



March 17, 2023

The Honorable William McFarland  
Sergeant at Arms of the United States House of Representatives  
Room H-124 U.S. Capitol  
United States House of Representatives  
Washington, DC 20515

**Re: Response to Request for Investigation by American First Legal**

Dear Sergeant at Arms McFarland:

Facts First USA is a bipartisan organization focused on ensuring that our national discourse is grounded in facts and honest debate. We write to you in response to a March 16, 2023 letter your office reportedly received from America First Legal (AFL), an organization headed by Stephen Miller, who served as a Senior Advisor to former President Trump.

Mr. Miller's organization has called upon you to investigate Facts First USA, its president, David Brock, and the Congressional Integrity Project. Reed Rubinstein, AFL's Senior Counselor and Director of Investigations, signed the letter. It appears the AFL's Director of Investigations mistakenly believes that Congressional Integrity Project is an affiliate of Mr. Brock and/or Facts First USA. As a preliminary matter, therefore, we think it is important to clarify for AFL what we would have thought was obvious from [mainstream reporting on our group](#): Facts First USA and Congressional Integrity Project are two wholly separate organizations without any overlap in leadership. We, therefore, are only writing on behalf of Mr. Brock and Facts First USA.

We doubt that your office is taking seriously the high school level antics of a group led by someone who cites authoritatively to white nationalist websites and who is asking you to investigate in a realm far outside your jurisdiction or authority. Nevertheless, recent news reports demonstrate that MAGA-aligned groups have [coordinated with House Republicans in their investigatory tactics and approaches](#). We therefore have legitimate concerns that Mr. Miller's group is acting as a front for House Republicans who do not like that Facts First USA has repeatedly [pointed out their hypocrisy](#), the [lack of credibility of their witnesses](#), and their [improper motives](#).

That AFL is acting at the behest of House Republicans is really the only way to make sense of an organization that otherwise contends that it is "committed to an unwavering defense of...freedom of speech" seeking to have us investigated for our speech. And, it does help explain

why AFL would turn to the Sergeant at Arms of the House of Representatives to conduct such a review.

In any event, we are delighted that Mr. Miller and his colleagues believe so strongly that witnesses tampering and intimidation warrant criminal investigation and charges – though this view appears to be newfound given their personal history with alleged interference of Congressional investigations, as the attached Appendix explains.

If your office decides to investigate, Facts First USA and Mr. Brock stand ready to fully cooperate. We encourage Mr. Miller and his former White House colleagues to similarly cooperate with any current or future criminal investigations into their own conduct.

Thank you for your service.

Sincerely,

/s/ Maria Cardona  
Maria Cardona  
Co-Chair

/s/ David Jolly  
David Jolly  
Co-Chair

# TRUMP HAS AN EXTENSIVE HISTORY OF OBSTRUCTING INVESTIGATIONS AND TAMPERING WITH WITNESSES

## Trump Attempted To Contact Jan. 6<sup>th</sup> Committee Witnesses And His Allies Attempted To Obstruct Congressional Investigations Via The Witness's Counsel

### THE SELECT COMMITTEE TO INVESTIGATE THE JAN 6<sup>TH</sup> INSURRECTION FOUND EVIDENCE PRESIDENT TRUMP ATTEMPTED TO CONTACT CONGRESSIONAL WITNESSES

**The Select Committee Claimed To Be Aware Of Multiple Efforts By President Trump To Contact Select Committee Witnesses – The Department Of Justice Was Made Aware Of At Least One Instance.** “The Select Committee is aware of multiple efforts by President Trump to contact Select Committee witnesses. The Department of Justice is aware of at least one of those circumstances.” [Pg. 122, Executive Summary, Final Report from the Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol, filed [12/22/22](#)]

**Washington Post: “How Trump World Pressures Witnesses To Deny His Possible Wrongdoing”** [Washington Post, [6/30/22](#)]

**Washington Post: Evidence Across Multiple State, Federal, And Congressional Investigations Point To A Pattern From Trump And Close Allies Tampering With Potential Witnesses By Offering Flattery And Attention, As Well As Vague Threats.** “Evidence across multiple state, federal and congressional investigations points to a similar pattern: Trump and his close allies privately shower potential witnesses with flattery and attention, extending vague assurances that staying loyal to Trump would be better than crossing him.” [Washington Post, [6/30/22](#)]

### THE COMMITTEE FOUND TRUMP ALLIES ATTEMPTED TO OBSTRUCT CONGRESSIONAL INVESTIGATIONS BY DIRECTLY INTERVENING WITH WITNESS TESTIMONY VIA THEIR COUNSEL

**The Select Committee to Investigate The January 6<sup>th</sup> Attack On The Capitol Received A Evidence Suggesting Efforts To Obstruct Their Investigation – Which Included An Effort By A Witness's Lawyer, Who Was Receiving Payments From A Group Allied With President Trump, To Claim She Did Not Recall Facts She Did In Fact Remember.** “The Select Committee has also received a range of evidence suggesting specific efforts to obstruct the Committee's investigation. Much of this evidence is already known by the Department of Justice and by other prosecutorial authorities. For example: 1. The Committee received testimony from a witness about her decision to terminate a lawyer who was receiving payments for the representation from a group allied with President Trump. Among other concerns expressed by the witness: The lawyer had advised the witness that the witness could, in certain circumstances, tell the Committee that she did not recall facts when she actually did recall them” [Pg. 123, Executive Summary, Final Report from the Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol, filed [12/22/22](#)]

- **The Committee Found A Witness Was Offered Potential Employment That Would Make Her “Financially Very Comfortable” By Entities Linked To Former President Donald Trump.** “The client was offered potential employment that would make her “financially very comfortable” as the date of her testimony approached by entities apparently linked to Donald Trump and his associates. Such offers were withdrawn or did not materialize as reports of the content of her testimony circulated. The client believed this was an effort to impact her testimony” [Pg. 122, Executive Summary, Final Report from the Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol, filed [12/22/22](#)]

The Select Committee Report Detailed An Instance Of A Lawyer Repeatedly Denying And Adjusting A Client's Testimony Because It Would Cast A Negative Light On President Trump. "The committee report says the lawyer also "instructed the client about a particular issue that would cast a bad light on President Trump", saying: "No, no, no, no, no. We don't want to go there. We don't want to talk about that." [The Guardian, [12/19/22](#)]

## The Justice Department Investigated The Conduct Of Counsel For Witnesses Involved In The Mar-A-Lago Probe Whose Fees Were Being Paid By Trump's Save America PAC, Which Employed Stephen Miller

### THE JUSTICE DEPARTMENT INVESTIGATED THE CONDUCT OF COUNSEL FOR WITNESSES IN THE MAR-A-LAGO PROBE WHOSE FEES WERE BEING PAID BY PRESIDENT TRUMP'S SAVE AMERICA POLITICAL ACTION COMMITTEE

Published Accounts Of The Justice Department's Mar-a-Lago Investigation Suggest That The Department Investigated The Conduct Of Witnesses Whose Legal Fees Were Paid By President Trump's Save America Political Action Committee. "Recently, published accounts of the Justice Department's Mar-a-Lago investigation suggest that the Department is investigating the conduct of counsel for certain witnesses whose fees are being paid by President Trump's Save America Political Action Committee." [Pg. 122, Executive Summary, Final Report from the Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol, filed [12/22/22](#)]

- According To Save America PAC's Statement Of Organization To The Federal Election Commission Donald J Trump Was Listed As A Connected Leadership PAC Sponsor.

Image# 202201319485488300

FEC Form 1S (Revised 02/2017) Optional Supplemental Information for Lines 5(g) or (h), 6, 8 and/or 9 Page 10 of 10

5(g) or (h). Joint Fundraising Participant:

1.		FEC ID number	C
2.		FEC ID number	C
3.		FEC ID number	C
4.		FEC ID number	C

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

TRUMP, DONALD J., , ,

Mailing Address P.O. BOX 13570

ARLINGTON VA 22219

Relationship:  Connected Organization  Affiliated Committee  Joint Fundraising Representative  Leadership PAC Sponsor

8. Designated Agent: Identify by name, address (phone number - optional)  
[Statement of Organization, Save America PAC, Federal Election Commission, filed [1/31/22](#)]

Former Federal Prosecutor, Jim Walden, Claimed The Payment Arrangements From Save America PAC For Witness Legal Fees Could Be Silencing Witnesses Or Encouraging A More Favorable Testimony And Called For

**Oversight From The Justice Department.** “Both Patel and Nauta are represented by Brand Woodward Law, which according to public records has been paid more than \$120,000 by Trump’s Save America PAC. [...] But Jim Walden, a former federal prosecutor, said the payment arrangement raises concerns about whether the reimbursement of legal fees may influence what the witnesses say or do. And he noted that if Justice Department officials have ethical concerns, they could ask a judge to, at a minimum, question the clients about whether they are certain their interests are being protected. ‘It looks like the Trump political action committee is either paying for the silence of these witnesses, for them to take the Fifth or for favorable testimony,’ Walden said. ‘These circumstances should look very suspicious to the Justice Department, and there’s a judicial mechanism for them to get court oversight if there’s a conflict.’” [Washington Post, [12/5/23](#)]

### **Special Counsel Mueller Claimed To Have Faced A Similar Issue With Michael Cohen, Who Thought His Legal Fees Were Covered By The Trump Organization**

**Special Counsel Mueller Claimed Michael Cohen Refused To Stray From Donald Trump In Part Because He Thought His Legal Fees Were Being Covered By The Trump Organization.** “According to Mueller, Cohen refused for a time to stray from Trump’s orbit in part because he thought his legal fees were being covered by the Trump Organization.” [Washington Post, [6/30/22](#)]

## **TRUMP’S PAC EMPLOYED SEVERAL FIGURES WITH KEY ROLES IN THE EVENTS OF JAN. 6<sup>TH</sup> INCLUDING STEPHEN MILLER**

**Donald Trump’s Save America PAC Employed Several Figures Who Had Key Roles In The White House On January 6<sup>th</sup>, Including Former Speechwriter And Adviser, Stephen Miller.** “Trump has also kept former aides tightly in his orbit through promises of employment and contributions to their political causes. Though he has been loath to spend money from his PAC, sometimes resisting aides’ suggestions for even small outlays, last year his Save America PAC sent \$1 million to the Conservative Partnership Institute, a nonprofit group where Meadows is a senior partner. The donation came about one month after the House committee was formed. While Trump advisers insisted there was no quid pro quo involved with the donation, Trump has been inclined to keep Meadows in the fold, even when he is annoyed with him at times, people familiar with the matter said. Other figures who were in key roles in the White House on Jan. 6 have been employed by Trump’s PAC, including Molly Michael, his scheduler and top assistant; Stephen Miller, his speechwriter and adviser; and Dan Scavino, his social media aide.” [Washington Post, [6/30/22](#)]

- **Federal Investigators Were Interested In Miller’s Firsthand Account Of The Former President’s Preparations For His Speech At The Ellipse On January 6<sup>th</sup> Which Was Used To Inspire Supporters Who Went On To Attack The Capitol.** “Federal investigators have for months sought information from Trump’s inner circle in the White House, attempting to gather insight into Trump’s state of mind before his supporters rioted on January 6. Miller, a former White House speechwriter and senior adviser to Trump, could provide a firsthand account of the former president’s preparations for his speech at the Ellipse in Washington on January 6, including how he wanted to inspire his supporters, many of whom went on to attack the Capitol and disrupt Congress.” [CNN, [11/29/22](#)]

## **President Trump Has A History Of Pardoning Criminals, Some Of Which Were Charged And Convicted With Witness Tampering**

### **FORMER TRUMP ADVISER, ROGER STONE, WAS CHARGED AND CONVICTED WITH WITNESS TAMPERING, BUT WAS PARDONED BY PRESIDENT TRUMP**

**Roger Stone Was Charged And Convicted With Witness Tampering Of Congressional Witness Testimony Along With Other Charges In 2019 – President Trump Pardoned Roger Stone On December 23<sup>rd</sup>, 2020.** “It was allegations of interference with congressional testimony that got former Trump adviser Roger Stone charged with witness tampering in 2019. Prosecutors said Stone repeatedly urged radio host Randy Credico not to testify to Congress or to invoke his Fifth Amendment rights against self-incrimination in the Russia investigation. At one point, they alleged that Stone threatened Credico’s dog. Stone was convicted of the charge as well as of lying to Congress but was pardoned by Trump on Dec. 23, 2020 — not long before the Capitol riot.” [Washington Post, [6/30/22](#)]

## **TRUMP HAS A HISTORY OF USING HIS PERSONAL LAWYERS TO INFLUENCE WITNESSES, BEHAVIOR WHICH SPECIAL COUNSEL ROBERT MUELLER SCRUTINIZED AND CLAIMED DIRECTLY IMPACTED COOPERATION WITH LEGAL INVESTIGATIONS**

CNN: “Revisiting Trump’s Long History Of Trying To Influence Witnesses” [CNN, [7/1/22](#)]

**According To The Mueller Report, Paul Manafort Told Deputy Campaign Chairman Rick Gates Trump’s Personal Lawyer Reassured Him, They Were “Going To Take Care Of Us” After The Two Were Charged By Mueller In 2017.** “Trump’s 2016 campaign chairman Paul Manafort and his deputy Rick Gates were charged by Mueller in late 2017. After their indictment, Manafort told Gates that he had spoken with Trump’s personal lawyer and they were “going to take care of us,” according to the Mueller report.” [CNN, [7/1/22](#)]

- **Manafort Took His Case To Trial, Went To Prison For Tax And Bank Fraud, And Trump Pardoned Him In 2020 – Mueller Concluded Trump’s Actions Were Intended To Discourage Manafort From Cooperating.** “Within months, Gates pleaded guilty and became a key Mueller cooperator. But Manafort maintained his innocence and took his case to trial. Throughout Manafort’s legal case, Trump publicly criticized the prosecutors, praised Manafort, and dangled the possibility of a pardon. Mueller concluded that Trump’s actions ‘intended to encourage Manafort not to cooperate’ and were also an attempt to influence the jury. Manafort was convicted at trial and then pleaded guilty in a second case. He briefly agreed to cooperate with Mueller but repeatedly lied during his interviews. Manafort went to prison for tax and bank fraud, and Trump pardoned him in 2020.” [CNN, [7/1/22](#)]

**A Trump Lawyer Left A Voicemail For Lawyers Representing Michael Flynn On The Eve Of Flynn’s Decision To Plead Guilty – Prior To His Sentencing, Flynn Hired Pro-Trump Lawyers To Withdraw His Guilty Plea And Was Pardoned By Trump In December 2020.** “A Trump lawyer left a voicemail for the lawyer representing Michael Flynn, Trump’s first national security adviser, on the eve of Flynn’s decision to plead guilty and cooperate with Mueller. Mueller scrutinized the voicemail as potential obstruction by Trump, because his attorney seemed to suggest that Flynn could stay in Trump’s good graces if he stayed friendly with Trump’s team. [...] Flynn cooperated extensively with Mueller, but before his sentencing, he hired pro-Trump lawyers and tried to withdraw his guilty plea. Trump pardoned Flynn in December 2020.” [CNN, [7/1/22](#)]