

GUEST ESSAY

I Helped Bury Stories About Trump. I Regret It.

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Late in 2015 a former doorman at Trump Tower named Dino Sajudin approached The National Enquirer with a story that Donald Trump, then campaigning for president, had fathered a child out of wedlock with a woman who had worked for him. David Pecker, the publisher of The National Enquirer at the time, authorized payment of \$30,000 for Mr. Sajudin's story — with the intention of not running it.

In June 2016, a woman named Karen McDougal came forward with another potentially scandalous story, this time about an affair she said she had with Mr. Trump. Mr. Pecker authorized payment of \$150,000 to her for her account, which he also did not run.

As Mr. Pecker would testify in Mr. Trump's hush-money trial in 2024, American Media, the publisher of The National Enquirer, bought these negative stories about Mr. Trump and buried them so that they did not embarrass or harm the campaign — a strategy known as catch and kill that Mr. Pecker said he and Mr. Trump discussed at the outset of his presidential run.

As general counsel at the time for American Media, I wrote both of those contracts.

In the intervening years I have agonized over the role I played in those deals. The McDougal story ended up being leaked and ran in The Wall Street Journal days before the 2016 election, and the Sajudin story, which appears to be false, came to light later. (Mr. Trump has denied both allegations.) But what would have happened if The National Enquirer had let Mr. Sajudin and Ms. McDougal take their accounts to other news

outlets? What would have happened if I had refused to write the contracts?

Now lawyers in Mr. Trump's orbit face similar questions, and it's worth examining the possible answers.

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Part of me thinks that nothing I did made a difference. Then as now, the American electorate seems impervious to stories about Mr. Trump's moral failings. If the "Access Hollywood" tape didn't change anyone's mind about Mr. Trump's suitability for the highest office in the land, Ms. McDougal's and Mr. Sajudin's allegations would not have either.

Even if I had refused to write the contracts, surely Mr. Pecker would have found another lawyer to do so. On their face there was nothing illegal about them, and when I wrote them I knew nothing about Mr. Pecker's discussions with Mr. Trump. Any lawyer with a modicum of experience could have drafted those agreements.

Still, when I wrote the contracts, I knew they would have the effect of silencing people with stories to tell, legitimate topics (certainly in Ms. McDougal's case) for investigation and discussion during a presidential campaign. I ignored the practical effect of my work, which is something lawyers are trained to do. We do it routinely when we draft settlement agreements that silence commentary, negotiate merger deals that lead to layoffs and litigate for positions that devastate our clients' opponents.

At the time I believed I had a higher duty to represent my client zealously and to protect the tabloid's First Amendment rights — which included the right not to publish a story. Now I wonder whether I was kidding myself.

If I had refused to draft the contracts, I could have at least delayed the decisions to quash the stories. I could have thrown a wrench in the gears of The National Enquirer's pro-Trump propaganda machine. Mr. Pecker would probably have fired me, but my small act of resistance might have made him think twice about the wisdom of his actions.

More important, by not saying no, I deprived my client of my better judgment. A lawyer's job is not to rubber-stamp clients' decisions; it is to provide our wisest counsel, even when that wisdom advises against the results they want.

There are lawyers in the current Trump administration who have refused to take actions they believed were wrong. In February, Danielle Sassoon, the interim U.S. attorney for the Southern District of New York, quit rather than obey orders to drop the federal corruption case against Mayor Eric Adams. Many other lawyers in the Justice Department have quit or announced plans to quit, including at least 69 of the approximately 110 lawyers in the federal programs branch, which represents the executive branch in civil litigation. Actions like theirs should be taught as a model for ethical conduct at every law school in the country.

In 2018, issues similar to those in the Sajudin and McDougal cases arose over a different high-profile story that was brought to The National Enquirer. This time I stood my ground, and I was forced to leave. As I walked to my office to pack up my belongings, the taste in my mouth was bittersweet. I loved my job, but I was proud of my decision. My heart and my head were in alignment, and I had no doubt about the wisdom of my advice.

I'll never know what the world would be like today if those two unpublished National Enquirer stories had run. But at least I know the feeling of doing the right thing. It is frightening and exhilarating, and it was always there. Belated, but welcome.

Cameron Stracher is a writer and lawyer in New York who specializes in media and entertainment law.

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