

## ***Bannon, Facing Jail and Fines, Agrees to Testify to Jan. 6 Panel***

Stephen K. Bannon, the former Trump campaign manager and White House adviser, made the abrupt about-face after the former president authorized him to talk to investigators.



By Luke Broadwater and Maggie Haberman

July 10, 2022 Updated 4:26 p.m. ET

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WASHINGTON — With his criminal trial for contempt of Congress approaching, Stephen K. Bannon, an ally of former President Donald J. Trump's who was involved in his plans to overturn the 2020 election, has informed the House committee investigating the Capitol attack that he is now willing to testify, according to two letters obtained by The New York Times.

His decision is a remarkable about-face for Mr. Bannon, who until Saturday had been among the most obstinate and defiant of the committee's potential witnesses. He had promised to turn the criminal case against him into the "misdemeanor from hell" for the Justice Department.

But with the possibility of two years in jail and large fines looming on the horizon, Mr. Bannon has been authorized to testify by Mr. Trump, his attorney told the committee late on Saturday in a letter, which was reported earlier by The Guardian.

The former president had previously instructed Mr. Bannon and other associates not to cooperate with the panel, claiming that executive privilege — a president's power to withhold certain internal executive branch information, especially confidential communications involving him or his top aides — compelled them to stay silent. But in recent days, as several witnesses have come forward to offer the House panel damning testimony about his conduct, Mr. Trump has grown frustrated that one of his fiercest defenders has not yet appeared before the committee, people close to him said.

"Mr. Bannon is willing to, and indeed prefers, to testify at your public hearing," Robert J. Costello, Mr. Bannon's attorney, wrote to Representative Bennie Thompson, Democrat of Mississippi and the chairman of the committee.

Mr. Costello said that Mr. Bannon's decision to comply with the committee's subpoena came after he was cleared to testify by Mr. Trump. He provided the panel with a letter that Mr. Trump sent to Mr. Bannon on Saturday that waived any claim to executive privilege over this testimony.

The committee and the Justice Department have long maintained that Mr. Trump has no valid claim of executive privilege over Mr. Bannon's testimony, in part because Mr. Bannon left the White House in 2017 and was a private citizen when he was involved in Mr. Trump's efforts to hold on to power after the 2020 election.

"When you first received the subpoena to testify and provide documents, I invoked executive privilege," Mr. Trump wrote in his letter to Mr. Bannon on Saturday. "However, I watched how unfairly you and others have been treated, having to spend vast amounts of money on legal fees and all of the trauma you must be going through for

the love of your country and out of respect for the office of the president.”

“Therefore,” he continued, “if you reach an agreement on a time and place for your testimony, I will waive executive privilege for you, which allows for you to go in and testify truthfully and fairly, as per the request of the unselect committee of political thugs and hacks.”

Mr. Bannon’s trial on two counts of criminal contempt of Congress is set for July 18. Each count carries a penalty of up to a year in jail and a \$100,000 fine.

It remains to be seen how Mr. Bannon’s new posture will affect the criminal proceeding, and how forthcoming he will be. He could refuse to speak about certain topics, citing his Fifth Amendment right against self-incrimination, as some other witnesses have done. But the committee has repeatedly said that it needs to hear from Mr. Bannon and receive the documents it requested from him about plans to overturn the 2020 election.

“We got the letter around midnight from his lawyer saying that he would testify, and we have wanted him to testify,” Representative Zoe Lofgren, Democrat of California and a member of the committee, told CNN on Sunday. “So the committee, of course, has not yet had a chance to discuss it, but I expect that we will be hearing from him. And there are many questions that we have for him.”

Should Mr. Bannon ultimately appear for an interview, he would give his testimony behind closed doors like hundreds of other witnesses have done, Ms. Lofgren said. The committee has carefully choreographed its public hearings to make a streamlined presentation of its case, and has worked to avoid public sparring sessions with witnesses.

For months, Mr. Bannon has been perhaps the most bombastic and strident potential witness the committee has called to testify. He refused to turn over a single document or sit for a minute of testimony. For his intransigence, the House voted in October to hold Mr. Bannon in criminal contempt of Congress.

But the panel has insisted that Mr. Bannon, Mr. Trump’s former chief strategist and counselor, could help investigators better understand the Jan. 6, 2021, attack, which was meant to stop the certification of President Biden’s victory.

On his radio show on Jan. 5, 2021, Mr. Bannon promised that “all hell is going to break loose tomorrow,” a statement that shows he “had some foreknowledge about extreme events that would occur the next day,” the committee said in a report.

Investigators have also pointed to a conversation Mr. Bannon had with Mr. Trump on Dec. 30, 2020, in which he urged him to focus his efforts on Jan. 6, the day that Congress was to make the official count of electoral votes to confirm Mr. Biden’s victory. Mr. Bannon was also present at a meeting at the Willard Hotel in Washington the day before the violence, when plans were discussed to try to overturn the results of the election the following day.

Mr. Bannon’s criminal case is just the latest against him.

Federal prosecutors indicted and arrested him last year in Manhattan on charges related to money raised to promote the construction of the border wall long sought by Mr. Trump. But before facing trial, he was pre-emptively pardoned by Mr. Trump hours before the former president left office.

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