

# HUSCH BLACKWELL

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Chairman Jay Barnes  
MO House of Representatives  
201 West Capitol Avenue, Room 306-A  
Jefferson City, MO 65101

Dear Chairman Barnes:

From my own time as a member of the Missouri House of Representatives, I hold the body in which you serve in the highest esteem and regard. I understand and admire the sacrifices you make for that service, especially this time of year, and I know how hard you work to get to the truth and the right solution to the most difficult problems facing our state.

Many of you have posed serious questions about the record of my client, Greitens for Missouri. This letter will address those questions with candor, respect, and every effort to assist the House in adopting a process that will lead to getting to the truth about the allegations made against the Governor and his campaign committee. I realize this is a long letter. I respectfully ask that you take some time to step back and to give it a fair read with an open mind. What you will be asked to consider in the coming days and weeks will set the precedent for every impeachment proceeding in the future. You are about to determine whether overturning an election via an impeachment process will become just one more political tactic or truly be reserved for the most extraordinary situations.

The questions fall into three major categories: (1) Has Greitens for Missouri (GFM) been cooperative with the House Special Investigative Committee on Oversight? (2) If GFM were allowed to cross-examine witnesses regarding the allegations, what new information would be learned? (3) If GFM were allowed to call witnesses and request subpoenas for documents, would those witnesses and documents shed new light on the monumental decisions the House is poised to make?

I believe the answers to these questions are critical to getting at the truth, and I offer the following responses, in addition to the thousands of pages of documents that our team has turned over and will continue to turn over.

## **Cooperating with the Special Committee**

On May 4, 2018, GFM received a sweeping subpoena from the Special Committee's counsel, with a deadline of only one week to respond. We began working diligently as soon as

we received the subpoena. **To date, we have produced in excess of 20,000 responsive documents to the Special Committee.** This transfer required near round-the-clock work by more than 10 attorneys, as well as a number of members of GFM combing through emails, documents, text messages, and other communications. **As promised to the counsel to the Special Committee, that work continues, and we expect to produce additional documents today.**

Every effort has been made to discover every single responsive document. Not only have the campaign email accounts of more than 50 current and former employees been searched, but we have asked all the owners of any records to search for hard copies of responsive items, such as leases and employment records, and requested that all campaign computers be searched. We have also collected and reviewed vast numbers of text messages.

### **The Mission Continues**

Often, the truth is only discovered when witnesses are subject to testing their allegations through tough cross examination. One of the difficulties in this process has been the premature publication of witness testimony by the Special Investigative Committee. The Committee meets with witnesses and transcribes their stories. Then they release that version of events, without anyone bothering to ask about accuracy, agendas, misrepresentations, or outright falsehoods.

The reason a cross-examination exists in the legal world is because witnesses do not always give an accurate portrayal of events. We must put this as plainly as possible: the Special Investigative Committee has been misled by the witnesses it has spoken to. If the Special Investigative Committee's witnesses testifying about The Mission Continues (TMC) list were subject to cross examination, many of the key questions would have been addressed in a forthright manner, and many things claimed as truth would have been revealed as half-truths and misrepresentations, at best.

Here are some important facts on the creation, use of, and issues around the Mission Continues List:

- In 2014, The Mission Continues sent the Governor, and people who worked for him, a spreadsheet reflecting, in an organized fashion, the collection of contributors he built from his contacts over many years of building the organization. The list included, among others, his in-laws, his military friends, his parents' friends, and his college classmates. This was a list built on decades of relationships.
- The Governor's relationships were critical to the on-going success of TMC. So critical, in fact, that when he decided to step down as the CEO, the then staff of TMC sent the list of donors [titled "All donors 1K total and up"] to his administrative person, Krystal Taylor Proctor, so that the Governor could reassure contributors that the organization would stay committed to its mission and that it would continue to have strong leadership.
- A small fraction of the people on that list contributed to Greitens for Missouri. Of the more than 550 names on the TMC list, fewer than 100 were eventual donors to the Governor's campaign. Those were people who believed in him strongly enough to give to his campaign.

- The purpose of the TMC confidentiality documents that the Governor signed was to ensure the identity and personal information of donors was protected. He wanted to protect TMC. These were the Governor's relationships, and the list was created through his work. These were his supporters. Accordingly, as the leader of the Mission Continues, he signed the NDA to protect the charity and relationships he worked so hard to build. Similarly, in his campaign, he wanted to ensure again that the personal information surrounding the relationships he built was protected. As such, he insisted that NDA's be signed by the campaign team. Instead of just providing to fundraisers the specific information about the people with whom he had relationships, the campaign forwarded the list directly to fundraisers because it was one convenient place where all the information was written down.
- The report to the Missouri Ethics Commission (MEC) of the "in kind" contribution of the list from TMC to the campaign is entirely consistent with the fact that the Governor was reaching out to people he knew who had already supported him. The list was in the possession of Danny Laub, the manager when the campaign began. When the campaign realized that the function of organizing and recording the contact information for the Governor's friends and supporters into a spreadsheet had value, the campaign agreed to amend its campaign finance reports to reflect that value as an in-kind contribution. A fine of \$100 was levied and paid, less than most speeding tickets.
- During the process of responding to the MEC, the campaign's attorney and Austin Chambers investigated how the list came into the possession of the campaign. What they discovered was that the list was in the possession of the campaign from its inception, and since Mr. Laub was the top staff person when the campaign began and possessed the list, he was reported as the contributor. After being informed that he would be reported in the MEC filing, Mr. Laub raised no objections, as he was the campaign manager at the time.
- Mr. Laub has now changed his story. Despite testifying that he has known what was reported to the MEC for almost a year and that "it made him sick." Mr. Laub first raised such objections just a few weeks ago, and only when his actions were scrutinized by the Missouri Attorney General. He has refused to testify before the House Committee, and the Committee was only able to learn what it learned from Mr. Laub second hand, using testimony he gave to the Attorney General.
- The other person the Committee interviewed was a campaign operative named Mike Hafner. Hafner was a political consultant, and he too was fired by the Greitens campaign. Hafner then promptly went to work for one of the Governor's primary opponents, and since then, has been on a singular mission to disparage and attack the Governor and his agenda. He has made repeated and forceful public statements attacking the Governor, both in traditional media and on social media.
- Mike Hafner also recently met with Scott Faughn, a central player and opponent of the Governor, who has recently gone to great lengths to avoid being subpoenaed by or speaking to the House Special Investigative Committee and other authorities after admitting dropping off a bag of cash to fund opponents of the Governor.

- Unsurprisingly, Mr. Hafner’s testimony—which the Special Investigative Committee chose to publish and broadcast—is full of falsehoods, speculation, and personal attacks on the Governor’s character. He has taken this a step further and has repeatedly attacked the Governor in the media in recent days. If Mr. Hafner had truly seen any of the things to which he testified happened in the campaign, then it begs the question as to why he stayed and worked for the campaign. Furthermore, Mr. Hafner reported none of these things to any authority during his time on the campaign.
- Hafner and Laub were experienced political professionals when this campaign began. The Governor was a first-time candidate. The Governor may have erred in referring to the spreadsheet of his contacts prepared by TMC for information instead of just looking the information up in his own contacts. However, if Hafner and Laub believed the Governor was doing anything wrong, they, as the experienced professionals, should have spoken up THEN. Instead of giving the Governor the critical advice he needed as a first time candidate, and for which they were paid, they waited to opine that they had any concerns about the use of the spreadsheet until they were using such advice to attack their former client.
- Patriots for America emailed anti-Greitens propaganda to individuals who did not live in Missouri, had not contributed to the Governor’s campaign, and only appeared on the TMC list. While there remain questions about exactly who provided the list to Patriots for America, it is clear that one of the same people now accusing the Governor of misusing a list actually stole the same list—and gave it to one of the Governor’s political opponents. A thorough examination by the House could learn who.

The above information illustrates why the ability to cross-examine witnesses matters. The witnesses who have been brought before the Committee have rewritten the facts and misrepresented the actions of my client, Greitens for Missouri. They have done this both out of personal animus and political motivation, but whatever their motives, they have obscured the truth of what happened during the campaign and after. They have made allegations that are simply untrue.

These allegations now have been examined in myopic detail by the House Committee, the Missouri Attorney General and the Missouri Ethics Commission. Despite using untold thousands, maybe tens of thousands of dollars of taxpayer money spent to examine these relationships from every possible perspective, no one has been able to establish the people who very willingly contributed to the Governor’s campaign were anything but his strongest supporters and close friends.

### **Getting At The Truth**

One of the reasons it is important for the Governor to have subpoena and cross-examination power in any process designed to get to the truth is because so much in this case has been highly unusual. In particular, there is an extensive and disturbing trail of money being paid to different figures who have attacked or testified against the Governor.

During testimony before the Special Committee, P.S. said that while being deposed in a criminal court of law, the lead attorney for one of the witnesses in this case, Al Watkins, revealed that he had been paid \$120,000 in cash. Just yesterday, the Los Angeles Times reported that he confirmed that the source was “a Republican donor with an axe to grind.” We’ve also learned that \$50,000 of this money was delivered by Scott Faughn, the publisher of the Missouri Times. Mr. Faughn is, obviously, no fan of the Governor’s, and his publication has been reporting negative stories on the Governor for some time.

On page 62 of the transcript of P.S.’s testimony to the Special Committee, P.S. testified that “Yeah. Legal fees, and if – who knows, if something was given or whatever, this is going into a trust for my children.” P.S.’s children are also K.S.’s children. Such payments obviously have the potential to motivate and bias the testimony of both witnesses, but without cross-examination no one asked the obvious follow-up questions. How much? Who is paying this money?

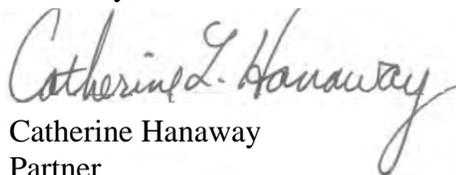
Hush money, payoffs, bribes—whatever the use of these funds, they are deeply concerning. This is not how a constitutional democracy operates. Witnesses in cases don’t just get trust funds for their kids without our system of government asking hard questions about where that money came from and what it was used for. Six-figure sums don’t get secretly delivered to leading figures in an investigation without someone or some entity saying, “Wait, this is wrong and needs to be looked into.”

The most forthright way in which that process would proceed would be to allow the Governor and his counsel to depose and cross-examine figures in this case. It was under sworn deposition, after all, that Al Watkins was forced to disclose the money he received in cash and the name of at least one of the people who sent it to him. That’s why the legal process exists: to get at the truth.

There is no one who wishes to see the events of the last few months play out any longer than they must, but it is important in a matter as serious as the investigation of a Governor, that things be done in a fair and forthright way. Being able to cross-examine witnesses, call key participants, subpoena documents, and follow the money in this case is crucially important to getting at the truth of what happened. We ask, respectfully, that if people seek to pursue a process to overturn an election, that basic rights of due process be granted to the Governor and the Office of the Governor of the State of Missouri.

The House of Representatives has important work ahead and we look forward to cooperating fully, fairly, and transparently. I appreciate again the dedicated service of so many members of this body, and I look forward to working with all of you in the days and weeks to come.

Sincerely,



Catherine Hanaway  
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