

Washington Post Speaks to Trevor Potter on Comparisons Between Donald Trump and John Edwards

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John Edwards was never convicted of a crime. That's the silver lining for anyone who finds himself in the unenviable position of being compared to the onetime Democratic vice-presidential nominee, as President Trump does now.

Porn star Stormy Daniels, who claims to have had an affair with Trump, was the main attraction Sunday on "60 Minutes," but the program also featured former Federal Election Commission chairman Trevor Potter, who suggested that Trump, like Edwards, could be prosecuted for soliciting an illegal campaign contribution to cover up alleged infidelity.

"I think the Edwards case is not as strong as the facts we have so far in the Trump case," Potter said.

Let's review some of the facts.

Edwards, John F. Kerry's running mate in 2004, sought the Democratic presidential nomination in 2008. During the race, the National Enquirer reported that Edwards had fathered a child with campaign videographer Rielle Hunter. Edwards initially denied the report but, after dropping out, ultimately admitted to the affair, which he carried on while his wife, Elizabeth, battled breast cancer.

In 2011, a federal grand jury indicted Edwards in connection with large payments that had been made on his behalf to support Hunter and keep her quiet. The money, more than \$1 million in all, came from Democratic donor Rachel "Bunny" Mellon and Fred Baron, Edwards's campaign finance chairman in 2008.

Justice Department prosecutors sought to prove that Edwards had participated in the payoff scheme and that the gifts from Mellon and Baron should be categorized as campaign contributions — well in excess of legal limits — because they were meant to influence voters by concealing the affair.

At trial, Edwards's lawyers argued that the payments were aimed instead at hiding the affair from Edwards's wife. Jurors acquitted Edwards on one count related to a payment made after he had already suspended his campaign and deadlocked on five other counts. The judge declared a mistrial, and the Justice Department opted not to retry the case.

The apparent parallel to Trump's situation is that the president's personal attorney, Michael Cohen, paid Daniels \$130,000 to remain silent, much as Mellon and Baron paid Hunter. Though prosecutors could not convince a jury that the payments to Hunter should be treated as campaign contributions, Potter, the former FEC chief, said the timing of the payment to Daniels — 11 days before the 2016 election — strengthens the case for classifying the money as a political donation.

Potter added that Daniels was paid for silence at a time when "Trump's conduct with women was a prime campaign issue. In fact, it was what everyone was focused on."

Mr. Potter also leads Caplin & Drysdale's Political Law Group in Washington, D.C.

For the full interview, please visit *The Washington Post's* website.

Excerpt taken from the article "A John Edwards Comparison That Isn't All Bad for Trump" by Callum Borchers for The Washington Post.

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