

# Summary of the Mueller Report

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The Mueller Report consists of two volumes. Volume I sets forth the results of Mueller's investigation of Russia's interference with the 2016 presidential election and Russia's interactions with the Trump Campaign. Volume II addresses the President's actions toward the FBI investigation and Special Counsel Mueller's investigation. Volume II analyzes whether the President and his associates interfered with and obstructed the investigations into Russian interference with the election.

This document is an attempt to summarize some of the key facts contained in the report. In places, I have quoted directly from the report. I have not attempted to include every fact in this summary. In particular, I have not included all of the contacts between the Trump Campaign and Russia-affiliated individuals. Instead, I have attempted to provide a brief summary of the salient facts included in the Mueller report. In the interest of keeping this document relatively brief, I have not included all of the legal analysis and discussion set forth in the report particularly the analysis in Volume II of whether particular acts amounted to obstruction of justice. Readers of this summary who want to learn more about a particular issue should look at the Mueller report itself. Both volumes of the report are well organized and start with a detailed table of contents outlining the various topics.

## Volume I

1. The Special Counsel concluded that “[t]he Russian government interfered in the 2016 presidential election in sweeping and systematic fashion.” The Russian government interfered in several ways which will be summarized below.

### **Russian Social Media Campaign**

2. The Internet Research Agency (IRA) is an organization funded by a Russian oligarch with close ties to Russian President Vladimir Putin. The IRA was based in St. Petersburg.
3. The IRA carried out a social media campaign in the U.S. “designed to provoke and amplify political and social discord in the United States.”
4. The IRA sent employees to the U.S. beginning in 2014. The IRA later used social media accounts and interest groups to sow discord via “information warfare.” The campaign ultimately evolved into a targeted operation favoring Donald Trump and disparaging Hillary Clinton.
5. The IRA purchased advertisements from Facebook. Many of these advertisements overtly opposed the Clinton Campaign and supported Donald Trump.

6. The IRA's social media accounts collectively reached tens of millions of people in the U.S. Some of the accounts had over 100,000 followers.
7. The IRA operated individualized Twitter accounts.
8. The IRA organized and promoted political rallies inside the U.S. posing as U.S. grassroots activists. The IRA recruited U.S. residents to coordinate events and rallies. These rallies and events typically promoted Trump and opposed Clinton.
9. The IRA instructed its employees to target people in the U.S. who could be used to advance its goals.
10. The IRA had a variety of interactions and contacts with the Trump Campaign.
11. Members of the Trump Campaign promoted content published by IRA social media accounts. Members of the IRA also represented themselves as U.S. persons to communicate with members of the Trump Campaign to coordinate IRA-organized rallies in the U.S.

#### **Russian Hacking and Dumping Operations**

12. Beginning in March 2016, Russia's Main Intelligence Directorate of the General Staff (GRU) carried out computer intrusions into the Clinton Campaign, the Democratic National Committee (DNC) and the Democratic Congressional Campaign Committee (DCCC). The actions were carried out by two military units of the GRU.
13. GRU sent hundreds of targeted "spearfishing" emails to the work and personal email accounts of Clinton Campaign employees and volunteers.
14. GRU spearfishing enabled it to gain access to numerous Clinton Campaign related accounts, including the account of campaign chairman John Podesta.
15. By April 2016, GRU gained access to the DCCC computer network and the DNC computer network. GRU then installed malware on the networks which allowed GRU to steal data from the networks.
16. GRU stole documents and data from the DCCC and DNC networks.
17. GRU began disseminating the stolen materials, first through a website called [dc.leaks.com](http://dc.leaks.com). GRU also operated a Facebook account in the name of DCLeaks which was used to disseminate stolen material to reporters.
18. In June 2016, the DNC announced the breach of its computer network and alleged that Russian state-sponsored actors were responsible. In response, GRU created a blog under

the name Guccifer 2.0. The blog tried to blame the breach of the DNC network on a lone Romanian hacker.

19. Guccifer 2.0 also began releasing thousands of documents stolen from the DNC and DCCC computer networks. The documents were also made available to reporters. The documents continued to be released until August 2016.
20. GRU also transferred many of the documents stolen from the DNC and the Clinton Campaign to WikiLeaks. The founder of WikiLeaks had previously expressed support for the GOP and opposition to the Clinton Campaign.
21. WikiLeaks communicated with Guccifer 2.0 and tried to time the release of documents to correspond with the Democratic National Convention. Releases were designed to increase conflict between Bernie Sanders and Clinton.
22. WikiLeaks released 33 tranches of stolen emails between Oct. 7, 2016 and Nov. 7, 2016. The releases included private speeches by Clinton and internal communications between Podesta and high-ranking members of the Clinton Campaign.
23. WikiLeaks then tried to obscure the source of the emails suggesting they were stolen by someone inside the Clinton Campaign.
24. In addition to targeting the Clinton Campaign, GRU officers also targeted individuals and entities involved in the administration of elections. "Victims included U.S. state and local entities, such as state boards of elections (SBOEs), secretaries of state, and county governments, as well as individuals who worked for those entities. The GRU also targeted private technology firms responsible for manufacturing and administering election-related software and hardware, such as voter registration software and electronic polling stations."
25. By the summer of 2016, GRU sought access to state and local computer networks by exploiting vulnerabilities on websites of state and local governmental entities. In one instance, GRU compromised the computer network of the Illinois State Board of Elections and gained access to a database containing information on millions of registered voters in Illinois.
26. The Trump Campaign showed interest in WikiLeaks' releases of hacked materials. By the late summer of 2016, the Trump campaign was planning a press strategy, a communications campaign, and messaging based on the possible release of Clinton emails by WikiLeaks.

27. An hour after the release of the Access Hollywood video showing Trump making derogatory comments about women, WikiLeaks released the first set of emails stolen by GRU from Clinton Campaign chairman John Podesta.
28. Donald Trump Jr. had direct electronic communication with WikiLeaks during the campaign period.

### **Russian Government Links to and Contacts with the Trump Campaign**

29. The investigation identified multiple links between Trump Campaign officials and individuals with ties to the Russian government.
30. Russian-government individuals and media entities became interested in Trump's candidacy in June 2015. Outreach from individuals with Russian ties continued in the spring and summer of 2016.
31. The Special Counsel investigated whether the proposed Trump Tower Moscow deal involved coordination of election assistance. The Special Counsel also investigated other links between the Trump Campaign and Russian-affiliated individuals and entities. The links between the Trump Campaign and Russian individuals and entities included outreach to two of Trump's foreign policy advisors; dealings with a think tank with ties to the Russian government; a meeting at Trump Tower between the Campaign and a Russian lawyer who promised dirt on candidate Clinton; events at the Republican National Convention; post-Convention contacts between Trump Campaign officials and Russia's ambassador to the United States; and, contacts through campaign chairman Paul Manafort, who had previously worked for a Russian oligarch and a pro-Russian political party in Ukraine.
32. Contacts between the Trump Campaign and Russian-affiliated individuals and entities included:
  - A. The Trump Tower Moscow project and a variety of communications with different Russian entities regarding the proposed project. These communications included discussions about possible visits to Russia by Donald Trump and Michael Cohen.
  - B. A series of communications and meetings involving Trump Campaign foreign policy advisor George Papadopolous. Some of the communications involved assertions by Russian-affiliated individuals that Russians had "dirt" on Hillary Clinton and were willing to assist the Trump Campaign.
  - C. Communications between Carter Page and Russian intelligence officials. Carter Page worked for the Trump Campaign from January 2016 until September 2016. Page exchanged emails and had personal meetings with a Russian intelligence officer working covertly under diplomatic cover who was later charged with conspiracy to act as an unregistered agent of a foreign government.

- D. Members of the Trump Campaign interacted on several occasions with the Center for the National Interest (CNI), a think tank with connections to the Russian government. The discussions included the topic of CNI hosting a foreign policy speech by candidate Trump. Both Jared Kushner and Jeff Sessions had continuing contacts with CNI.
- E. Senior representatives of the Trump Campaign met on June 9, 2016 at Trump Tower with a Russian attorney expecting to receive damaging information about Hillary Clinton. The meeting was attended by Donald Trump Jr., Jared Kushner and Paul Manafort. The Russian attorney had previously worked for the Russian government.
- F. Trump Campaign officials met with Russian Ambassador Kislyak during the week of the Republican National Convention. These contacts resulted in efforts to change the Republican Party platform's position on Ukraine. Trump Campaign officials also met with Kislyak after the Republican Convention.
- G. Trump Campaign Chairman Paul Manafort had numerous contacts with an individual believed to have ties to Russian intelligence. Manafort instructed Rick Gates to provide this individual with information including internal polling data. Gates periodically sent polling data to the foreign individual.
- H. After Trump was elected, Russian government officials and prominent Russian businessmen began trying to make inroads into the new Administration.
- I. While Russian officials in the U.S. reached out to the President-elect and his team, a number of Russian individuals working in the private sector began their own efforts to make contact with the new President.
- J. Michael Flynn spoke to the Russian Ambassador about Russia's reactions to sanctions imposed in response to Russian interference with the election. Michael Flynn also spoke to the Russian Ambassador about a United Nations resolution proposed by Egypt calling on Israel to stop settlement activities in Palestinian territory. Flynn asked the Russian Ambassador not to retaliate because of the sanctions imposed by the Obama Administration.

33. "[T]he investigation established multiple links between Trump Campaign officials and individuals tied to the Russian government. Those links included Russian offers of assistance to the Campaign. In some instances, the Campaign was receptive to the offer, while in other instances the Campaign officials shied away. Ultimately, the investigation did not establish that the Campaign coordinated or conspired with the Russian government in its election-interference activities."

#### **Prosecution and Declination Decisions**

34. A federal grand jury in the District of Columbia returned an indictment charging 13 Russian nationals and three Russian entities, including the IRA and Concord

Management and Consulting, with violating U.S. criminal laws by interfering with U.S. elections and political processes.

35. A federal grand jury in the District of Columbia returned an indictment charging Russian military intelligence officers from the GRU with conspiring to hack into various U.S. computers used by the Clinton Campaign, the DNC, the DCCC and other U.S. persons; with identity theft and conspiring to commit money laundering; and with conspiring to hack into computers of U.S. persons and entities responsible for the administration of the 2016 election.
36. The Special Counsel declined to prosecute an unnamed individual for unauthorized access to a computer.
37. The Special Counsel uncovered evidence of numerous links between Trump Campaign officials and individuals claiming to have ties to the Russian government. The Special Counsel did not pursue any charges based on these ties with the exception of charges against Paul Manafort and Richard Gates for violation of the Foreign Agent Registration Act (FARA) based on their work on behalf of Ukraine.
38. The meeting between Trump Campaign officials and Russians promising derogatory information about Hillary Clinton raised issues about possible violations of campaign finance laws. The Special Counsel ultimately concluded that it would be difficult to convict anyone for violation of campaign finance laws regarding this meeting.
39. Although the evidence of contacts between the Trump Campaign and Russia-affiliated individuals may not have been sufficient to establish or sustain criminal charges, a number of individuals made false statements about those contacts and the office therefore charged these individuals with making false statements and obstructing justice.
40. George Papadopolous served as a foreign policy advisor for the Trump Campaign. Papadopolous was interviewed by the FBI. During his interview, Papadopolous lied about the timing, extent and nature of his communications with three Russian-affiliated individuals. Papadopolous was charged with making false statements to the FBI. Papadopolous pleaded guilty to that charge.
41. Michael Flynn agreed to be interviewed by the FBI four days after he became National Security Advisor to the President. During his interview, Flynn made several false statements regarding his communications with the Russian ambassador. Flynn also made false statements regarding communications he had regarding a resolution before the United Nations. Flynn made the false statements to the FBI at a time when he was serving as National Security Advisor and when the FBI had an open investigation into Russian interference in the 2016 presidential election. Flynn was charged with making

false statements. Pursuant to a plea agreement, Flynn pleaded guilty to that charge and also admitted making false statements in his FARA filing.

42. Michael Cohen was executive vice president and special counsel to the Trump Organization when Trump was its president. Cohen was called to testify before a House Committee and a Senate Select Committee. Both committees were investigating Russian interference with the 2016 election. Cohen submitted a letter in advance of his testimony. The letter falsely stated that the Trump Moscow project ended in January 2016. The letter also made other false statements regarding this project and contacts with Russian individuals. Cohen was charged with making false statements. Cohen pleaded guilty. Cohen was also charged with other crimes in a separate prosecution based on information uncovered in the Special Counsel's investigation.
43. Former Attorney General Jeff Sessions made statements during his confirmation hearing denying any communications with Russians during the presidential campaign. In fact, Sessions interacted with Russian Ambassador Kislyak during the week of the Republican National Convention and again in a meeting in his Senate office in September 2016. The Special Counsel concluded that the evidence regarding Sessions was not sufficient to establish that Sessions gave knowingly false answers based on the wording of the questions he was asked. In addition, Sessions told Congress that he did not recall any discussions with the Russian Ambassador regarding the 2016 election. In light of the limited interactions between Sessions and the Russian Ambassador and in light of the phrasing of questions asked of Sessions, it is plausible that Sessions did not knowingly give a false response.

## Volume II

Volume II sets forth the results of the Special Counsel's investigation into the actions of the President and his associates regarding the FBI's investigation and the Special Counsel's investigation into Russian interference with the election.

1. Special Counsel Mueller first points out that the Office of Legal Counsel in the Justice Department had previously concluded that a sitting President cannot be indicted while in office. However, the President's conduct can still be investigated. Also, once a President has left office, the President is not immune from prosecution.
2. Special Counsel Mueller did not reach any conclusions as to whether President Trump committed obstruction of justice or other related crimes. The Special Counsel pointed out that a conclusion that the President committed crimes would be problematic since the President would not be able to defend himself in court to those charges in a timely manner since no charges could be brought until after he left office. Thus, the report specifically withholds judgment as to whether crimes were committed. However, the report provides the results of a detailed factual investigation to preserve the facts while they were still reasonably fresh in the minds of the participants.
3. The Special Counsel also explained that if the investigation had determined that the President did not commit obstruction of justice or other crimes, the report would have so stated. "Based on the facts and applicable legal standards, however, we are unable to reach that judgment."
4. A number of criminal statutes prohibit interference with criminal and congressional investigations and likewise prohibit obstruction of justice. The basic elements of these statutes require: (1) an obstructive act; (2) a nexus between the act and an official proceeding; and, (3) a corrupt intent.
5. The investigation into obstruction of justice by the President was launched after the Special Counsel "determined that there was a sufficient factual and legal basis to further investigate potential obstruction-of-justice issues involving the President."
6. The Special Counsel's investigation focused on 11 areas where obstruction arguably occurred:
  - A. The Campaign's Response to Reports About Russian Support for Trump
  - B. The President's Conduct Concerning the Investigation of Michael Flynn
  - C. The President's Reaction to Public Confirmation of the FBI's Russia Investigation
  - D. Events Leading Up To and Surrounding the Termination of FBI Director James Comey
  - E. The President's Efforts to Remove the Special Counsel

- F. The President's Efforts to Curtail the Special Counsel Investigation
- G. The President's Efforts to Prevent Disclosure of Emails About the June 9, 2016 Meeting Between Russians and Senior Campaign Officials
- H. The President's Further Efforts to Have the Attorney General Take Over the Investigation
- I. The President's Order to White House Counsel McGahn to Deny that the President Tried to Fire the Special Counsel
- J. The President's Conduct Toward Flynn, Manafort and Another Person
- K. The President's Conduct Involving Michael Cohen

**A. The Campaign's Response to Reports About Russian Support for Trump**

- 7. After the media raised questions about a possible connection between the Trump Campaign and Russia, Trump denied having any business involvement with Russia even though the Trump Organization had pursued a business project in Russia as late as June 2016.
- 8. Trump also expressed skepticism about Russian involvement at the same time he and other Campaign advisors were seeking information about other planned WikiLeaks releases. In July 2016, Trump tweeted that he had zero investments in Russia even though he had been pursuing a business deal in Russia until June 2016. The "party line" for the Trump Campaign was that Trump had no business relations with Russians even though a number of people in the Campaign recognized that the statement was not true.
- 9. Even after the election, Trump continued to deny any connections to Russia. He also denied that Russia was involved in election interference.

**B. The President's Conduct Concerning the Investigation of Michael Flynn**

- 10. During the presidential transition, incoming National Security Advisor Michael Flynn had two phone calls about the Russian response to U.S. sanctions imposed because of Russia's election interference. Flynn lied to Administration officials and to the FBI regarding these calls.
- 11. The Department of Justice (DOJ) officials informed the White House that Flynn had been interviewed regarding his contacts with Russia. The next night, President Trump had a private dinner with FBI Director James Comey and asked him about his loyalty to the President.
- 12. The President later asked Flynn to resign. The next day, the President had a private one-on-one conversation with James Comey in which he told Comey, "I hope you can see your way clear to letting this go, to letting Flynn go." Comey documented this conversation shortly after it occurred.

13. The President later asked Deputy National Security Advisor K.T. McFarland to draft an internal email that would confirm that the President did not direct Flynn to call the Russian Ambassador to discuss sanctions. McFarland refused to draft the email because she had no knowledge about the subject and she could not truthfully confirm what the President asked her to document.
14. After Flynn resigned, the President directed Reince Preibus and others to reach out to Flynn to reassure him that the President still cared about him. Preibus interpreted this direction to mean that the President didn't want Flynn saying bad things about him.

**C. The President's Reaction to Public Confirmation of the FBI's Russia Investigation**

15. In March 2017, the President learned that Attorney General Sessions was considering recusing himself from the Russia investigation.
16. The President was angry that Sessions was considering recusal and he was angry when Sessions decided to recuse himself.
17. The President repeatedly asked Sessions to "unrecuse" himself.
18. In March 2017, James Comey publicly disclosed the existence of the FBI's Russia investigation. In the days following this disclosure, the President contacted Comey and other intelligence agency leaders and asked them to make public statements distancing the President from any connection to Russian election interference.
19. Although White House counsel McGahn advised Trump not to contact Comey, the President repeatedly contacted Comey asking Comey to "lift the cloud" about the investigation and to make it clear that the President was not a target of the investigation.

**D. Events Leading Up To and Surrounding the Termination of FBI Director James Comey**

20. James Comey was scheduled to testify before Congress on May 3, 2017. Before his testimony, the President repeatedly told his advisors that he wanted Comey to make public that the President was not under investigation. At the hearing, Comey declined to answer any questions about the scope or subjects of the Russia investigation. Comey also did not publicly state that the President was not under investigation.
21. Two days after Comey's testimony, the President told aides he was going to fire Comey. He did so two days later.
22. The President claimed publicly that he fired Comey in response to a recommendation from the DOJ over Comey's handling of the Clinton email investigation. In fact, the President had decided to fire Comey prior to receiving any recommendation from the DOJ.

23. The President insisted that Comey's termination letter include a statement that the President was not under investigation. The public statements from the White House about the termination of Comey asserted that the termination was based on the recommendation of the DOJ even though this was not the reason for the termination.

24. On May 10, 2017, deputy press secretary Sarah Sanders told reporters that the President had fired Comey because the rank and file of the FBI had lost confidence in Comey. Sanders told reporters that the President fired Comey upon the recommendation of the Deputy Attorney General. Her statement about the rank and file of the FBI was "not founded on anything."

#### **E. The President's Efforts to Remove the Special Counsel**

25. When the Special Counsel was appointed, the President told people that "it was the end of his presidency." He also complained that Attorney General Sessions had "failed to protect him and should resign."

26. In response, Sessions submitted his resignation which the President did not accept. The President told senior advisors that the Special Counsel had conflicts of interest, but his advisors responded that those claims were "ridiculous." The DOJ had also evaluated potential conflicts and concluded that there were no conflicts which would prevent the Special Counsel from acting.

27. On June 14, 2017, the press reported that the President was being investigated for obstruction of justice. The President responded with a series of tweets criticizing the Special Counsel's investigation. That weekend, the President called White House counsel McGahn and directed him to have the Special Counsel removed because of asserted conflicts of interest. McGahn did not carry out the instruction and was prepared to resign rather than carry it out.

#### **F. The President's Efforts to Curtail the Special Counsel Investigation**

28. Two days after the President directed McGahn to remove the Special Counsel, the President met with Corey Lewandowski in the Oval Office and dictated a message to be delivered to Sessions that would limit the Russia investigation to future election interference only.

29. One month later, the President again met with Lewandowski and followed up on his request to have Sessions limit the scope of the Russian investigation to future election interference. Lewandowski assured the President that the message would be delivered soon. Lewandowski gave the message to White House staff person Rick Dearborn to deliver to Sessions, but Dearborn never did so.

30. Hours after the meeting with Lewandowski, the President criticized Sessions in an unplanned press interview and raised questions about Sessions' job security.
31. The President later spoke with Reince Preibus and asked him to get Sessions to resign. Preibus believed that the President wanted Sessions to resign because the President was angry because Sessions recused himself from the Russia investigation.

**G. The President's Efforts to Prevent Disclosure of Emails About the June 9, 2016 Meeting Between Russians and Senior Campaign Officials**

32. By June 2017, the President was aware of emails setting up the June 9, 2016 meeting between senior Trump Campaign officials and Russians who offered derogatory information on Hillary Clinton as part of Russia's support of Mr. Trump. The emails that the "Crown Prosecutor of Russia" offered to provide the Trump Campaign with some official documents and information that would incriminate Hillary Clinton. Donald Trump Jr. responded to emails and indicated receptivity to the offer.
33. "On multiple occasions in late June and early July 2017, the President directed aides not to publicly disclose the emails."
34. President Trump dictated a statement about the June 9 meeting to be issued by Donald Trump Jr. The statement claimed the meeting on June 9 to be primarily about adoption of Russian children. The statement was issued to the press.
35. After Trump Jr.'s statement was released, the President's personal counsel repeatedly and inaccurately denied that the President played any role in drafting the statement.
36. Several months later, the President's personal counsel acknowledged that Trump Jr.'s statement was dictated by the President.

**H. The President's Further Efforts to Have the Attorney General Take Over the Investigation**

37. From summer of 2017 through 2018, the President attempted to have Attorney General Sessions reverse his recusal, take control of the Special Counsel's investigation and order an investigation of Hillary Clinton.
38. After the appointment of the Special Counsel, the President called Sessions at home and asked him to reverse his recusal and take over the Special Counsel's investigation.
39. The President also wanted to replace Sessions with a different Attorney General who would end the investigation into Russian interference and begin an investigation into Hillary Clinton.

40. The President also repeatedly criticized Sessions publicly for failing to take action on the Russia investigation despite his recusal.

41. On November 7, 2018, the day after the midterm elections, the President replaced Sessions with Session's chief of staff as Acting Attorney General.

**I. The President's Order to McGahn to Deny that the President Tried to Fire the Special Counsel**

42. In late January 2018, the media reported that the President had ordered White House counsel McGahn to have the Special Counsel fired based on purported conflicts of interest. McGahn refused to fire the Special Counsel fearing another "Saturday Night Massacre."

43. After the story broke about the President's attempt to have the Special Counsel fired, the President through his personal counsel and two aides sought to have McGahn deny that he had been directed to remove the Special Counsel. McGahn refused to deny the press reports because they were accurate in reporting the President's efforts to have the Special Counsel removed.

44. The President later personally met with McGahn in the Oval Office and tried to get McGahn to say the President never ordered him to fire the Special Counsel. McGahn refused and insisted that his memory of the President's orders to him was accurate.

45. During the meeting in the Oval Office, the President also challenged McGahn for taking notes in his meetings with the President. The President also criticized McGahn for telling the Special Counsel's investigators that he had been directed to have the Special Counsel removed.

**J. The President's Conduct Toward Flynn, Manafort and Another Person**

46. The President took actions with respect to possible witnesses in the Special Counsel's investigation, including Flynn, Manafort and an undisclosed individual.

47. When Flynn withdrew from a joint defense agreement with the President, the President's personal counsel informed Flynn that his actions would be viewed as reflecting hostility towards the President.

48. During Paul Manafort's prosecution and while the jury was deliberating, the President repeatedly stated that Manafort was being treated unfairly and made it known that Manafort could receive a pardon.

49. Manafort spoke to the President's personal counsel and told Richard Gates that the president would take care of them. Gates was the former deputy campaign manager who had been indicted along with Manafort.

50. The President made numerous public comments criticizing the prosecution and suggesting that Manafort was being treated unfairly. The President's personal lawyer, Rudolph Giuliani gave a series of interviews in which he raised the possibility of a pardon for Manafort.
51. The President made repeated statements that the prosecution of Manafort was a witch hunt. Manafort was found guilty on eight felony counts.
52. The President made numerous statements about "flipping" and about how it ought to be outlawed. The comments were made with reference to plea deals made by Manafort and Cohen.

**K. The President's Conduct Involving Michael Cohen**

53. During the campaign, Cohen pursued the Trump Tower Moscow project on behalf of the Trump Organization. Cohen briefed Trump on the project numerous times, including discussing whether Trump should travel to Russia to advance a deal.
54. After the media began questioning Trump's ties to Moscow, Cohen began promoting the "party line" that distanced Trump from any Russian connections and asserting that Trump had no business there. Cohen continued to assert the party line when Congress asked him to provide documents and testimony on the issue. Cohen submitted a letter to Congress falsely stating that he only briefed Trump on the Trump Tower project three times and did not consider asking Trump to travel to Russia.
55. While working on the statement for Congress, Cohen had extensive discussions with the President's personal attorney. The President's personal attorney advised Cohen not to contradict the President.
56. After the FBI searched Cohen's home and office in April 2018, the President publicly asserted that Cohen would not flip. The President privately passed messages to Cohen of support.
57. Cohen also discussed pardons with the President's personal attorney. Cohen believed that if he stayed on message, he would get a pardon or the President would do something else to help him.
58. After Cohen began cooperating with the government in July 2018, the President publicly criticized him, called him a "rat," and suggested his family members had committed crimes.

## **L. Overarching Factual Issues**

59. The Special Counsel pointed out three unique issues raised by the President's course of conduct. First, some of the conduct implicated the President's constitutional Article II authority while other conduct raised "garden-variety obstruction of justice issues." Second, while many obstruction of justice cases involve an attempted or actual cover-up of an underlying crime, the investigation did not establish an underlying crime by the President regarding Russian election interference. However, even in the absence of an underlying crime, obstruction of justice still interferes with the integrity of the justice system. Third, many of the President's actions directed at witnesses, "including discouragement of cooperation with the government and suggestions of possible future pardons," occurred in public. But no principle of law excludes public acts from the scope of obstruction statutes.
60. Although the events investigated by the Special Counsel involved discrete acts, "it is important to view the President's pattern of conduct as a whole. That pattern sheds light on the nature of the President's acts and the inferences that can be drawn about his intent."
61. "Our investigation found multiple acts by the President that were capable of exerting undue influence over law enforcement investigations, including the Russian-interference and obstruction investigations. The incidents were often carried out through one-on-one meetings in which the President sought to use his official power outside of usual channels. These actions ranged from efforts to remove the Special Counsel and to reverse the effect of the Attorney General's recusal; to the attempted use of official power to limit the scope of the investigation; to direct and indirect contacts with witnesses with the potential to influence their testimony."

## **Legal Defenses to the Application of Obstruction-of-Justice Statutes to the President**

62. The Special Counsel rejected the statutory and constitutional defenses raised by the President's personal counsel.
63. The text of the obstruction of justice statutes prohibit a broad range of obstructive acts. The main obstruction of justice statute is not limited to cases involving destruction or alteration of documents.
64. The Constitution doesn't prohibit applying obstruction of justice statutes to the President. These statutes apply to anyone engaged in obstructive acts including the President. While the Constitution provides for separation of powers, the application of obstruction statutes to the President does not interfere with the principle of separation of powers.
65. The President's ability to perform his legitimate presidential duties is not interfered with by applying obstruction of justice statutes to the President.

66. Congress has the power to protect congressional, grand jury and judicial proceedings from corrupt acts by any source, including the President.

**Conclusion**

67. The Special Counsel decided not to make a traditional prosecutorial decision whether the President's conduct constituted obstruction of justice. "The evidence we obtained about the President's actions and intent present difficult issues that would need to be resolved if we were making a traditional prosecutorial judgment. At the same time, if we had confidence after a through investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. Based on the facts and applicable legal standards, we are unable to reach that judgment. Accordingly, while this report does not conclude that the President committed a crime, it also does not exonerate him."