

Trump Group Pays for Jan. 6 Lawyers, Raising Concerns of Witness Pressure

The former president's political organization and allies have paid for or promised to cover legal fees for witnesses, as the House inquiry suggests he is trying to influence testimony.

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WASHINGTON — Former President Donald J. Trump's political organization and his allies have paid for or promised to finance the legal fees of more than a dozen witnesses called in the congressional investigation into the Jan. 6 attack, raising legal and ethical questions about whether the former president may be influencing testimony with a direct bearing on him.

The arrangement drew new scrutiny this week after Cassidy Hutchinson, a former aide in his White House, made an explosive appearance before the House panel, providing damning new details about Mr. Trump's actions and statements on the day of the deadly riot.

She did so after firing a lawyer who had been recommended to her by two of Mr. Trump's former aides and paid for by his political action committee, and hiring new counsel. Under the representation of the new lawyer, Jody Hunt, Ms. Hutchinson sat for a fourth interview with the committee in which she divulged more revelations and agreed to come forward publicly to testify to them.

It is not known whether Ms. Hutchinson's change in counsel led directly to her willingness to appear at a televised hearing and provide a more detailed, wide-ranging account of what she witnessed, but some members of the panel believe that it played a role, according to two people familiar with the committee's work.

Mr. Trump claimed that Ms. Hutchinson's new lawyer could have prompted her to make false statements. "Her story totally changed!" he complained on his social media site, Truth Social.

The episode raised questions about whether Mr. Trump and his allies may, implicitly or explicitly, be pressuring witnesses to hold back crucial information that might incriminate or cast a negative light on the former president. Mr. Trump and his advisers have been accused before of trying to influence witnesses in past investigations involving him. The committee is known to ask witnesses frequently during closed-door interviews whether anyone has tried to influence their testimony.

Ms. Hutchinson has told the Jan. 6 committee that she was among the witnesses who have been contacted by people around Mr. Trump suggesting that they would be better off if they remained loyal to the former president. Representative Liz Cheney, Republican of Wyoming and the vice chairwoman of the panel, quoted two witnesses making such claims on Tuesday and suggested that the committee was looking into the possibility that the former president or his allies were trying to obstruct its inquiry, saying that, "most people know that attempting to influence witnesses to testify untruthfully presents very serious concerns."

Unlike witness tampering, which is a crime, there is nothing illegal about a third party covering legal fees for a witness. Aides to former President Bill Clinton reported being overwhelmed with legal bills because of the various inquiries into his and his family's personal and business affairs, and were dismayed when a legal-defense fund set up by Mr. Clinton's allies to help the first family pay its multimillion-dollar legal debts did not help them. Mr. Clinton later pledged to help raise money to cover his former aides' legal expenses, but did not make any major effort to do so.

In the case of Mr. Trump, several former aides have requested that he pay their lawyers' fees, many of them citing financial hardship and the exorbitant cost of representation in connection with a major congressional investigation. Still, given Mr. Trump's potential criminal exposure and interest in the inquiry's outcome, the practice has come under added scrutiny.

According to financial disclosures, in May alone, Mr. Trump's "Save America" political action committee paid about \$200,000 to law firms. That including \$75,000 to JPRowley Law, which represents Cleta Mitchell, a pro-Trump lawyer who has filed suit to try to block the committee's subpoena, and \$50,000 to Silverman, Thompson, Slutkin & White, which has represented Stephen K. Bannon, a close ally of the former president who refused to meet with the panel and has been charged with criminal contempt. The managing partner at the firm representing Mr. Bannon declined to comment.

It was not immediately clear whether those payments were for covering legal fees connected to the Jan. 6 inquiry, but people familiar with the matter said the PAC has paid for the representation of several former officials and aides in the investigation, including some high-profile ones such as Stephen Miller, who served as a senior adviser to Mr. Trump. Mr. Trump's PAC paid a portion of Mr. Miller's legal bills.

A spokesman for Mr. Trump also declined to comment.

More than a dozen witnesses before the Jan. 6 committee have also received free legal advice and had attorney's fees paid for by the American Conservative Union's "First Amendment Fund," which consults with Mr. Trump's team about whose fees to cover from its "seven-figure" finances, according to Matt Schlapp, the organization's chairman.

"We have pro bono lawyers who talk with the lawyers for the people who want help," Mr. Schlapp said in an interview on Thursday. "Almost everybody has received payment."

He said Matt Whitaker, a former acting attorney general who is on the board of one of Mr. Trump's political organizations, was working with the legal group and has "spent a lot of late nights counseling younger staffers and giving us a lot of advice."

Mr. Trump has come under scrutiny before for appearing to meddle in inquiries into his conduct. In 2017, a lawyer for Mr. Trump in the investigation into whether his campaign conspired with Russian officials during the 2016 presidential campaign dangled the prospect of pardons to two people under investigation, Michael T. Flynn and Paul Manafort.

In 2018, after Mr. Trump stopped paying for the legal fees of his personal lawyer, Michael D. Cohen, when he was under investigation by the Southern District of New York, Mr. Cohen eventually pleaded guilty and began cooperating with the special counsel investigating possible conspiracy between the Trump campaign and Russian officials.

Stephen Gillers, a professor at New York University's law school who specializes in legal ethics, said there would be no issue if a third party paid the legal fees for a truly independent lawyer to represent a client. But he said things become more problematic if the entity paying the fee chooses or steers the lawyer toward the client and that lawyer has competing loyalties when it comes to the fee payer and the client's best interests.

It is also problematic, he added, if the person or entity paying the fee has their own vested interest in how the client's case turns out.

"The obvious example is organized crime, where the crime boss tells the lieutenant that, 'Joe, here, is going to be your lawyer,'" Mr. Gillers said. "The lawyer's loyalty, of course, is to the boss, not the lieutenant."

Christopher Bartolomucci, a lawyer who is representing Judd Deere, a former White House press secretary, said he expected to receive some payment from Mr. Schlapp's fund, which has a process for applying for assistance.

There have been no strings attached to the help, he said.

“No one has attempted to influence me or my client,” Mr. Bartolomucci said in an interview.

Staffed with more than a dozen federal prosecutors, the Jan. 6 committee ran into some initial roadblocks last year as it began its investigation, when some of Mr. Trump’s top allies refused to cooperate. Investigators then took a page out of organized crime prosecutions, moving their inquiry down the hierarchy and quietly turning at least six lower-level former staff members to Mr. Trump into witnesses who provided information about their bosses’ activities.

Ms. Hutchinson had already been issued a subpoena when she approached Mr. Trump’s team seeking help with her legal representation, according to two people familiar with the matter. Mr. Trump had initially balked at covering some of the costs of legal representation for a number of former aides, but he acquiesced as some senior advisers told him he would draw negative news coverage if he failed to do so.

In some instances, lawyers who advised Mr. Trump sought unsuccessfully to have legal fees, or related costs, covered by entities supporting Mr. Trump. That included Rudolph W. Giuliani, Mr. Trump’s former personal lawyer who encouraged him to try to subvert the results of the election. Mr. Giuliani’s allies complained publicly that Mr. Giuliani had high legal bills that he was left on his own to pay. There has been no move to cover his costs.

One of Mr. Trump’s allies may also be financing the legal defense of one of the extremists accused of helping to orchestrate the storming of the Capitol.

A dispute over those legal fees has emerged in one of the most prominent criminal cases connected to the Capitol attack — that of Stewart Rhodes, the Oath Keepers leader who has been charged with seditious conspiracy with eight of his subordinates.



A dispute has emerged over whether the legal fees of Stewart Rhodes, the leader of the Oath Keepers militia, are being paid by a nonprofit run by the pro-Trump lawyer Sidney Powell. Susan Walsh/Associated Press

Last week, prosecutors filed court papers that, citing published news articles, said Mr. Rhodes’s legal fees, and those of some of his co-defendants, were being paid by a nonprofit organization called Defending the Republic, which is run by Sidney Powell, the pro-Trump lawyer.

Ms. Powell is best known for having filed a series of conspiracy-laden lawsuits claiming that Mr. Trump lost the election because of a purported plot to hack into voting machines and secretly change ballots. She was also involved in a brazen effort with Mr. Flynn, Mr. Trump's former national security adviser, to persuade the former president to use his national security apparatus to seize voting machines across the country in a bid to stay in office.

Though prosecutors did not accuse Ms. Powell of an ethical breach, they did ask Judge Amit P. Mehta to examine whether she was in fact paying the fees and if there might be any conflict of interest.

For months, the committee has suggested that Mr. Trump or those close to him might be attempting to influence potential witnesses. Its members have suggested, for instance, that Mr. Trump may have had a hand in the refusal of Representative Kevin McCarthy, the House Republican leader, to cooperate with the investigation.

On Tuesday, Ms. Cheney displayed what she said were two examples of unnamed people associated with Mr. Trump attempting to influence witnesses. In one, Ms. Hutchinson told the panel she was told to "protect" certain individuals to "stay in good graces in Trump World." In the other example, Ms. Hutchinson said she was encouraged to remain "loyal."

Reporting was contributed by Shane Goldmacher, Michael C. Bender, Michael S. Schmidt and Peter Baker.