

F.E.C. Drops Case Reviewing Trump Hush-Money Payments to Women

The case had examined whether Donald Trump violated election law with a \$130,000 payment shortly before the 2016 election to a pornographic-film actress by his personal lawyer, Michael Cohen.



By Shane Goldmacher

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The Federal Election Commission said on Thursday that it had formally dropped a case looking into whether former President Donald J. Trump violated election law with a payment of \$130,000 shortly before the 2016 election to a pornographic-film actress by his personal lawyer at the time, Michael D. Cohen.

The payment was never reported on Mr. Trump's campaign filings. Mr. Cohen would go on to say that Mr. Trump had directed him to arrange payments to two women during the 2016 race, and would apologize for his involvement in a hush-money scandal. Mr. Cohen was sentenced to prison for breaking campaign finance laws, tax evasion and lying to Congress.

"It was my own weakness and a blind loyalty to this man that led me to choose a path of darkness over light," Mr. Cohen said of Mr. Trump in court in 2018.

While Mr. Cohen has served time in prison, Mr. Trump has not faced legal consequences for the payment.

“The hush money payment was done at the direction of and for the benefit of Donald J. Trump,” Mr. Cohen said in a statement to The New York Times. “Like me, Trump should have been found guilty. How the F.E.C. committee could rule any other way is confounding.”

In a statement on Friday, Mr. Trump thanked the F.E.C. for dropping what he called “the phony case against me concerning payments to women relative to the 2016 presidential election.”

In December 2020, the F.E.C. issued an internal report from its Office of General Counsel on how to proceed in its review. The office said it had found “reason to believe” violations of campaign finance law were made “knowingly and willfully” by the Trump campaign.

But the election commission — split evenly between three Republicans and three Democratic-aligned commissioners — declined to proceed in a closed-door meeting in February. Two Republican commissioners voted to dismiss the case while two Democratic commissioners voted to move forward. There was one absence and one Republican recusal.

That decision was announced on Thursday.

Two of the Democratic commissioners on the F.E.C., Shana Broussard, the current chairwoman, and Ellen Weintraub, objected to not pursuing the case after the agency’s staff had recommended further investigation.

“To conclude that a payment, made 13 days before Election Day to hush up a suddenly newsworthy 10-year-old story, was not campaign-related, without so much as conducting an investigation, defies reality,” they wrote in a letter.

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The Republican commissioners who voted not to proceed with an investigation, Trey Trainor and Sean Cooksey, said that pursuing the case was “not the best use of agency resources,” that “the public record is complete” already and that Mr. Cohen had already been punished.

“We voted to dismiss these matters as an exercise of our prosecutorial discretion,” Mr. Cooksey and Mr. Trainor wrote.

A spokesman for Mr. Trump did not immediately respond to a request for comment.

The Cohen case captured the public’s attention in 2018 after the F.B.I. raided his office, apartment and hotel room, hauling off boxes of documents, cellphones and computers. Months later, Mr. Cohen pleaded guilty to, among other charges, campaign finance violations.

He said in court that he had arranged payments — including \$130,000 to the adult-film actress Stormy Daniels, whose real name is Stephanie Clifford — “for the principal purpose of influencing the election.”

The payment was far in excess of the legal limit for individual contributions for president, which was then \$2,700.

Mr. Cohen further said he had arranged for a \$150,000 payment by American Media Inc. to Karen McDougal, a former Playboy playmate, earlier in 2016.

Mr. Cohen would later turn on Mr. Trump and write his own book about serving as the former president’s enforcer while he was a businessman. The book was called “Disloyal: A Memoir.”

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