsequent testimony, Harris first became aware of Dowless in June of 2016, during his first run for the Ninth District seat. On the night of the primary election, John returned home from the United States Court of Appeals in Washington, D.C., where he then worked as a law clerk, to watch the returns on the Board of Elections' Web site. John testified that when Robert Pittenger won by a hundred and thirty-four votes, the margin was so slim that he began poring over voting data, looking for anything that might spur a recount for his father. Soon he discovered an anomaly in the mail-in ballots in Bladen County: Todd Johnson had won two hundred and fourteen, Harris had scored four, and Pittenger had got zero. At 11:04 P.M., he sent an e-mail to his father noting that "this smacks of something gone awry."

Initially, John thought that it "was an error in the counting machine," but, as he kept digging, he noticed that absentee ballots had arrived in batches, as if someone were collecting and delivering them all at once. John recalled that he and his father soon became aware through a campaign staffer that Johnson had "someone in Bladen focussed on absentee ballots." John suggested that his father discuss the situation with his lawyers. But, after Harris lost the recount, he no longer saw

any point in pursuing the case.

Still, the experience stayed with him. That year, Dowless was elected as the county's water-quality supervisor, despite the oppositional efforts of a Bladen County Democratic political-action committee. After the election, Dowless accused the group of running an absentee-ballot scam to defeat him. The case, which became a touchstone for Republican claims of widespread Democratic voter fraud, was cited by President Trump as proof that Hillary Clinton's victory in the popular vote was illegitimate. On November 15th, Harris forwarded to John a Republican fund-raising e-mail with the subject line "URGENT: Democratic Voting Fraud Scheme Uncovered." "Amen!" Harris wrote to his son, noting that "the guy who made the claim"—Dowless—"is the same guy that Johnson paid to run the 'absentee ballot program' for him. Guess he didn't like the Dems cutting into his business!"

At a hearing in late 2016, as "[This American Life](#)" previously reported, the Board of Elections, which found no evidence of Democratic wrongdoing, dismissed Dowless's accusations, but not before Dowless admitted under oath that he had, in fact, paid workers to collect ballots for him. As it became clear that Dowless was detailing his involvement in a violation of federal election laws, he took the Fifth, which resulted in the state launching a criminal investigation. A few months later, as Harris prepared another run in the Ninth District, he actively began courting Dowless. On March 8, 2017, Harris text messaged a prominent Republican judge in the Bladen County area, asking for an introduction to "the guy whose absentee ballot project for Johnson could have put me in the US House this term, had I known, and he had been helping us."

About a month later, Harris met with Dowless and a group of local Republican power brokers in the showroom of a furniture store. Harris later testified that Dowless described a legal absentee-ballot turnout program in which he paid workers to help voters request absentee ballots, and then followed up to encourage them to mail in votes for candidates he supported. However, something about the pitch prompted a call between Harris and his son John later that day to discuss the legality of Dowless's efforts. The next morning, John sent an e-mail to Harris about the relevant election-law statute, which held that it was a Class I felony for anyone other than an election official to collect voters' ballots. "The key thing that I am fairly certain they do that is illegal is that

they collect the completed absentee ballots and mail them all at once,” John wrote during the exchange. “But if they simply leave the ballot with the voter and say be sure to mail this in, then that’s not illegal.” In a subsequent e-mail, he offered a final warning, writing, “Good test is if you’re comfortable with the full process he uses being broadcast on the news.”

Within a few weeks, Harris had made his decision. He wrote two personal checks for more than thirty-three hundred dollars to Dowless’s political-action committee. At the hearing, Strach would later ask Harris if he had understood that it was illegal for campaigns to coordinate with PACs that are set up for independent spending. Harris said that he did not.

John’s fears, of course, proved prophetic. Toward the end of his testimony, shaken with emotion, he said, “I love my dad and I love my mom, O.K.? I certainly have no vendetta against them, no family scores to settle. I think that they made mistakes in this process.” John, who has two young children, added, “I’ve thought a lot more probably about my own little ones than my parents, and the world we’re building for them.” He closed with a plea for less partisanship in politics. “I’m just left thinking that we can all do a lot better than this,” he said. Then, without looking at his father, he stood, buttoned his suit coat, and walked out.

As the fourth day of the hearings opened, John Branch, the lawyer for Harris’s campaign, stood before the Board of Election to explain why, on the evening after his team had been shown to be withholding John Harris’s e-mails, he had produced an additional eight hundred pages of documents. “I’m here to own that,” Branch said. The previous day, Harris’s lawyers had claimed that they had not turned over the e-mails because of a search-term error. Now, during his cross-examination, Branch explained that he had not asked Harris’s senior staff to turn over significant amounts of potential evidence under the theory that they were technically contractors for Red Dome, Yates’s political consultancy. Branch claimed that the evidence was therefore outside the scope of the subpoena issued to the Harris campaign. But, as Election Board officials noted, John’s e-mails with his father almost certainly fell within the remit of a subpoena issued in December, 2018. “[John Harris] sat up here yesterday as an example of what attorneys should be,” T. Jeff Carmon III, a Democratic board member, said. “I think it’s a disgrace to our profession that the document wasn’t submitted to the board through the counsel.”

A few hours later, Mark Harris took the stand. He again explained that he had thought that Dowless's efforts on his behalf had not included any illegal activities. When asked why he had not heeded his son's advice, Harris said, "I thought he was overreacting." John, he added, had only been analyzing the data from afar. "My son was still my son—twenty-seven years old," he said. Harris suggested that Dowless's support from Bladen G.O.P. officials was more persuasive, and he assumed it was Dowless's personal relationships with voters that allowed him to be so successful gathering absentee ballots. Following his son's testimony the previous day, Harris said, he had called John to say he was proud of him. He loved him, he said, but "I know he's a little judgmental, and has a little taste of arrogance."

Just before lunch, Lawson, the Board of Elections' counsel, asked Harris, "Did you prepare to testify about the e-mails that your son addressed yesterday?" Harris evaded multiple versions of the question. Lawson pressed, "So did you tell anyone in this past week that you believe that those documents were not part of the evidence in this case?" Harris repeatedly answered that he did not recall doing so. But unbeknownst to Harris and his team, Lawson had received a phone call earlier that morning from someone who indicated that Harris, as recently as the night before John's testimony, had said that he did not expect the e-mails between him and his son to be entered as evidence. Lawson now ceded the floor, and Marc Elias, a prominent Democratic lawyer who represented McCready, opened his cross-examination with a similar line of questioning, confirming, among other things, that Harris understood that he was under oath. Harris's personal lawyer, David Freedman, abruptly broke in—something he had never done in more than three decades of practicing law—and asked for a recess. Under ethics rules, Freedman had to halt testimony if he believed that Harris might be lying under oath.

An hour passed, and then an extension was granted. Reporters speculated about whether Harris was ready to give up the fight. Others jokingly relished the prospect of getting to go home early. Meanwhile, as the *Washington Post* first reported, the lawyers were engaged in contentious discussions behind the scenes. Freedman invited Lawson and Elias to meet in his "office"—a stairwell—and asked for the opportunity to confer with his client. If Harris had lied on the stand, he would have to correct his testimony. Otherwise, Freedman would be ethically required to withdraw as his counsel. Before the meeting broke up, Elias told Freedman that he had at least

four more hours of questions, which he suggested was more than enough time for Harris to perjure himself.

In a second meeting, the legal teams assembled in a separate courtroom to discuss whether Harris could read a statement to conclude his testimony without compounding his already mounting legal troubles. Lawson argued that Harris should describe the 2018 election as “tainted,” which would trigger a reëlection even if the number of votes affected by fraud was insufficient to change the outcome. Freedman agreed, but also explained that Harris’s testimony had been affected by ill health. Lawson reminded Freedman that Harris had given multiple indications over the past few days that he was competent to testify. Freedman left to consult with Harris.

Nearly two hours passed before Harris retook the stand. In his statement, he admitted that on Tuesday night he had told his younger son “that I did not think John’s e-mails would be part of this hearing.” Harris explained that recent health problems, including two strokes suffered as a result of his infection, had affected his memory more than he had realized. “Obviously I was incorrect in my recollection,” he said, “and I wholeheartedly apologize to this board.” After again denying that he or his senior campaign staff had been aware of improprieties, he said, “I believe a new election should be called.” Over gasps in the audience, he continued, “It’s become clear to me that the public’s confidence in the Ninth District-seat general election has been undermined to an extent that a new election is warranted.” With that, public office slipped away from him for the third time. As Harris walked out of the courtroom, his wife rubbed his back with her hand.

The lawyers hung around for questions. “Dr. Harris was convinced by his son’s testimony to call for a new election,” Freedman told me. “If he had listened to his son the first time, he would be in Congress by now.” Lawson disagreed. “Harris said his decision came after he listened to the evidence—not his son,” he said. “That evidence showed coördinated fraud, witness intimidation, and shifting testimony that tainted the election.” Elias, McCready’s lawyer, added, “Dr. Harris only did what he did when he was caught lying and he was given very good legal advice to find a way to correct the record and get off the witness stand as soon as possible. He does not deserve any credit for agreeing to a new election.”

In some ways, the drama surrounding the Ninth District has only just begun. Throughout the

hearings, evidence surfaced that suggested early voting totals could have been leaked from the Bladen County Board of Elections. This included a text message from Harris's wife to her son John, a few days before the 2018 Republican primary. "[Dowless] says we have 988 of the votes in Bladen," she wrote, though this proved to be about a hundred more votes than what the campaign actually won. Multiple criminal investigations are ongoing, including at least two opened by the F.B.I. Officials from the Department of Justice attended the hearing. And the Wake County district attorney, Lorrin Freeman, has indicated that no one who testified was granted immunity. Meanwhile, the board voted unanimously on Thursday to hold a new election, which will be scheduled at a future meeting. Through his attorney, Harris, who had stepped down as the senior pastor of Charlotte's First Baptist Church to devote more time to his congressional campaign, said he is unsure whether he will run again.

This piece has been updated to remove language in the opening, introduced due to an editing error, that too closely resembled previous coverage in the Charlotte Observer.

Doug Bock Clark is a writer whose first book, "The Last Whalers," was published in January, 2019.

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