

# News Analysis: Top Missouri politicians fuel political ambitions, campaign chests with election myths

Attorney General Eric Schmitt and U.S. Senator Josh Hawley are filling campaign coffers and building poll numbers by embracing President Donald Trump's myth about winning the 2020 election. Both led efforts to disqualify electors from swing states and reverse the election.

Last month, Schmitt traveled to Mar-a-Lago and [stood next to Trump](#) while raising \$1.6 million for his U.S. Senate campaign. Schmitt's ad last summer kicking off his campaign featured Trump throughout and began with Trump's election claim "You're not going to have a future in '22 or '24 if you don't find out how they cheated. The election was rigged and we can't let that happen." Schmitt follows by saying, "Election integrity is very important."

Schmitt's involvement in Trump's election challenge began even before the election when Solicitor General D. John Sauer participated in "WAR GAMES" with staff from the Republican Attorney General's Association (RAGA) to prepare for expected legal challenges.



(Illustration by Steve Edwards)

Then in December, 2020, Schmitt and Sauer helped revive Trump's election claim by rounding up support for what many lawyers think was a meritless appeal to the Supreme Court by the attorney general of Texas, attempting to block electors from key states.

In January, 2021, Schmitt received notification that the RAGA group was meeting in a special session Jan. 5. On that day, RAGA sent out a robocall announcing that on Jan. 6: "At 1 p.m. we will march to the Capitol building and call on Congress to stop the steal. We are hoping patriots like you will join us to continue to fight to protect the integrity of our elections." Schmitt says he didn't know about the call.

On Jan. 6 Schmitt issued a tweet saying the "violence and lawlessness simply cannot be tolerated." It was posted more than four hours after the violence and lawlessness began.

After RAGA's chairman, Georgia Attorney General Chris Carr, and key RAGA staff members quit in protest against the promotion of the organizer of the Jan. 5 robocall, [Schmitt did not join them](#). Instead, he temporarily stepped into the chairman role.

## **‘War Games’ before the election**

As the Post-Dispatch reported last year, two St. Louis attorneys, Mark Pedroli and Elad Gross, obtained [documents](#) through a Sunshine Law request showing that between July 2020 and January 5, 2021, RAGA and an affiliate, the Rule of Law Defense Fund (RLDF), held at least 30 meetings for attorneys general senior staff. Among those meetings was what the organizers called a “WAR GAMES” session to plan for a potential Trump defeat. The documents show Sauer personally confirmed details of his registration and his plan to attend by Zoom.

In a Sept. 24 [email](#) addressed to “Generals,” Adam Piper, executive director of RLDF, wrote: “WAR GAMES – 32 AG Staff Members are huddled in Atlanta for a series of conversations planning for what could come if we lose the White House.”

Then, in December, 2020, RLDF held five meetings, Gross [wrote in a report on the 90 pages of documents](#), and on Jan. 5, another.

Gross noted that many of these meetings were held during working hours, suggesting the possibility of ethical violations by public servants doing politics instead of the public’s business. Also of concern, he wrote, is the fact that RAGA apparently raised funds for its election efforts by providing special access to corporations that contributed \$50,000 or more – organizations the attorneys general conceivably could have investigated. In July 2020, for example, Schmitt co-hosted a panel with Craig Katerberg, then general counsel of Anheuser-Busch. The subject was “The Business of Making Friends.”

## **The Texas Hail Mary**

In early December of 2020, court after court dismissed or ruled against the president’s election claims. His assertion

that he'd won the election was in danger of losing impact.

Behind the scenes, however, lawyers aligned with the president were preparing a Hail Mary strategy. With time running out before the scheduled Dec. 14 certification of state electors, the lawyers needed to get their election challenge in front of the Supreme Court, with its six-member conservative majority, immediately. The only way to do that was to have one state, through its Attorney General, sue another.

Schmitt and Solicitor General Sauer played a key role in hurrying this case to the Supreme Court.

Among the lawyers involved in this plan were Kris Kobach, the former Kansas Secretary of State, and [Michel Farris](#), a prominent anti-abortion and anti-gay marriage figure who is the CEO and General Counsel for the Scottsdale, Ariz.-based Alliance Defending Freedom (ADF).

Both Hawley and his wife, Erin, have a history with the group. As [The Riverfront Times reported](#) in 2018, they both had taken some minor paid gigs with an offshoot of the organization in earlier years. The organization's website also shows that [Erin M. Hawley](#) is currently a "senior counsel to the appellate team." (Her Twitter account, however, shows no sign of this employment until after Jan. 6, and there has been no indication that either she or her husband had any role in the following events, which Farris has reportedly said he did separate from his ADF employment.)

A group including Farris took a suit he wrote and shopped it to members of the Republican Attorneys General Association (see [here](#) and [here](#)). They went first to two obvious picks – RAGA's chair and a member of the RAGA executive committee. But both declined, leaving the group, apparently, with their third choice, Ken Paxton, the Texas Attorney General.

Paxton was a flawed vehicle for the suit because he was under criminal investigation for inappropriately using his office to

help a donor. But he was agreeable. His Solicitor General, however, was not. Kyle D. Hawkins [refused to put his name on the document and resigned](#) a few months later, forcing Paxton to get a special outside counsel to help out. That counsel was Washington lawyer Lawrence J. Joseph, who, it so happens, has filed numerous *amicus* briefs for conservative clients including the Clayton-based Phyllis Schlafly legacy organization, Eagle Forum Legal Defense & Education Fund.

[The Paxton](#) case was filed Dec. 7. It claimed that four states won by Biden – Georgia, Pennsylvania, Michigan and Wisconsin – had made “unconstitutional changes” in their election procedures “by taking–or allowing–non-legislative actions to change the election rules” in their states. These changes had “opened the door to election irregularities in various forms. ... (with the result that) seeds of deep distrust have been sown across the country.”

As examples of irregularities, the suit cited numerous allegations that it said had already been described in numerous lawsuits then pending in the four states or in public view. These included witness testimony of “the physical blocking and kicking out of Republican poll challengers; thousands of the same ballots run multiple times through tabulators; mysterious late-night dumps of thousands of ballots at tabulation centers; illegally backdating thousands of ballots; signature verification procedures ignored; more than 173,000 ballots in the Wayne County, MI center that cannot be tied to a registered voter.” They also included videos of various abuses and “facts” for which there was no “reasonable explanation,” such as the “mysterious” pre-election theft of “a laptop and several USB drives, used to program Pennsylvania’s Dominion voting machines ... from a warehouse in Philadelphia.”

The suit also claimed that the chances that Biden could have won the election in the four states after trailing as badly as he did at 3 a.m. Nov. 4 were less than one in one quadrillion.

It didn't mention that this "analysis" was true only if the mail-in votes – which were counted after the in-person votes – came from voters with the same characteristics as their in-person counterparts. They weren't. The mail-in votes came disproportionately from Democrats, who were more Covid-averse than Trump supporters.

Most or all of these allegations would have been familiar to readers of the Gateway Pundit. Stories about how the mistreatment of Detroit poll watchers, for example, began appearing immediately after the election ended. "Republican Poll Watchers Prevented From Entering Detroit Ballot Counting Center – Local Officials Say It's Due to 'COVID' Concerns (VIDEO)," Joe Hoft reported Nov. 4. And two weeks later, ["Republicans were systemically \(sic\) denied access to observe the vote count."](#)

## **Other Republicans skeptical**

But many Republicans reacted skeptically to the Paxton suit. "I frankly struggle to understand the legal theory of it," John Cornyn, a Republican Senator from Paxton's own state of Texas, [was quoted](#) as saying. "Why would a state, even such a great state as Texas, have a say so on how other states administer their elections?"

Former Missouri Sen. John C. Danforth and other prominent Republicans made the same point in an opposing [amicus brief](#) they signed two days later. The brief, which apparently escaped local media notice, argued that the notion that one state could challenge how others run their elections runs "contrary to 230 years of history" and "would make a mockery of federalism and separation of powers."

Beyond that, the case was simply "shoddy ... embarrassing," said Jon Western, a political science professor at Mount Holyoke College in South Hadley, Mass. who has been investigating the actions of those involved, in part through

Freedom of Information Act (FOIA) requests. It aggregated “anecdotes here and there with no evidence” and suggested the remedy “was literally to disenfranchise the voters of four states. And let’s be clear about it, it’s really four major urban metropolitan areas – Atlanta, Milwaukee, Detroit and Philadelphia – that they were most objecting to, and the racial dimensions of this are clear.”

Many of the allegations the suit contained had already been adjudicated in state and federal courts and been dismissed, Western and others noted. Even U.S. Attorney General Bill Barr had said Dec. 1 that there was no evidence of large-scale fraud, while Trump’s Department of Homeland Security had called the election “the most secure in American history.”

Soon, however, the cavalry appeared. And leading the charge were two St. Louisans – Schmitt, who succeeded Hawley as Missouri Attorney General, and Sauer, Missouri’s Solicitor General.

## **An emergency request for support**

Born in Bridgeton, Schmitt graduated from De Smet Jesuit High School and Saint Louis University Law School. He served as a Glendale alderman and as a two-term state senator from St. Louis County while also practicing law at the Clayton office of Lathrop & Gage (now Lathrop GPM). Elected Missouri Treasurer in 2016, he shifted over to the Attorney General’s office when Hawley got elected to the Senate in 2018 and Gov. Mike Parson appointed him to fill his spot. He was elected to a full term on Nov. 3, 2020. Throughout, he had retained Hawley’s Solicitor General, Sauer, who at some point after Schmitt took over moved his office from Jefferson City to the Wainwright Building in downtown St. Louis.

On the evening of Dec. 8, , Sauer [emailed Republican Attorneys General in other states](#) and appealed to them to sign on to an *amicus* brief supporting Texas’s motion. He gave them until 1

p.m. the next day to do so. “With apologies for the short deadline,” he wrote, “given the time-sensitivity of this case, we are requesting joins by 1:00 p.m. Central TOMORROW, 12/9. We are planning to file tomorrow afternoon.” (Sauer’s role was revealed in emails released to Western by states other than Missouri; none of the more than 2,700 pages of documents he received from Missouri, Western told the GJR, contained Sauer’s emails to other states relating to his coordination of the *amicus* brief.)

Seventeen states, including Missouri, eventually joined Texas. The *amicus* brief was filed Dec. 9. Its [cover page](#) bore just two names – Schmitt’s and Sauer’s. Schmitt himself wrote it, according to a spokesperson, and Schmitt’s photograph adorned an [article](#) about it on Fox News.

“Good work, @Eric\_Schmitt!” Hawley [tweeted](#). “Texas is not alone!” Ed Martin declared on his Pro-America Report podcast.

The Schmitt-Sauer [amicus brief](#), dialed back on the Paxton complaint by not mentioning the one-in-one-quadrillion canard. But echoing Paxton, it alleged that voting safeguards in the four states had been “unconstitutionally abolished” by “non-legislative actors” – such as the Supreme Court in Pennsylvania, which had extended the number of days after the election in which mail-in ballots could be counted.

“For decades,” the brief said, “responsible observers have cautioned about the risks of fraud and abuse in voting by mail ...” “Hundreds” of examples from past elections showed why – including a 2019 mayoral race in the little St. Louis suburb of Berkeley and a 2016 State House race in the city of St. Louis.

By making the unconstitutional changes they did – including changes involving mail-in voting – the four states had only *worsened* the conditions for fraud and abuse in the recent



election, the brief said. The result? A situation that “raises grave concerns,” a set of circumstances that “undermined public confidence.”

## Recipe for election chaos

In separate replies the next day, the four defendant states said Paxton’s arguments – and by extension, those made by Schmitt and Sauer – were not only conceptually off-base – they were factually wrong.

As many others had also said, if Texas could challenge the way other states conducted their elections, then every state had the right to challenge every other state and elections would end up in chaos.

But beyond that, the four states argued that they had *not* allowed non-legislative actors to change their elections rules. “The most basic problem with Texas’s argument, of course, is that Michigan has not violated its election law.” “... “there was no state law violation when the Pennsylvania Supreme Court temporarily modified the deadline for the receipt of mail-in and absentee ballots, because state constitutional law required it.” Etcetera.

On Dec. 11, two days after the *amicus* brief was filed, the Supreme Court [dismissed the case](#) in a few sentences. “Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections,” the court wrote.

It didn’t matter, Western said. The damage was done.

“It gave credibility, and it gave legs to Trump’s effort,” he said. “It enabled Trump to say, ‘It’s not just me, it’s all these attorneys general.’”

That was exactly the argument Sean Hannity, one of Trump’s most important allies, made on his show the day the brief was

filed.

[“Tonight, one thing is very clear,”](#) the influential Fox News pundit said. “If we don’t fix what is a broken, corrupt election system, the country is in deep trouble.”

“Let’s be clear,” Hannity added. “No state’s attorney general, you’ve got to understand politics here, would ever put their name or reputation on the line over a case that lacks merit on the law or [is] without a strong constitutional basis. Definitely not 17 attorneys general. That is what happened. Eighteen total when you include Texas, no matter what political alliances they have or don’t have.”

Had the Republican Attorneys General not signed onto the Texas suit, Western contended, “You would not have had the kind of mobilization we had on January 6. ... It (the big lie) would have died a very slow death, but it wouldn’t have led to January 6.”

Of course it’s impossible to know. But it’s indisputable that the effort the two St. Louisans coordinated gave a boost to the idea that the election had been rigged.

Many of Western’s concerns were reported last spring by [Tony Messenger in the Post-Dispatch](#). But in speaking with the GJR, Western added that he was seeking information about any potential coordination or at least communication on the *amicus* brief between Sauer and his former boss Hawley, and between Sauer and other members of Congress. The *amicus* brief, it should be noted, provided support to the position Hawley took just a few weeks later when he announced he would challenge the election results in Pennsylvania and thereby guarantee a debate in both chambers of Congress over the acceptance of the electors.

Western said he also wanted to see what messages Sauer had received from others about the *amicus* brief and his conversations with other attorneys general.

Asked whether he thought Schmitt and Sauer should be called by the Select Committee, he said he didn't know whether the Committee would see the subject as within its purview, but that regardless, the answers needed to be found.

The Select Committee has shown an interest in the *amicus* brief. As part of a larger records request last August 25 to the National Archives, the Committee made a specific request (see p. 6 of [this letter](#)) for Presidential and Vice Presidential "documents and communications relating to an *amicus* brief concerning litigation involving the State of Texas."

Western's interest in the election stems from his interest in threats to democracy across the globe. The U.S. is experiencing an unprecedented erosion of its democratic institutions, he said, in part because "Nobody is stepping back and taking a breath" as they "play with fire."

"Eric Schmitt's and John Sauer's decision to support this *amicus* brief is a perfect example of that," he told the GJR. "They lost a sensibility about what is important. There was no threat to the integrity of the vote in Pennsylvania and Georgia and Wisconsin and Michigan. It was just not a problem ... and the perception they perpetuated and continue to perpetuate that something was wrong is an erosion of the principles of democracy."

Meanwhile, Lawyers Defending American Democracy (LDAD), a Boston-based group that calls itself nonpartisan and says it has the support of 5,000 attorneys around the country, has asked that the organizations that license lawyers in each of the states that joined the *amicus* brief "promptly investigate the breach of ethical rules by these public officials."

The chairman of LDAD is Scott Harshbarger, a Democrat and former Massachusetts Attorney General who was once head of the bipartisan National Attorneys General Association (NAGA) and a

former president of Common Cause. He [told a podcast interviewer](#) that Paxton and the Republican attorneys general who filed the *amicus* brief written by Schmitt belonged in the same category as Rudy Giuliani and Sidney Powell, both of whom have been disciplined for their roles in challenging the election results. And a complaint by the LDAD itself to the State Bar of Texas has resulted in an [ethics investigation of Paxton](#) in his home state.

“The core of our ethical rules as lawyers is that you are supposed to have a factual basis for any allegation you make,” Harshbarger said. “You are supposed to be able to prove cases in court, whether you win or not.

“That’s why this extreme behavior by these attorneys general ... to file this lawsuit cannot be justified as a legitimate state action. ... Our argument is that if we are not going to hold lawyers to the ethical standards of this profession when the attack is on the core element of our democracy and the rule of law ... whenever are we going to hold lawyers accountable?”

In Missouri, complaints of ethics violations by lawyers are filed with the Office of Chief Disciplinary Counsel (OCDC), an agency of the Missouri Supreme Court, whose chief is Alan D. Pratzel. Complaints are kept private, however, unless and until an investigation results in a decision to bring the issue to the Supreme Court. There is thus no way to know whether an ethics complaint related to the *amicus* brief has been filed against Schmitt or Sauer unless the complainant comes forward – and that has not happened.

This March, however, a new group was formed that threatens to bring an ethics complaint. The 65 Project is a new nonprofit organization named for the number of suits Trump allies filed to contest the election results. Its mission is to find all the lawyers who violated their professional responsibilities and seek discipline for them. The group has strong links to members of the Democratic Party, Axios reported.

The GJR asked The 65 Project whether it was considering filing a complaint against Schmitt and Sauer. Michael Teter, the group's managing director, replied: "Attorney General Schmitt's and Solicitor General Sauer's active role in writing and promoting litigation that lacked any factual or legal basis – and, in fact, relied on intentional falsehoods – is cause for concern and further investigation. We will look intently into their roles and work on this matter and if we determine it's appropriate, we will file a bar complaint."

In response to the GJR's request for an interview, Sauer referred a reporter to Chris Nuelle, a spokesman for the Attorney General's office. Nuelle emailed a statement that read in part: "Solicitor General John Sauer is one of the finest legal minds in our Office, the state of Missouri, and frankly the country. Defending and ensuring the integrity of our elections is of the utmost importance. Mr. Sauer will continue to do critical work on behalf of all the six million Missourians that the Attorney General's Office serves, and will continue to be a stalwart for freedom, liberty, and election integrity."

Nuelle didn't respond to a separate email with a list of specific questions concerning Schmitt. Hawley's spokeswoman, Abigail Marone, also did not respond to a list of specific questions sent twice to her email.

## **The Jan. 5 robocall for 'Patriots'**

On Jan. 3, [a website promoting the protest in Washington called MarchtoSaveAmerica.com listed the Republican Attorneys General Association \(RAGA\) as one of the event's sponsors.](#) Later that day, the name on the since-deleted website was changed from RAGA to the Rule of Law Defense Fund (RLDF). RAGA calls the RLDF its policy arm. Critics say it's really its dark-money fund-raising arm.

On Jan. 5, the RLDF sent out a notice for a conference call

about the next day's rally to Schmitt and others involved in RAGA. Whether he or anyone from his office participated, however, is not known.

In any case, RLDF also put out a robocall on Jan. 5. "At 1 p.m., we will march to the Capitol building and call on Congress to stop the steal," the caller said. "We are hoping patriots like you will join us to continue to fight to protect the integrity of our elections. For more information, visit [MarchtoSaveAmerica.com](http://MarchtoSaveAmerica.com). This call is paid for and authorized by the Rule of Law Defense Fund, 202-796-5838."

On the morning of Jan. 6, Paxton, a RAGA member whose suit Schmitt and Sauer and other Republican-led states had joined, was among the speakers at the rally in front of the White House where Trump also spoke. Shortly after 12:30 p.m. that day, Hawley pumped his fist to protesters outside the Capitol in a gesture of solidarity that was caught by a photographer.

Forty minutes later, at 1:10 p.m., rioters began grappling with police on the Capitol steps. The insurrection had begun.

Later that night, Hawley [voted to object](#) to the certification of the Biden electors from Pennsylvania and Arizona. But only six other senators voted with him on Pennsylvania and five on Arizona. Biden's victory was confirmed.

On the afternoon of the fateful Jan. 6, the Missouri Attorney General [tweeted](#): "Every American has a right to peacefully protest but violence and lawlessness simply cannot be tolerated. Please join me in praying for the Capitol Police and other law enforcement today in Washington DC." The timestamp on the tweet was 4:28 p.m. Central Standard (Twitter automatically adjusts timestamps for the time zone of the account) – 4 hours and 18 minutes after protesters began grappling with police on the Capitol steps, 3 hours and 58 minutes after the protesters [broke through the final police](#)

[barricades outside the Capitol](#), and more than an hour after President Trump had [tweeted a video](#) asking the rioters to go home.

Schmitt and other RAGA members [denied knowing in advance about the robocall](#), which they blamed on a staffer. NBC [quoted a spokesman](#) for RAGA as going further: “The Republican Attorneys General Association and Rule of Law Defense Fund had no involvement in the planning, sponsoring, or the organization of Wednesday’s event.”

On Jan. 8, RAGA’s executive director stepped down without explanation. It was later reported that he had been [present at a meeting Jan. 5](#) in which Sen. Tommy Tuberville (R-AL), Donald Trump Jr., Eric Trump, Peter Navarro, Corey Lewandowski, Michael Flynn Sr., and others had planned the rally.

RAGA came under withering attack from Democrats and some nonprofit watchdog groups. “RAGA, RLDF – and the Republican AGs who blindly take their support – have no legal or moral ground on which to stand here,” the co-chairs of the Democratic Attorneys General Association (DAGA) said. “The organization paid for robocalls to recruit attendees, it was listed as a sponsor of the event, its former Chair spoke at the rally that incited a mob, and former GOP AG Josh Hawley led the effort in Congress to undermine the election.”

In April, 2021 RAGA found a new executive director – Peter Bisbee, the head of the RLDF, which had made the robocall. Chris Carr, RAGA’s chairman and the Attorney General of Georgia, [quit](#) in protest, saying he had “a significant difference of opinion” with the group’s strategic direction. Two key staffers also quit.

Schmitt, seeming to some observers to signal his approval of the strategic direction Carr deplored, became the new chairman. This acceptance was far more important than whether

he really did or did not know in advance about the robocall, these critics said.

In May, however, Schmitt stepped down, while remaining on the executive committee. On March 8, Roy Blunt had announced he would not seek re-election to the Senate. Schmitt announced his candidacy to replace him.

Schmitt then appeared to, if anything, ramp up his already aggressive strategy of bringing suits which, regardless of motive, clearly redounded to his political gain among Trump supporters and potentially of Trump himself.

Earlier, Schmitt had [sued China](#) over its handling of the coronavirus and taken the unusual step of [intervening to dismiss](#) St. Louis Circuit Attorney [Kim Gardner](#)'s prosecution of the McCloskeys, the Central West End couple who waved guns at peaceful protesters. Now, with Sauer again taking the lead, he [supported Republican lawmakers who refused to implement the expansion of Medicaid](#), even after Missouri voters had approved a constitutional amendment mandating it. With the help of others in his office, he launched an attack on the [Biden Administration for its moratorium on oil and gas leasing and drilling permits on federal land](#). He flew to the southern border of the United States to join Paxton in announcing a lawsuit to force construction of the border wall. But most notably, he launched a whole series of attacks on COVID-driven mask mandates, including ones ordered by [school districts](#) trying to protect children and staff. Again and again, he sued the kind of local government bodies whose autonomy Republicans like himself had zealously guarded. In January, 2022 the U.S. Supreme Court [rejected](#) his attempt to block the Biden administration's requirement that organizations providing Medicare or Medicaid funded care for the elderly require workers to be vaccinated for COVID-19 in most cases.

In a March, 2022 [speech](#) to the Conservative Political Action Committee, Schmitt proudly ran through his litany of suits,



adding that liberal Democrats had a plan “to remake America in the image of Marx and to trade in the Declaration of Independence for the Communist Manifesto....If the Left wants to remake America, they are going to have to take it from our cold dead hands....Let’s fight, let’s win, let’s go Brandon.”

Schmitt’s political approach to his job represented a change from the way occupants prior to Hawley had approached the position, said James Layton, a longtime former Missouri solicitor general who is now in private practice in Clayton.

“Chris Koster and Jay Nixon really didn’t see the principal job of the attorney general as using litigation to vindicate their policy preferences,” he told the GJR. “I can’t say they never allowed a policy preference to affect litigation strategy. But it was never a focus of what they were doing. They were not out there looking to make that a big part of what they were about. They were more concerned about showing they could protect against criminals, stand up for consumers, and ensure quality in the day-to-day work of the office, rather than diving into the abortion wars or gun rights or other hot political issues.”

Besides not limiting himself to representing state agencies, Schmitt has actually defied one of them –in connection with mask mandates. The director of the Department of Health and Senior Services [wanted Schmitt to appeal](#) a judge’s ruling that local health departments lack the authority to issue orders such as business closures or mask mandates. But [Schmitt declined](#), provoking Charles Hatfield, a veteran of the attorney general’s office under Democrat Jay Nixon, to tell the Missouri Independent:

“The idea that the attorney general can just go in personally, and because of his own personal feelings, stop appeals and dictate policy – if you allow that to happen, you basically have an attorney general running the entire state. And that’s never how it’s worked before, and it’s not how it should

work.”

What Schmitt could have done, Hatfield told the GJR, is what attorneys general have done in the past when faced with conflicts of interest: Hire an outside lawyer to represent the interests of the Department seeking legal representation

Schmitt’s defenders say he was always very conservative, and some academic observers have said that [attorneys general from both parties](#) have politicized the position in recent years.

And the Trump base is the battlefield for all the Republican Senatorial wannabes, who include Rep. Billy Long, of Springfield, and Rep. Vicky Hartzler in addition to Schmitt, Eric Greitens and Mark McCloskey. Schmitt cannot win this contest without overcoming the stench that adheres in some nasal passages to his past conduct, Ray Hartmann and other observers have noted. That conduct includes collaboration with Democrats and support for a proposal to make Lambert Field a major cargo hub for trade with China.

Schmitt is [receiving generous support from Americans for Prosperity Action](#) (AFP Action), the super PAC run by fossil fuel billionaire Charles Koch. Koch and his late brother David used to be among Greitens’ biggest backers, but since the former governor was felled by scandals, Charles has embraced Schmitt to the tune of more than \$600,000, The Intercept has [reported](#). (Koch also “has sponsored an academic campaign against vaccine and mask mandates and shutdowns,” The Intercept noted.) Schmitt has also received [major donations from Rex Sinquefeld, as well as from Peter Thiel and August A. Busch III.](#)

Schmitt’s political approach might not have been surprising given his now explicit Senatorial aspirations. But it was perhaps especially unsurprising given his relationship, which has been [only lightly reported](#), with political consulting firm Axiom Strategies.

Axiom is run by Jeff Roe, who has achieved renown for his [truth-bending and brutal tactics](#). Those tactics included an ad Roe [admitted funding in 2015](#) that ridiculed the appearance of Republican gubernatorial candidate Tom Schweich, who later committed suicide. In another case, after a political opponent of his client attended a fundraiser at the home of House Leader Nancy Pelosi, Roe produced an ad accusing the opponent of having “San Francisco-style values” and featuring images of a flamboyantly dressed black man dancing with two women

## **Josh Hawley, D. John Sauer & the Louisiana Connection**

A newcomer to politics, Hawley was elected Attorney General of Missouri in 2016. For several previous occupants, the job had been a stepping stone: John C. Danforth became a senator, Jay Nixon a governor, and John Ashcroft a governor *and* a senator *and* a U.S. attorney general. But Hawley famously campaigned with an ad that disparaged the climbing game and promised he’d focus on the state job.

Once in office, however, Hawley showed signs that he was both further to the right than some of his early backers had realized, and more interested in higher office than he had let on.

Moving quickly to install his own senior staff, his new hires included the man he picked for solicitor general, Dean (“D.”) John Sauer.

Hawley and Sauer had much in common. Both were members of the influential Federalist Society, which describes itself as “a group of conservatives and libertarians dedicated to reforming the current legal order.” They are about the same age – Hawley is 42, Sauer, based on school records, appears to be in his mid-40s. Like Hawley, Sauer had been a stellar student, first at St. Louis Priory School, where at age 17 he’d earned the

notice of the *Post-Dispatch* for winning a summer research grant from the National Endowment for the Humanities, and then at Duke University, where he earned a Rhodes Scholarship. Harvard Law School eventually followed. And like Hawley, who clerked for Chief Justice John Roberts, Sauer then clerked for U.S. Supreme Court Justice Antonin Scalia, the Court's conservative luminary.

Returning to St. Louis, Sauer worked for U.S. Attorney Catherine Hanaway as an assistant U.S. Attorney during President George W. Bush's second term, then entered private practice here. His work as an appellate attorney was good enough to bring him an award from the Missouri Bar Association in 2013. A couple of years later, he won a suit that challenged the constitutionality of Missouri's participation in Common Core educational standards, for which he won [recognition in Breitbart News](#). And in 2016, he [contributed \\$10,816 to Hawley's campaign for attorney general](#). His father, Fred N. Sauer, and a brother, Frederic G. Sauer, also contributed.

In earlier years the job of Missouri solicitor general – whose office defends state interests in the appellate courts – might not have been attractive to a man of Sauer's obvious abilities. But the position has grown in importance, said Layton, the former solicitor general. As a trend to politicization grew in state attorneys general offices, "one thing that started happening was attorneys general recruiting very smart, ambitious folks to be solicitor general," he said. "In part (that was) because they could handle those kinds of cases, not just on appeal, but in the trial court, and in part (it was) because some of them saw that if Jeff Sutton could go from this role to the federal court, maybe I could too." (Former Ohio Solicitor General [Jeffrey S. Sutton](#) is now the Chief U.S. Circuit Judge of the U.S. Court of Appeals for the Sixth Circuit, based in Cincinnati.)

Hatfield, a Jefferson City lawyer who has been Sauer's

antagonist in several court cases, and who served as counsel and chief of staff for a decade himself under Attorney General Jay Nixon, thinks Sauer is “more ideological than political.” Hatfield finds Sauer “very smart,” “very professional,” but above all, “intense.” Sauer showed “a little extra oomph,” for example, in pursuing the state’s effort to de-license abortion services at Planned Parenthood’s St. Louis clinic. But that oomph seemed to come from personal conviction, Hatfield said.

Another attorney, who asked not to be named, also called out what he considered Sauer’s “highly competitive, intense nature” in his professional conduct. The attorney said Sauer has taken “a very hard line” in trying to keep Missouri from having to pay out in cases where judgments have been rendered against it, or when the state has been ordered to pay attorneys’ fees. On the one hand, he said, that means Sauer is “a really good advocate for preserving the assets of the state of Missouri.” On the other hand, he said, the state has to pay 9 percent interest on debts when payment has been delayed, so the strategy can be counterproductive.

In any event Hawley promptly installed Sauer in an office down the hall from his own in the Supreme Court building in Jefferson City and made him one of his chief aides – indeed, first among equals, in Hatfield’s view. The 2017-18 “Blue Book” listed Sauer as Hawley’s first assistant as well as the state’s solicitor general, and tied with two others for the highest salary on staff.

Hawley also wasted little time in adopting a political approach to his office. A few months after taking office, for example, he created [an Anti-Trafficking Unit](#) to crack down on human trafficking, and then participated himself in a raid that Tony Messenger and other critics called nothing but [“a campaign photo-op,”](#) producing cable news coverage but no felony convictions, and orchestrated by Hawley’s political consultants. Eventually, it became known that Hawley’s political consulting firm, OnMessage Inc., had been advising

him and his staff, possibly in violation of state law, to improve his prospects in the run for the Senate he announced in 2017. Secretary of State Jay Ashcroft, a Republican, launched an investigation, which ended up clearing Hawley. But some said the investigation was compromised by the fact that Sauer was allowed to sit in on interviews with key witnesses.

Regardless, it became known that Hawley's [trusted political advisor from OnMessage was Timmy Teepell](#), a Louisiana native and veteran of that state's politics who had once been chief of staff to Gov. Bobby Jindal. Kyle Plotkin, who served nearly three years as Hawley's chief of staff, is also an alumnus of the Jindal shop; he succeeded Teepell as Jindal's chief of staff. When Plotkin left Hawley's office last October, it was to join OnMessage. (Another alumnus of Louisiana politics, it might be noted, is Ali Alexander, who went on to play a big role in organizing Stop the Steal rallies leading up to and including Jan. 6.)

Under these circumstances, it is reasonable to wonder whether Hawley's decision to walk past the protesters before entering the Capitol Jan. 6 and give his famous fist pump was planned rather than spontaneous. No other Senator was photographed interacting with the crowd that day, and Hawley is now raising money off the encounter by selling coffee mugs decorated with an image of the gesture. Neither Teepell nor Hawley responded to inquiries from the GJR.

## **Hawley, Steve Bannon, Robert Mercer & Peter Thiel**

In the fall of 2017, as Hawley considered running for the Senate, he is reported to have faced a dilemma. He had received key early backing from former Sen. Danforth, but that August, Danforth had blasted Trump in a Washington Post [op-ed](#). Now Hawley [had to worry](#) about being outflanked on his right by Martin, who was considering his own run. Specifically, there

was concern that Bannon, the influential Republican strategist and Trump advisor, might support Martin, who had [recently presented Bannon with an award at a meeting of the Phyllis Schlafly Eagles](#) at the St. Louis Airport Marriott hotel.

So Hawley reached out to Bannon and convinced him that he was in fact the only candidate who could beat the Democratic incumbent, Claire McCaskill.

Bannon's blessing most likely carried weight at the time with Robert Mercer, the Long Island-based hedge-fund billionaire who had invested heavily in Bannon's Breitbart News. (The two men fell out in 2018.)

Whether because of Bannon or because of his direct outreach earlier to Mercer himself, or both, Mercer became important to Hawley's fundraising. Individuals or Political Action Committees associated with two organizations to which he was a key donor – the Senate Conservatives Fund and the Club for Growth – emerged as Hawley's [two largest contributors](#). Together they gave about \$600,000 between 2017 and 2022.

Hawley wasn't the only Jan. 6th figure showered in recent years by six-and-even-seven figure contributions from the Mercers. Trump received \$15.5 million in 2016, after Texas Sen. Ted Cruz had benefited from \$13.5 million, before the Mercers switched candidates. The Black Conservatives Fund, associated with Ali Alexander, received \$155,000 in Mercer money in the years before he became a leader of Stop the Steal rallies and the Jan. 6 March to Save America. (Alexander recently said he had received a subpoena to testify in the Justice Department's Jan. 6 investigation and would cooperate.) The Mercers were also the biggest donors to Kelli Ward, chair of the Arizona Republican Party, who in the weeks before Jan. 6 urged Trump to "cross the Rubicon." And they gave \$21,600 to Alabama Rep. Mo Brooks, who famously thundered "today is the day American patriots start taking down names and kicking ass" at the Jan. 6 rally, while wearing a bullet-

proof vest.

Another Hawley contributor is the Republican Attorneys General Association (RAGA).

RAGA has given Hawley more than \$3.25 million – more than to all but one other individual since 2014 – according to records compiled by Followthemoney.org. Hawley also received more than \$300,000 from [Peter Thiel](#), the co-founder of PayPal and [sometime ally of Mercer's](#) in political giving. Thiel is a Trump supporter and outspoken critic of Google whom the Economist Magazine called the [“scourge of Silicon Valley.”](#) As a board member until recently of Facebook, he successfully argued for allowing unfettered claims in political advertising, *The New York Times* reported. *The Times* also called him “the Right’s New Kingmaker” in an article describing his recently increased political giving. Hawley, like Thiel, has been a vocal critic of Big Tech.

## **Hawley defies McConnell**

On Dec. 30, 2020, Hawley countered Senate Majority Leader McConnell’s expressed wishes by becoming [the first Senator to announce](#) he would object on Jan. 6 to the certification of electors from Pennsylvania. In so doing, Hawley guaranteed that a challenge to the election’s outcome would be debated on the floor of both the House and Senate.

Hawley was making the same argument that the Pennsylvania Supreme Court already had dismissed under the so-called “doctrine of laches,” which relates to undue delays in making legal claims. Even if Pennsylvania’s no-excuse mail-in voting rule in the 2020 election had violated the state constitution – as one state court recently said – voters had relied on the law to cast their ballots in November. It was too late to bring the challenge after the election, the Pennsylvania Supreme Court decided in December. It was even later when Hawley repeated the claim Jan. 6.



Alan Howard, an emeritus professor from Saint Louis University Law School, put it this way in a Kansas City Star [column](#) this year: “After an election is held, the no-excuse mail-in votes must be deemed legally valid because it is legally too late to disqualify those votes.

“Hawley proved he’s not just antidemocratic in (his) coup attempt. He’s also a sloppy lawyer,” Howard wrote. “Hawley falsely suggested that the United States, the longest continuous democracy on the planet, allowed its citizens to cast and count millions of illegal votes for the most powerful political office in the world. By improperly seeking to discredit and disallow Pennsylvania’s electoral votes for Biden, Hawley collaborated with Donald Trump’s corrosive effort to convince the American people – and the world – that America’s presidential election was improper and illegal.”

On Jan. 4, when Fox News interviewer Brett Baier asked Hawley whether Trump would remain President after Jan. 20, the Missouri Senator answered, [“Well, Brett, that depends on what happens on Wednesday.”](#) “Wednesday” was Jan. 6.

## **Brickbats and bouquets**

Hawley’s actions won him the proverbial brickbats and bouquets. The latter came stuffed with dollar bills.

On the evening of Jan. 6, after the violence had ended, some senators and representatives who had vowed to challenge the election results in Pennsylvania and Arizona reversed themselves.

Hawley did not. Saying he was simply representing the doubts of Missourians, he went ahead and voted for the challenge in both states. He also condemned the violence and said those who had attacked police and broken the law must be prosecuted.

Danforth accused Hawley of having “ginned up” the notion that the results of the election could be overturned, and called

his early support for him “the worst mistake I ever made in my life.” The Post-Dispatch and Kansas City Star as well as some faith leaders asked for his resignation. Seven Senate Democrats [asked the Senate Ethics Committee to investigate](#) him and Texas Sen. Ted Cruz “to fully understand their role” in the investigation. Simon & Schuster backed out of a contract for his book attacking Big Tech, prompting him to accuse the publisher of “canceling him.”

But Hawley filed a counter-claim against the seven Democrats, and if any Senate investigation is underway, there has been [no public sign of it](#). Regnery Publishing soon stepped forward to publish his book, which Steve Bannon, among others, praised lavishly during an interview with Hawley on his War Room program.

Three weeks after the fateful day, Hawley told KMOX radio, “I never said that the goal was to overturn the election. That was never the point and that was never possible. ... It is a lie that I was trying to overturn an election or that Ted Cruz was trying to overturn the election. It is a lie that I incited violence.”

About the same time, Alan B. Hoffman, a retired St. Louis lawyer, along with 16 other Missourians, filed an ethics complaint against Hawley with Pratzel, the aforementioned chief deputy counsel in the Office of the Chief Disciplinary Counsel of Missouri. The complaint, which won notice in the Kansas City media but not in St. Louis, took note of Hawley’s allegations, [tweeted December 30, 2020](#), that “some states, particularly Pennsylvania, failed to follow their own state election laws” and that there was an “unprecedented effort of mega corporations, including Facebook and Twitter, to interfere in this election.”

“These statements,” the complaint said, “were false and known by Senator Hawley to be false at the time made or were made with reckless disregard for truth or falsity.”

As a result, they violated the oaths he took as a Senator to uphold the U.S. and Missouri Constitutions and to practice law in Missouri. The complaint asked Pratzel to impose whatever discipline he finds appropriate, "including but not limited to reprimand, suspension and disbarment, if warranted." In fact, however, if Pratzel were to find merit in the complaint, he would only make a recommendation, which the Missouri Supreme Court, the final arbiter, would consider.

Hoffman told the GJR he finds it encouraging that he has heard nothing back from Pratzel because he thinks he would have been informed if the case had been closed. He also said he was encouraged by the fact that Pratzel has taken action in two politically fraught cases in the past, one involving St. Louis Circuit Attorney Kim Gardner and the other Mark and Patricia McCloskey. This past February, the Missouri Supreme Court placed the McCloskeys on probation as attorneys, after Pratzel found that their actions showed "indifference to public safety" and "moral turpitude." And earlier this month, Pratzel announced an agreement with Gardner in which he recommended she be reprimanded for mistakes in her office's handling of the Greitens prosecution.

Immediately after Jan. 6 some of Hawley's wealthy former donors renounced him. But it all turned out to be great for fundraising. In calendar 2021, Hawley "nearly quadrupled the amount he raised in 2019 and 2020 combined," the [Kansas City Star reported](#).

And although Hawley's popularity appeared to [take a hit](#) in the weeks immediately after the insurrection, he was a hero to his more enthusiastic supporters and his broader popularity rebounded over time.

This past summer, [a poll by Saint Louis University and YouGov](#) showed Hawley's approval rating among Missouri voters stood at 52 percent, a 3.6 percent increase over the last year. Hawley's approval rating was 12 percentage points higher than

that of the more moderate Blunt.

Hawley has said he won't run for President in 2024. But there are plenty of people who [aren't convinced](#).

After all, he also said that he just wanted to be Missouri's Attorney General.

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