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Lawyers, Trump and money: Ex-president spends millions in donor cash on attorneys as legal woes grow

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WASHINGTON (AP) — Donald Trump's political fundraising machine is raking in donations at a prodigious pace, but he's spending tens of millions of dollars he's bringing in to pay attorneys to deal with the escalating costs of the various criminal cases he is contending with as he moves further into the 2024 presidential campaign.

Campaign finance experts say using the money to pay for lawyers in cases not related to the campaign or officeholder duties appears to conflict with a federal ban on the personal use of donor dollars, even though the Federal Election Commission has ruled the prohibition doesn't apply to so-called leadership political action committees. The massive amount of money going to lawyers also amplifies the urgency Trump is feeling to raise money both for the campaign and his legal defense, which is unfolding on multiple fronts.

Trump's Save America political action committee has paid nearly \$37 million to more than 60 law firms and individual attorneys since January 2022, Federal Election Commission records show. That amounts to more than half of the PAC's total expenditures, according to an Associated Press analysis of campaign finance filings, and represents a staggering sum compared to other political organizations.

During the first half of 2023, Save America spent more on legal-related costs, over \$20 million, than any other political committee that discloses to the FEC — more than the Republican National Committee, Democratic National Committee and National Republican Senatorial Committee spent during that period combined.

FILE - Former President Donald Trump, center, sits in the courtroom with his legal team before the continuation of his civil business fraud trial at New York Supreme Court, Oct. 3, 2023, in New York. Trump is returning Oct. 17 to the Manhattan civil fraud trial that threatens to upend his real estate empire. (AP Photo/Seth Wenig, Pool)

Donald Trump is returning to his civil fraud trial, but star witness Michael Cohen won't be there

FILE - Former President Donald Trump sits in the courtroom before the continuation of his civil business fraud trial at New York Supreme

Court, Tuesday, Oct. 3, 2023, in New York. Donald Trump's lawyers asked a New York appeals court Friday to halt his Manhattan civil fraud trial while they fight a court ruling that calls for dissolving companies that control some of the former president's most prized assets, including Trump Tower. (AP Photo/Seth Wenig, Pool)

Donald Trump is going back to court. Here's what he's missed since his last visit to NYC fraud trial

FILE - FBI Deputy Assistant Director Peter Strzok testifies before the House Committees on the Judiciary and Oversight and Government Reform during a hearing on Capitol Hill, July 12, 2018, in Washington. Donald Trump is set to be questioned under oath as part of lawsuits from two former FBI employees who provoked the former president's outrage after sending each other pejorative text messages about him. (AP Photo/Evan Vucci, File)

Trump scheduled to be questioned in lawsuits from ex-FBI employees who sent negative texts about him

The bulk of the Trump PAC money went to law firms that have defended Trump against a series of criminal charges or in civil lawsuits. Other attorneys paid with the contributions worked on behalf of Trump's businesses, his children, former White House aides and employees of the ex-president.

Footing the legal bills for co-defendants and potential witnesses raises additional thorny ethical questions: Will the attorneys paid by Trump be more loyal to him or their clients? If clients feel indebted to Trump, will they be less forthcoming about what they know?

The way these cases get built is you persuade the little fish to testify against the big fish, said Randall Eliason, a former federal prosecutor and criminal law professor at George Washington University Law School. Well, if the little fish's lawyer is being paid by the big fish that's less likely to happen potentially.

The Trump campaign did not respond to a request for comment. ____

Trump's status as the first former president to be criminally indicted, his run for another White House term while defending himself in multiple court cases, and the loads of donor money flowing to lawyers are a trifecta unparalleled in U.S. history. Trump has denied any wrongdoing and he and his allies have blasted the long list of felony charges and lawsuits as political attacks meant to derail his 2024 campaign.

But the legal jeopardy has become his most potent fundraising tool.

Trump's claim that he's the victim of a corrupt justice system determined to silence him and his supporters is a primary plank in his platform. And he's turned the courthouse into a campaign stage to pound that message and fire up his supporters.

As Trump's civil fraud trial in New York got underway earlier this month, he used the heavy media coverage as a megaphone. To the cameras stationed in the courthouse hallways, Trump denounced state Attorney General Letitia James' case as "a witch hunt and a disgrace." He and his company are accused by James of inflating the value of his real estate empire to deceive banks and insurers.

Trump also turned his surrender in Georgia on charges that he illegally schemed to overturn the 2020 election in the state into a fundraising bonanza. His presidential campaign said it has sold about 47,000 T-shirts, coffee mugs and posters featuring the mug shot taken of the former president when he was booked in August at the at the Fulton County Jail. Overall, the campaign said it raised \$9.4 million in the days following the photo's release. That money is earmarked for political and campaign activities, not for legal expenses, according to the campaign.

To help pay the legal fees, Trump's political operation has also moved millions from his super PAC, MAGA Inc.

The FEC data reveal a pattern that has developed since Trump left office: he gets into legal trouble and responds forcefully, donations from his backers spike, and then millions of those dollars flow to the army of attorneys defending him and others caught up in the drama.

The second and third quarters of 2022 illustrate the cycle. Save America spent about \$1.5 million on legal fees in the second quarter. During the third, payments to attorneys grew to more than \$6 million. The surge coincided with the FBI's court-authorized search for top-secret documents he allegedly hoarded at his Mar-a-Lago estate in Florida, which federal prosecutors say violated laws meant to keep classified information secret.

"The indictments are probably not expanding his coalition, but it's certainly giving it greater intensity," said Anthony Michael Kreis, a law professor at Georgia State University. "So people who are already supporting Donald Trump are probably going to dig in their heels and support him more."

That's true of at least some donors, who say they have no problem with their money going to lawyers.

"First thing I thought: What a crock," said Robert Lee, a motorcycle

repairman in Boca Raton, Florida, who made a small donation after the FBI's Mar-a-Lago search. None of this ever happened to anyone who wasn't Trump.

Asked about a presidential campaign that spends so much on legal expenses, Lee said, "That would be fine with me. I see nothing wrong with that."

In addition to the New York business fraud case and the election case in Georgia, Trump is battling federal felony counts arising from the Mar-a-Lago records case in Florida and the 2020 election subversion case in Washington, D.C. In a separate New York state case, he's accused of making hush money payments during the 2016 presidential campaign to keep a sexual relationship from becoming public. Trump has denied the affair and pleaded not guilty to the charges involving the payment.

Two of Trump's most heavily compensated lawyers, Alina Habba and Christopher Kise, flanked the ex-president at the defendant's table when the trial in James' business fraud lawsuit began earlier this month.

Habba is the managing partner of Habba Madaio & Associates in Bedminster, New Jersey. Her small litigation firm, which is near Trump's eponymous golf course, has received almost \$3.5 million from Save America.

Habba has also been engaged in several civil cases for Trump, according to court records, including an ongoing defamation lawsuit brought by advice columnist E. Jean Carroll, whom a jury found was sexually assaulted by Trump. Habba is his attorney in a lawsuit he filed against his niece, Mary Trump, and New York Times reporters for an "insidious plot" he claims they masterminded to obtain his income tax records.

Kise left the megafirm Foley & Lardner to be one of Trump's attorneys. His firm, Chris Kise and Associates, received \$2.8 million from the PAC. Along with the New York fraud lawsuit, he has a lead role in the Mar-a-Lago records case. Kise has deep ties to Florida's Republican party. He worked on the transition teams for Florida Gov. Ron DeSantis and Sen. Rick Scott.

Last year, Kise joined Florida-based Continental PLLC, a law firm that has separately received nearly \$2.9 million. Court records show two other Continental attorneys were involved in early stages of the records case.

Critton, Luttier & Coleman, a law firm in West Palm Beach, Florida, received \$3 million from Save America, according to the FEC filings.

The firm did not respond to a request for comment about the work it did.

Ciara Torres-Spelliscy, a professor at Stetson University College of Law in Florida, said the risk of paying defense attorneys with contributions is that the FEC or the Justice Department may later decide that it was an illegal personal use of campaign funds. She doubted such a case would be brought against Trump now because doing so might slow the ongoing federal prosecutions overseen by Justice Department Special Counsel Jack Smith.

But after the Mar-a-Lago and January 6th cases are done, I would not be surprised to see a personal use case against Trump for using these millions in donations that are meant to go to his political campaign going instead for the personal use of keeping him out of prison, Torres-Spelliscy said.

The FEC declined to comment for this story, but it seems unlikely to act anytime soon. The agency is led by six commissioners, evenly split between Republicans and Democrats. Trump nominated all the GOP commissioners. One of the Democratic commissioners, appointed by President Joe Biden, joined with the Republicans to declare in March the personal use ban didn't apply to leadership PACs.

Saurav Ghosh, director of federal campaign finance reform at the non-profit Campaign Legal Center, criticized what he called the FEC's blinkered and narrow view of the personal use prohibition.

The FEC is a dysfunctional agency that often fails to enforce the law because several commissioners don't genuinely support the mission of the agency and favor a deregulatory approach to campaign finance laws, Ghosh said.

The hands-off approach, he added, has allowed Trump to exploit the people who give him money to help him politically.

It does feel like donors are being taken advantage of to advance Donald J. Trump's personal interests, Ghosh said.

In a recently unsealed court filing, Smith and his team of prosecutors described Trump's decision to pay the legal fees of co-defendants and potential witnesses as part of a pattern of his obstructive conduct in its investigations. The former president presents a significant risk of tampering with evidence (and) seeking to influence or intimidate potential witnesses, according to the filing.

Those concerns are amplified in court records filed by Smith's team in the Mar-a-Lago case.

About two weeks after the FBI found reams of classified documents in a storage room, Trump called a Mar-a-Lago employee with whom he is alleged to have discussed deleting security camera footage of the property, according to a July indictment. Trump assured the employee, property manager Carlos De Oliveira, that he would get him a lawyer.

De Oliveira was later charged as a third defendant in the case. He's accused of scheming with Trump and his valet, Walt Nauta, to conceal the footage from investigators. Court records show De Oliveira is being represented by John Irving of Earth & Water Law, a firm that has received more than \$338,000 in payments, according to the campaign finance reports.

De Oliveira and Nauta have pleaded not guilty.

Another firm, Brand Woodward Law, represents Nauta and has been paid more than \$350,000. Prosecutors handling the Mar-a-Lago case argued at a hearing last week that Nauta's lawyer, Stanley Woodward, has a conflict of interest based on his prior representation of a key government witness: a Mar-a-Lago information technology worker who has since struck a cooperation deal with the government. Woodward has denied any conflict and has disputed prosecutors' characterization of events, and the judge in the case cut short last Thursday's hearing and scolded prosecutors for presenting arguments that she said were not properly raised earlier.

Trump's former chief of staff, Mark Meadows, who was indicted along with Trump and others in the election interference case in Georgia, is represented by the law firm McGuireWoods. The firm received almost \$900,000.

None of that matters to donors contacted by the AP. Dawn Smelcer of Fayetteville, North Carolina, a frequent donor to Trump's 2024 campaign, said she's backing Trump because of the "mistreatment" he's endured.

"He's fighting an evil and we're helping him to fight that evil," she said.

Associated Press writers Eric Tucker and Jill Colvin in Washington contributed to this report.

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