

APPENDIX TO

PRESIDENTIAL OBSTRUCTION OF JUSTICE: THE CASE OF DONALD J. TRUMP

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Appendix A.1

Factual Chronology

Factual Chronology

This document lists in chronological order facts relating to the case against President Trump for obstruction of justice. The items in this chronology are drawn from public sources, including newspaper articles, congressional testimony, social media posts, and transcripts of media interviews that were available at the date of publication.

2015

June 16, 2015: Donald J. Trump announces his candidacy for president.¹

June, 2015: Lt. General (Ret.) Michael Flynn travels to Egypt and Israel on behalf of X-Co Dynamics Inc./Iron Bridge Group to advocate for a U.S.-Russia partnership to build and operate nuclear plants in the Middle East.²

Late summer, 2015: Lt. General (Ret.) Michael Flynn first meets with candidate Donald Trump.³

September, 2015: Opposition research firm Fusion GPS is hired by Republican opponents of Mr. Trump.⁴

October 28, 2015: Trump signs a letter of intent to develop a Trump-branded real estate project in Moscow with I.C. Expert Investment Co.⁵

¹ Jose A. DelReal, Donald Trump Announces Presidential Bid, *Washington Post*, Jun 16, 2015, available at https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/donald-trump-to-announce-his-presidential-plans-today/?utm_term=.094ea71896f7.

² Jeff Stein, Michael Flynn, Russia, and a Grand Scheme to Build Nuclear Power Plants in Saudi Arabia and the Arab World, *Newsweek*, Jun. 9, 2017, available at <http://www.newsweek.com/2017/06/23/flynn-russia-nuclear-energy-middle-east-iran-saudi-arabia-qatar-israel-donald-623396.html>.

³ Dana Priest, Trump Adviser Michael T. Flynn on His Dinner with Putin and Why Russia Today Is Just Like CNN, *Washington Post*, Aug. 15, 2016, available at https://www.washingtonpost.com/news/checkpoint/wp/2016/08/15/trump-adviser-michael-t-flynn-on-his-dinner-with-putin-and-why-russia-today-is-just-like-cnn/?utm_term=.b55b6f01d9eb.

⁴ Kim Sengupta, Former MI6 Agent Christopher Steele's Frustration as FBI Sat on Donald Trump Russia File for Months, *Independent*, Jan. 13, 2017, available at <http://www.independent.co.uk/news/world/americas/donald-trump-russia-dossier-file-investigation-hacking-christopher-steele-mi6-a7526901.html>.

⁵ Rosalind S. Helderman, Carol D. Leonnig, and Tom Hamburger, Top Trump Organization Executive Asked Putin Aide for Help on Business Deal, *Washington Post*, Aug. 28, 2017, available at https://www.washingtonpost.com/politics/top-trump-organization-executive-reached-out-to-putin-aide-for-help-on-business-deal/2017/08/28/095aebac-8c16-11e7-84c0-02cc069f2c37_story.html?utm_term=.1522a967c563.

November 3, 2015: Felix Sater, a New York real estate mogul who has been convicted of racketeering and has ties to the mafia, law enforcement, and a variety of foreign oligarchs,⁶ sends an email to Michael Cohen, executive vice president of the Trump Organization, in which he offers to broker a real estate deal in Russia with the help of Russian President Vladimir Putin.⁷

December, 2015: Lt. General (Ret.) Michael Flynn participates in celebration of Russia Today, Russia's state-financed television network. Flynn receives \$45,000 in compensation for speaking at an event in Moscow.⁸

2016

Mid-January, 2016: Michael Cohen sends an email to Dmitry Peskov, the personal spokesman of Russian President Vladimir Putin, in which Cohen asks for help with a stalled development in Moscow. Cohen writes, "As this project is too important, I am hereby requesting your assistance. I respectfully request someone, preferably you, contact me so that I might discuss the specifics as well as arranging meetings with the appropriate individuals. I thank you in advance for your assistance and look forward to hearing from you soon."⁹

February 26, 2016: *Reuters* reports that Trump is receiving foreign policy advice from Flynn.¹⁰

March 3, 2016: Trump names Senator Jeff Sessions as chairman of his campaign's national security advisory committee.¹¹

March 21, 2016: Trump names Carter Page as a member of his foreign policy team in an interview with the *Washington Post*.¹²

⁶ Andrew Rice, *The Original Russia Connection*, *NY Magazine*, Aug. 3, 2017, available at <http://nymag.com/daily/intelligencer/2017/08/felix-sater-donald-trump-russia-investigation.html>.

⁷ Matt Apuzzo & Maggie Haberman, *Trump Associate Boasted That Moscow Business Deal 'Will Get Donald Elected'*, *New York Times*, Aug. 28, 2017, available at https://www.nytimes.com/2017/08/28/us/politics/trump-tower-putin-felix-sater.html?_r=1.

⁸ Polina Devitt, *Putin's Dinner with Michael Flynn: 'I Didn't Even Really Talk to Him'*, *Reuters*, June 4, 2017, available at <http://www.reuters.com/article/us-russia-usa-putin-idUSKBN18V0XZ>; Robert Windrem, *Guess Who Came to Dinner with Flynn and Putin*, *NBC News*, Apr. 18, 2017, available at <http://www.nbcnews.com/news/world/guess-who-came-dinner-flynn-putin-n742696>.

⁹ Helderman, Leonnig, & Hamburger, *Washington Post*, Aug. 28, 2017, *supra* n. 5.

¹⁰ Mark Hosenball & Steve Holland, *Trump Being Advised by Ex-U.S. Lieutenant General Who Favors Closer Russia Ties*, *Reuters*, Feb. 26, 2016, available at <http://www.reuters.com/article/us-usa-election-trump-advisor-idUSMTZSAPEC2Q6G3JRH>.

¹¹ Tom LoBianco, *Trump Taps Sessions to Lead National Security Efforts*, *CNN*, Mar. 3, 2016, available at <http://www.cnn.com/2016/03/03/politics/donald-trump-jeff-sessions-national-security/index.html>.

¹² Post Opinions Staff, *A Transcript of Donald Trump's Meeting with the Washington Post Editorial Board*, *Washington Post*, Mar. 21, 2016, available at <https://www.washingtonpost.com/blogs/post-partisan/wp/2016/03/21/a-transcript-of-donald-trumps-meeting-with-the-washington-post-editorial->

March 29, 2016: Paul Manafort joins the Trump campaign. He is eventually promoted to campaign chairman and chief strategist on May 19, 2016.¹³

April, 2016: Jared Kushner, Donald Trump's son-in-law, meets Russian Ambassador Sergey Kislyak after a foreign policy speech that Trump gives at the Mayflower Hotel in Washington D.C.¹⁴

June 3, 2016: Rob Goldstone, a British publicist who worked with the Miss Universe pageant in 2013 when Trump was an owner¹⁵, writes to Donald Trump Jr., "The Crown prosecutor of Russia met with [Emin's] father Aras this morning and in their meeting offered to provide the Trump campaign with some official documents and information that would incriminate Hillary and her dealings with Russia and would be very useful to your father. This is obviously very high level and sensitive information but is part of Russia and its government's support for Mr. Trump – helped along by Aras and Emin." Trump Jr. replied 17 minutes later in response, "Thanks Rob I appreciate that. I am on the road at the moment but perhaps I just speak to Emin first. Seems we have some time and if it's what you say I love it especially later in the summer. Could we do a call first thing next week when I am back?"¹⁶

June 9, 2016: Donald Trump Jr., Paul Manafort, and Jared Kushner take the meeting arranged by Trump Jr. and Goldstone with Russian lawyer Natalia Veselnitskaya and Russian-American lobbyist Rinat Akhmetshin.¹⁷ According to the *New York Times*, Veselnitskaya is a "trusted insider" in the Moscow legal community who, according to one official "could be counted on to argue and win important high-profile court cases that matter to the government."¹⁸ The *New York Times* also reported that Akhmetshin has deep ties to the Russian government, including "an association with a former deputy head of a Russian spy service, the F.S.B., and a history of working for close allies of President Vladimir V. Putin."¹⁹ Manafort's notes from this meeting,

[board/?utm_term=.cbfba3d05334](#).

¹³ Maggie Haberman & Ashley Parker, Trump Aide Paul Manafort Promoted to Campaign Chairman and Chief Strategist, *New York Times*, May 19, 2016, *available at* <https://www.nytimes.com/2016/05/20/us/politics/paul-manafort-trump.html>.

¹⁴ Jared Kushner, Statement of Jared C. Kushner to Congressional Committees, July 24, 2017, *available at* <https://assets.documentcloud.org/documents/3899512/Read-Jared-Kushner-s-statement-on-Russian.pdf>.

¹⁵ Megan Twohey & Steve Eder, How a Pageant Led to a Trump Son's Meeting With a Russian Lawyer, *New York Times*, Jul. 10, 2017, *available at* <https://www.nytimes.com/2017/07/10/us/politics/rob-goldstone-russia-trump.html>.

¹⁶ See Donald Trump Jr.'s Email Exchange with Rob Goldstone, *attached as* Appendix A.3. Original photos of the exchange were published by Donald Trump Jr. on his twitter account. See <https://twitter.com/donaldjtrumpjr/status/884789418455953413>; <https://twitter.com/DonaldJTrumpJr/status/884789839522140166>.

¹⁷ Dan Merica, Recreating June 9: A Very Consequential Day in the 2016 Campaign, *CNN*, Jul. 12, 2017, *available at* <http://www.cnn.com/2017/07/11/politics/trump-campaign-june-9/index.html>.

¹⁸ Neil MacFarquhar & Andrew E. Kramer, Natalia Veselnitskaya, Lawyer Who Met Trump Jr., Seen as Fearsome Moscow Insider, *New York Times*, Jul 11, 2017, *available at* <https://www.nytimes.com/2017/07/11/world/europe/natalia-veselnitskaya-donald-trump-jr-russian-lawyer.html?mcubz=3>.

¹⁹ Sharon LaFraniere, David D. Kirkpatrick, & Kenneth P. Vogel, Lobbyist at Trump Campaign Meeting

which he took on his smartphone, reportedly reference political contributions.²⁰ (The fact that this meeting took place is not publicly known until it is reported by the *New York Times* on July 8, 2017.).

The same day, Donald Trump tweets a reply to Hillary Clinton's tweet telling him to delete his account, "How long did it take your staff of 823 people to think that up—and where are your 33,000 emails that you deleted?"²¹

June 2016: Around the same time as the June 9 meeting arranged by Rob Goldstone, Rick Dearborn, Chief of Staff to then-Senator Jeff Sessions and policy aide to the Trump campaign, emails about a separate attempt to set up a meeting between representatives of the Trump campaign and Russian President Vladimir Putin.²²

June 14, 2016: The *Washington Post* reports that Russian government hackers infiltrated the Democratic National Committee (DNC)'s computer networks.²³ The security breach allowed the hackers to access the DNC's opposition research on Donald Trump and all of the DNC's email traffic. Some of the hackers had access to the network for approximately one year.²⁴ CrowdStrike, a firm hired by the DNC to investigate and stop the hack, says that it has identified two hacker groups and claims that both were working for the Russian government.²⁵

June 20, 2016: Donald Trump fires campaign manager Corey Lewandowski and effectively promotes Paul Manafort to run the campaign.²⁶

Has a Web of Russian Connections, *New York Times*, Aug. 21, 2017, available at <https://www.nytimes.com/2017/08/21/us/rinat-akhmetshin-russia-trump-meeting.html?mwrs=Email&r=0>.

²⁰ Ken Dilanian & Carol E. Lee, *Manafort Notes from Russian Meet Refer to Political Contributions*, *NBC News*, Sept. 1, 2017, available at <https://www.nbcnews.com/news/us-news/manafort-notes-russian-meet-contain-cryptic-reference-donations-n797816>.

²¹ <https://twitter.com/realDonaldTrump/status/741007091947556864>.

²² Manu Raju & Marshall Cohen, *Exclusive: Top Trump Aide's Email Draws New Scrutiny in Russia Inquiry*, *CNN*, Aug. 24, 2017, available at <http://www.cnn.com/2017/08/23/politics/donald-trump-rick-dearborn-email-russia-investigation/index.html>.

²³ Ellen Nakashima, *Russian Government Hackers Penetrated DNC, Stole Opposition Research on Trump*, *Washington Post*, Jun. 14, 2017, available at https://www.washingtonpost.com/world/national-security/russian-government-hackers-penetrated-dnc-stole-opposition-research-on-trump/2016/06/14/cf006cb4-316e-11e6-8ff7-7b6c1998b7a0_story.html?utm_term=.c7b43b7f98e7.

²⁴ Sam Biddle & Gabrielle Bluestone, *This Looks Like the DNC's Hacked Trump Oppo File*, *Gawker*, Jun. 15, 2016, available at <http://gawker.com/this-looks-like-the-dncs-hacked-trump-oppo-file-1782040426>.

²⁵ Ellen Nakashima, *Russian Government Hackers Penetrated DNC, Stole Opposition Research on Trump*, *Washington Post*, Jun. 14, 2016, available at https://www.washingtonpost.com/world/national-security/russian-government-hackers-penetrated-dnc-stole-opposition-research-on-trump/2016/06/14/cf006cb4-316e-11e6-8ff7-7b6c1998b7a0_story.html?amp;tid=ss_tw&postshare=3991465918805133&utm_term=.5344e67c6936.

²⁶ Emily Flitter & Emily Stephenson, *Trump Fires Campaign Manager in Shakeup for Election Push*, *Reuters*, Jun. 20, 2016, available at <https://www.reuters.com/article/us-usa-election-idUSKCN0Z61L5>.

July 8, 2016: Carter Page, a foreign policy adviser to the Trump campaign, visits Moscow to give a lecture in which he is critical of U.S. policy toward Russia. Page's trip prompts the Federal Bureau of Investigation (FBI) to open an investigation into connections between Russia and the Trump campaign.²⁷

July 18, 2016: Senator Jeff Sessions meets Russian Ambassador Kislyak and several other foreign ambassadors after a Heritage Foundation panel on European relations during the Republican National Convention.²⁸

July 21, 2016: Donald Trump officially accepts the Republican party's nomination for president.²⁹

July 22, 2016: WikiLeaks publishes a collection of the hacked DNC emails and documents.³⁰

July 24, 2016: In an interview with Jake Tapper on *CNN's State of the Union*, Donald Trump Jr. rejects the notion that Russia is trying to interfere in the election:

JAKE TAPPER: So, I don't know if you were hearing earlier, but Robby Mook, the campaign manager for Secretary of State Hillary Clinton, I asked him about the DNC leak. And he suggested that experts are saying that Russians were behind both the leak — the hacking of the DNC emails and their release. He seemed to be suggesting that this is part of a plot to help Donald Trump and hurt Hillary Clinton. Your response?

TRUMP JR.: Well, it just goes to show you their exact moral compass. I mean, they will say anything to be able to win this. I mean, this is time and time again, lie after lie. You notice he won't say, well, I say this. We hear experts. You know, here's

²⁷ Scott Shane, Mark Mazzetti, & Adam Goldman, *Trump Adviser's Visit to Moscow Got the F.B.I.'s Attention.*, *New York Times*, Apr. 19, 2017, available at <https://www.nytimes.com/2017/04/19/us/politics/carter-page-russia-trump.html>; Rosalind S. Helderman, *After Promising to Cooperate, ex-Trump Adviser Carter Page Turns Inquiry Back on Senate Panel*, *Washington Post*, May 5, 2017, available at https://www.washingtonpost.com/news/post-politics/wp/2017/05/05/after-promising-to-cooperate-ex-trump-adviser-carter-page-doesnt-immediately-provide-russia-details-to-senate/?utm_term=.9d49c6b4cf2c.

²⁸ Adam Entous, Ellen Nakashima, & Greg Miller, *Sessions Met with Russian Envoy Twice Last Year, Encounters He Later Did Not Disclose*, *Washington Post*, Mar. 1, 2017, available at https://www.washingtonpost.com/world/national-security/sessions-spoke-twice-with-russian-ambassador-during-trumps-presidential-campaign-justice-officials-say/2017/03/01/77205eda-feac-11e6-99b4-9e613afeb09f_story.html?utm_term=.fc2cb232a6e6; Philip Bump, *What Jeff Sessions Said about Russia, and When*, *Washington Post*, Mar. 2, 2017, available at https://www.washingtonpost.com/news/politics/wp/2017/03/02/what-jeff-sessions-said-about-russia-and-when/?utm_term=.989068c772da.

²⁹ Stephen Collinson, *Donald Trump Accepts Presidential Nomination*, *CNN*, Jul 22, 2016, available at <http://www.cnn.com/2016/07/21/politics/republican-convention-highlights-day-four/index.html>.

³⁰ Joe Uchill, *WikiLeaks Posts 20,000 DNC Emails*, *The Hill*, Jul. 22, 2017, available at <http://thehill.com/policy/cybersecurity/288883-wikileaks-posts-20000-dnc-emails>.

(INAUDIBLE) at home once said that this is what's happening with the Russians. It's disgusting. It's so phony. I watched him bumble through the interview, I was able to hear it on audio a little bit. I mean, I can't think of bigger lies, but that exactly goes to show you what the DNC and what the Clinton camp will do. They will lie and do anything to win.³¹

July 25, 2016: The FBI confirms that it has opened an investigation into the hacking of the DNC.³²

July 27, 2016: At a press conference, Donald Trump says, "Russia, if you're listening, I hope you're able to find the 30,000 emails that are missing."³³

August 9, 2016: Lt. General (Ret.) Michael Flynn and the Flynn Intel Group signs a contract with Inovo BV, a Dutch company owned by a Turkish businessman, to run an influence campaign to discredit Fethullah Gulen, a cleric blamed by Turkish President Recep Tayyip Erdoğan for a failed coup attempt. The contract is worth \$600,000 over 90 days. Flynn fails to register as a foreign agent for the duration of this deal.³⁴

August 14, 2016: The *New York Times* reports that Ukraine's newly formed National Anti-Corruption Bureau has unearthed ledgers showing \$12.7 million in undisclosed cash payments designated for Paul Manafort from former Ukraine President Viktor Yanukovich's pro-Russian political party.³⁵

August 17, 2016: Trump makes Stephen Bannon, chairman of Breitbart News, his campaign's chief executive.³⁶

³¹ CNN, Transcript: State of The Union July 24, 2016, Jul. 24, 2016, *available at* <http://transcripts.cnn.com/TRANSCRIPTS/1607/24/sotu.01.html>.

³² Mike Levine, Rick Klein, & Shushannah Walshe, *FBI Confirms Investigation into Massive Hack of DNC*, ABC News, Jul. 25, 2016, *available at* <http://abcnews.go.com/US/fbi-confirms-investigation-massive-hack-dnc/story?id=40855489>.

³³ Ashley Parker & David E. Sanger, *Donald Trump Calls on Russia to Find Hillary Clinton's Missing Emails*, *New York Times*, Jul 27, 2016, *available at* https://www.nytimes.com/2016/07/28/us/politics/donald-trump-russia-clinton-emails.html?_r=0.

³⁴ Matthew Rosenberg & Mark Mazzetti, *Trump Team Knew Flynn Was Under Investigation Before He Came to White House*, *New York Times*, May 17, 2017, *available at* <https://www.nytimes.com/2017/05/17/us/politics/michael-flynn-donald-trump-national-security-adviser.html>.

³⁵ Andrew E. Kramer, Mike McIntire, & Barry Meier, *Secret Ledger in Ukraine Lists Cash for Donald Trump's Campaign Chief*, *New York Times*, Aug. 14, 2016, *available at* <https://www.nytimes.com/2016/08/15/us/politics/paul-manafort-ukraine-donald-trump.html>.

³⁶ Jonathan Martin, Jim Rutenberg, & Maggie Haberman, *Donald Trump Appoints Media Firebrand to Run Campaign*, *New York Times*, Aug. 17, 2017, *available at* <https://www.nytimes.com/2016/08/18/us/politics/donald-trump-stephen-bannon-paul-manafort.html?mcubz=3>.

August 19, 2016: Paul Manafort quits the Trump campaign.³⁷

September 8, 2016: Senator Jeff Sessions meets privately with Russian ambassador to the United States, Sergey Kislyak, in his Senate office.³⁸

October 7, 2016: Wikileaks begins publishing the emails of John Podesta, Hillary Clinton's campaign manager.³⁹

November 8, 2016: Lt. General (Ret.) Michael Flynn publishes an editorial in *The Hill* entitled, "Our ally Turkey is in crisis and needs our support."⁴⁰

November 9, 2016: Donald Trump is declared winner of the November 8 election and becomes president-elect of the United States. Soon afterwards, President-elect Trump begins receiving regular security briefings.⁴¹

November 10, 2016: President Obama warns President-elect Trump against hiring Michael Flynn as a national security adviser.⁴²

November 12, 2016: President-elect Trump selects Reince Priebus to be his Chief of Staff.⁴³

³⁷ Maggie Haberman & Jonathan Martin, Paul Manafort Quits Donald Trump's Campaign After a Tumultuous Run, *New York Times*, Aug. 19, 2016, available at <https://www.nytimes.com/2016/08/20/us/politics/paul-manafort-resigns-donald-trump.html>.

³⁸ Adam Entous, Ellen Nakashima, & Greg Miller, Sessions Met with Russian Envoy Twice Last Year, Encounters He Later Did Not Disclose, *Washington Post*, Mar. 1, 2017, available at https://www.washingtonpost.com/world/national-security/sessions-spoke-twice-with-russian-ambassador-during-trumps-presidential-campaign-justice-officials-say/2017/03/01/77205eda-feac-11e6-99b4-9e613afeb09f_story.html?utm_term=.731918865467.

³⁹ Eric Lipton, David E. Sanger, & Scott Shane, The Perfect Weapon: How Russian Cyberpower Invaded the U.S., *New York Times*, Dec. 13, 2016, available at <https://www.nytimes.com/2016/12/13/us/politics/russia-hack-election-dnc.html>.

⁴⁰ Lt. Gen. Michael T. Flynn, Our Ally Turkey Is in Crisis and Needs Our Support, *The Hill*, Nov. 8, 2016, available at <http://thehill.com/blogs/pundits-blog/foreign-policy/305021-our-ally-turkey-is-in-crisis-and-needs-our-support>.

⁴¹ Mark Hosenball, Donald Trump Set To Receive Top Secret Security Briefings, *Huffington Post*, Nov. 10, 2016, available at http://www.huffingtonpost.com/entry/trump-security-briefings_us_5823dcbfe4b0d9ce6fc0cb09.

⁴² Jim Acosta & Jeremy Diamond, Obama Warned Trump about Hiring Flynn, *CNN*, May 9, 2017, available at <http://www.cnn.com/2017/05/08/politics/obama-trump-michael-flynn/http://www.cnn.com/2017/05/08/politics/obama-trump-michael-flynn/>.

⁴³ Michael D. Shear, Maggie Haberman, & Adam Rappeport, Donald Trump Picks Reince Priebus as Chief of Staff and Stephen Bannon as Strategist, *New York Times*, Nov. 13, 2016, available at <https://www.nytimes.com/2016/11/14/us/politics/reince-priebus-chief-of-staff-donald-trump.html>.

November 18, 2016: President-elect Trump names Flynn his intended White House national security adviser⁴⁴ and Senator Jeff Sessions as his pick for Attorney General.⁴⁵

November 30, 2016: President-elect Trump meets with then U.S. Attorney for the Southern District of New York, Preet Bharara, and asks him to stay on. Bharara agrees.⁴⁶ On the same day, the Department of Justice sends Flynn a letter notifying him that it is investigating his lobbying work.⁴⁷

December 1, 2016: Jared Kushner and Michael Flynn meet with Kislyak at Trump Tower in New York City. During the meeting, Kushner, Flynn, and Kislyak reportedly “discuss[] the possibility of setting up a secret and secure communications channel between Trump’s transition team and the Kremlin...”⁴⁸

December 12, 2016: Senate Majority Leader Mitch McConnell announces that the Senate Intelligence Committee will be investigating Russia’s suspected interference in the 2016 presidential election.⁴⁹

December 13, 2016: Senator Bob Corker announces that the Senate Foreign Relations Committee, which he chairs, is planning to review Russian hacking of the 2016 election. Corker says that the Committee will “systematically walk through the entire Russia issue and fully understand what has transpired.”⁵⁰

⁴⁴ Bryan Bender, Trump Names Mike Flynn National Security Adviser, *Politico*, Nov. 17, 2016, available at <http://www.politico.com/story/2016/11/michael-flynn-national-security-adviser-231591>.

⁴⁵ David Nakamura & Elise Viebeck, Trump Chooses Sen. Jeff Sessions for Attorney General, Rep. Mike Pompeo for CIA Director, *Washington Post*, Nov. 18, 2016, available at https://www.washingtonpost.com/politics/trump-chooses-sen-jeff-sessions-for-attorney-general-rep-mike-pompeo-for-cia-director-transition-sources-say/2016/11/18/a0c170ae-ad8e-11e6-a31b-4b6397e625d0_story.html?utm_term=.b8ee94adbfb1.

⁴⁶ Ellen Nakashima, Trump Asks U.S. Attorney in Manhattan to Stay on, *Washington Post*, Nov. 30, 2016, available at https://www.washingtonpost.com/world/national-security/trump-asks-us-attorney-in-manhattan-to-stay-on/2016/11/30/41715c18-b72f-11e6-a677-b608fbb3aaf6_story.html?utm_term=.5bb19babfa47.

⁴⁷ Rosenberg & Mazzetti, *New York Times*, May 17, 2017, *supra* n. 34.

⁴⁸ Ellen Nakashima, Adam Entous and Greg Miller, Russian Ambassador Told Moscow that Kushner Wanted Secret Communications Channel with Kremlin, *Washington Post*, May 26, 2017, available at https://www.washingtonpost.com/world/national-security/russian-ambassador-told-moscow-that-kushner-wanted-secret-communications-channel-with-kremlin/2017/05/26/520a14b4-422d-11e7-9869-bac8b446820a_story.html?utm_term=.9c197764aade; Devlin Barrett, Philip Rucker, & Karoun Demirjian, Kushner Questioned by Senate Investigators on Russia, *Washington Post*, Jul. 24, 2017, available at https://www.washingtonpost.com/world/national-security/kushner-arrives-at-senate-for-closed-door-questioning-on-russia/2017/07/24/f5be2b26-7073-11e7-8f39-eeb7d3a2d304_story.html?utm_term=.0a4fb4ebba9f.

⁴⁹ Ed O’Keefe & Paul Kane, McConnell Announces Senate Probe of Suspected Russian Election Interference: ‘The Russians Are Not Our Friends’, *Washington Post*, Dec. 12, 2016, available at https://www.washingtonpost.com/news/powerpost/wp/2016/12/12/schumer-on-congressional-probe-of-russia-i-dont-want-this-to-turn-into-a-benghazi-investigation/?utm_term=.d91b33fda92e.

⁵⁰ Manu Raju, Bob Corker Plans to Launch New Russia Hacking Inquiry, *CNN*, Dec. 13, 2017, available

On the same day, Kushner meets with Sergey Gorkov, the chief executive of Vnesheconombank, a Russian-state-owned bank that had been sanctioned by the Obama Administration. The *Washington Post* later reports that the White House and the Russian bank later gave different explanations for the purpose of this meetings: “The bank maintained . . . that the session was held as part of a new business strategy and was conducted with Kushner in his role as the head of his family’s real estate business. The White House says the meeting was unrelated to business and was one of many diplomatic encounters the soon-to-be presidential adviser was holding ahead of Trump’s inauguration.”⁵¹

December 18, 2016: In an interview with John Dickerson on *Face the Nation*, Trump campaign manager and senior adviser Kellyanne Conway denies that the Trump campaign had any contact with Russians trying to interfere in the election:

JOHN DICKERSON: [Did anyone involved] in the Trump campaign have any contact with Russians trying to meddle with the election?

KELLYANNE CONWAY: Absolutely not. And I discussed that with the president-elect just last night. Those conversations never happened. I hear people saying it like it’s a fact on television. That is just not only inaccurate and false, but it’s dangerous.⁵²

December 29, 2016: The Obama Administration announces new sanctions against Russia and the expulsion of Russian intelligence operatives in retaliation for interference in the 2016 election.⁵³ On the same day, Michael Flynn has five phone calls with Russia’s ambassador to

at <http://www.cnn.com/2016/12/13/politics/bob-corker-russia-hacking-investigation/index.html>.

⁵¹ David Filipov, Amy Brittain, Rosalind S. Helderman, & Tom Hamburger, *Explanations for Kushner’s Meeting with Head of Kremlin-Linked Bank Don’t Match Up*, *Washington Post*, Jun 1, 2017, available at https://www.washingtonpost.com/politics/explanations-for-kushners-meeting-with-head-of-kremlin-linked-bank-dont-match-up/2017/06/01/dd1bdbb0-460a-11e7-bcde-624ad94170ab_story.html?utm_term=.fbd753b69cd6; Barret, Rucker, & Demirjian, *Washington Post*, Jul. 24, 2017, *supra* n. 48.

⁵² CBS News, *Face the Nation Transcript December 18, 2016: Conway, Kissinger, Donilon*, CBS News, Dec. 18, 2016, available at <http://www.cbsnews.com/news/face-the-nation-transcript-conway-kissinger-donilon/>.

⁵³ Missy Ryan, Ellen Nakashima, & Karen DeYoung, *Obama Administration Announces Measures to Punish Russia for 2016 Election Interference*, *Washington Post*, Dec. 29, 2016, available at https://www.washingtonpost.com/world/national-security/obama-administration-announces-measures-to-punish-russia-for-2016-election-interference/2016/12/29/311db9d6-cdde-11e6-a87f-b917067331bb_story.html?utm_term=.911c86866fe1.

the United States, Sergey Kislyak.⁵⁴ Flynn reportedly gives Kislyak the impression that President-elect Trump might lift the sanctions once he took office.⁵⁵

2017

January 4, 2017: Flynn informs the presidential transition team that the Department of Justice is investigating his lobbying activities.⁵⁶

January 6, 2017: President-elect Trump receives a national security briefing detailing—among other things—the intelligence community’s assessment that Russia sought to influence the 2016 US presidential election. The Director of National Intelligence releases a declassified report explaining this assessment.⁵⁷ After the briefing, FBI Director James Comey speaks to President-elect Trump privately and informs him that there is no counter-intelligence case against him. During this conversation, Director Comey also tells Trump about a 35-page dossier (the “Steele Dossier”) prepared by a former British MI6 agent Christopher Steele on behalf of Trump’s political opponents. The Steele Dossier contains “salacious and unverified” material about Trump as well as allegations of multiple contacts between Russian officials and members of Trump’s circle—including Carter Page, Paul Manafort, Michael Flynn, and Michael Cohen.⁵⁸

⁵⁴ David Ignatius, *Why Did Obama Dawdle on Russia’s Hacking?*, *Washington Post*, Jan. 12, 2017, available at https://www.washingtonpost.com/opinions/why-did-obama-dawdle-on-russias-hacking/2017/01/12/75f878a0-d90c-11e6-9a36-1d296534b31e_story.html?utm_term=.d1405475a478; Julie Pace, *Top Trump Aide in Frequent Contact with Russia’s Ambassador*, *AP*, Jan 14, 2017, available at <https://apnews.com/ba462d64c12d4692b8381cb7076d34ab>; Jonathan Landay & Arshad Mohammed, *Trump Adviser Had Five Calls with Russian Envoy on Day of Sanctions: Sources*, *Reuters*, Jan. 13, 2017, available at <http://www.reuters.com/article/us-usa-trump-russia-idUSKBN14X1YX>.

⁵⁵ Matthew Rosenberg & Matt Apuzzo, *Flynn Is Said to Have Talked to Russians About Sanctions Before Trump Took Office*, *New York Times*, Feb. 9, 2017, available at <https://www.nytimes.com/2017/02/09/us/flynn-is-said-to-have-talked-to-russians-about-sanctions-before-trump-took-office.html>.

⁵⁶ Rosenberg & Mazzetti, *New York Times*, May 17, 2017, *supra* n. 34.

⁵⁷ Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent US Elections*, Jan. 6, 2017, available at https://www.dni.gov/files/documents/ICA_2017_01.pdf.

⁵⁸ *Id*; James B. Comey, *Statement for the Record, Senate Select Committee on Intelligence*, June 8, 2017, (June 8 2017 Statement for the Record) available at <https://assets.documentcloud.org/documents/3860358/Comey-Prepared-Remarks-Testimony.pdf> and attached as App. A.2; Evan Perez, Jim Sciutto, Jake Tapper, and Carl Bernstein, *Intel Chiefs Presented Trump with Claims of Russian Efforts to Compromise Him*, *CNN*, Jan. 12, 2017, available at http://edition.cnn.com/2017/01/10/politics/donald-trump-intelligence-report-russia/index.html?mc_cid=50b8ef8c5c&mc_eid=b29fd3f47d&iid=EL; Bradley Hope, Michael Rothfeld, and Alan Cullison, *Christopher Steele, Ex-British Intelligence Officer, Said to Have Prepared Dossier on Trump*, *Wall Street Journal*, Jan. 11, 2017, available at <https://www.wsj.com/articles/christopher-steele-ex-british-intelligence-officer-said-to-have-prepared-dossier-on-trump-1484162553>.

January 9, 2017: The *New York Times* reports that President-elect Trump has tapped his son-in-law Jared Kushner to be senior White House adviser.⁵⁹

January 10, 2017: *CNN* reports the existence of the Steele Dossier⁶⁰, and *BuzzFeed News* publishes the document.⁶¹ Michael Cohen denies the allegations in the Steele Dossier⁶², and President-elect Trump, presumably in reference to the dossier, tweets, “FAKE NEWS – A TOTAL POLITICAL WITCH HUNT!”⁶³ Manafort calls Priebus to discuss the Steele Dossier and tell him that it is full of inaccuracies and unreliable.⁶⁴

January 13, 2017: Senators Richard Burr and Mark Warner, the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, announce that the Committee will be conducting an inquiry into “Russian intelligence activities impacting the United States.” They state that the inquiry will cover “[c]ounterintelligence concerns related to Russia and the 2016 U.S. election, including any intelligence regarding links between Russia and individuals associated with political campaigns.”⁶⁵

January 15, 2017: In an interview with John Dickerson on *Face the Nation*, Vice President-elect Mike Pence denies any contact between the campaign and Russians:

JOHN DICKERSON: ... Just to button up one question, did any advisor or anybody in the Trump campaign have any contact with the Russians who were trying to meddle in the election?

MIKE PENCE: Of course not. And I think to suggest that is to give credence to some of these bizarre rumors that have swirled around the candidacy.⁶⁶

⁵⁹ Glenn Thrush and Maggie Haberman, *Jared Kushner Named Senior White House Adviser to Donald Trump*, *New York Times*, Jan. 9, 2017, available at <https://www.nytimes.com/2017/01/09/us/jared-kushner-senior-adviser-white-house-trump.html?mcubz=3>.

⁶⁰ Evan Perez, Jim Sciutto, Jake Tapper, & Carl Bernstein, *Intel Chiefs Presented Trump with Claims of Russian Efforts to Compromise Him*, *CNN*, Jan 12, 2017, available at <http://www.cnn.com/2017/01/10/politics/donald-trump-intelligence-report-russia/index.html>.

⁶¹ Ken Bensinger, Miriam Elder, & Mark Schoofs, *These Reports Allege Trump Has Deep Ties to Russia*, *BuzzFeed News*, Jan. 10, 2017, available at https://www.buzzfeed.com/kenbensinger/these-reports-allege-trump-has-deep-ties-to-russia?utm_term=.urx58BvNO#.em60edvNQ; Steele Dossier, available at <https://www.documentcloud.org/documents/3259984-Trump-Intelligence-Allegations.html>.

⁶² Rosie Gray, ‘It Is Fake News Meant to Malign Mr. Trump’, *Atlantic*, Jan. 10, 2017, available at <https://www.theatlantic.com/politics/archive/2017/01/michael-cohen-it-is-fake-news-meant-to-malign-mr-trump/512762/>.

⁶³ <https://twitter.com/realDonaldTrump/status/818990655418617856>.

⁶⁴ Kenneth P. Vogel, *Manafort Advised Trump Team on Russia Scandal*, *Politico*, May 25, 2017, available at <http://www.politico.com/story/2017/05/25/manafort-trump-russia-advise-238803>.

⁶⁵ United States Select Committee on Intelligence, *Joint Statement on Committee Inquiry into Russian Intelligence Activities*, Jan. 13, 2017, available at <https://www.intelligence.senate.gov/press/joint-statement-committee-inquiry-russian-intelligence-activities>.

⁶⁶ CBS News, *Face the Nation Transcript January 15, 2017: Pence, Manchin, Gingrich*, CBS News, Jan.

January 2017 (shortly before inauguration): President-elect Trump calls FBI Director Comey and says, “Hope you’re going to stay, you’re doing a great job.”⁶⁷

January 18, 2017: During a weekly conference call, Comey relays to senior FBI employees that President-elect Trump asked him to stay on as FBI Director.⁶⁸

January 19, 2017: The *New York Times* reports that “American law enforcement and intelligence agencies are examining intercepted communications and financial transactions as part of a broad investigation into possible links between Russian officials and associates of President-elect Donald J. Trump, including his former campaign chairman Paul Manafort”⁶⁹

January 20, 2017: Donald Trump is sworn in as the 45th president of the United States.

January 22, 2017: During a reception for law enforcement and first responders, President Trump points out Director Comey, calling him “James” and says, “He’s become more famous than me.”⁷⁰

January 23, 2017: At the first press briefing following President Trump’s inauguration, White House Press Secretary Sean Spicer has the following exchange:

QUESTION: Were those conversations about anything else other than setting up that discussion? And why has that discussion not yet happened between the president and President Putin?

SPICER: So there’s been one call. I talked to General Flynn about this again last night. One call, talked about four subjects. One was the loss of life that occurred in the plane crash that took their military choir, two was Christmas and holiday greetings, three was to -- to talk about a conference in Syria on ISIS and four was to set up a -- to talk about after the inauguration setting up a call between President Putin and President Trump.

That -- I don’t believe that that has been set up yet because the call was to say -- they did follow up, I’m sorry, two days ago about how to facilitate that call once again. So there have been a total of

15, 2017, available at <http://www.cbsnews.com/news/face-the-nation-transcript-january-15-2017-pence-manchin-gingrich/>.

⁶⁷ Full Transcript and Video: James Comey’s Testimony on Capitol Hill, *New York Times*, Jun. 8 2017, available at https://www.nytimes.com/2017/06/08/us/politics/senate-hearing-transcript.html?_r=0.

⁶⁸ Michael S. Schmidt & Adam Goldman, *Trump Is Said to Keep James Comey as F.B.I. Director*, *New York Times*, Jan. 24, 2017, available at https://www.nytimes.com/2017/01/24/us/politics/trump-comey-fbi-director-.html?_r=0.

⁶⁹ Michael S. Schmidt, Matthew Rosenberg, Adam Goldman, & Matt Apuzzo, *Intercepted Russian Communications Part of Inquiry into Trump Associates*, *New York Times*, Jan. 19. 2017, available at <https://www.nytimes.com/2017/01/19/us/politics/trump-russia-associates-investigation.html>.

⁷⁰ Steve Holland, *FBI Director Comey, Who Angered Democrats, Gets Hug from Trump*, *Reuters*, Jan. 22, 2017, available at <http://www.reuters.com/article/us-usa-trump-comey-idUSKBN156146>.

two calls with the ambassador and General Flynn. And the second call came -- I think it's now three days ago -- that was to say once he gets into office, can we set up that call? It hasn't -- to my knowledge, has not occurred yet.

QUESTION: Any other conversations between General Flynn and Russian members of the government?

SPICER: Not that I'm aware of. And when I say that, what I'm saying is during the transition, I asked General Flynn that -- whether or not there were any other conversations beyond the ambassador and he said no.⁷¹

January 24, 2017: In an interview with FBI agents, National Security Adviser Flynn denies that he discussed U.S. sanctions against Russia with Ambassador Kislyak prior to President Trump's inauguration. Flynn's account is reportedly contradicted by communications intercepted by U.S. intelligence agencies.⁷²

January 25, 2017: Representatives Devin Nunes and Adam Schiff, the Chair and Ranking Member of the House Permanent Select Committee on Intelligence announce that the Committee has been undertaking an inquiry into matters including "[c]ounterintelligence concerns related to Russia and the 2016 U.S. election, including any intelligence regarding links between Russia and individuals associated with political campaigns."⁷³

January 26, 2017: Acting Attorney General Sally Yates informs White House Counsel Don McGahn that National Security Adviser Flynn lied to Vice President Mike Pence regarding Flynn's Russian contacts.⁷⁴

January 27, 2017: Yates tells McGahn at a follow-up meeting that Flynn's untrue statements might give foreign powers leverage over Flynn.⁷⁵

That evening, President Trump hosts FBI Director Comey in the White House for a private dinner. According to Comey, at the dinner, President Trump says "I need loyalty." Director

⁷¹ CBS News, White House Briefing by Sean Spicer – Full Transcript, Jan. 23, 2017, *available at* <https://www.cbsnews.com/news/sean-spicer-press-conference-transcript-jan-23-2017/>.

⁷² Sari Horwitz & Adam Entous, Flynn in FBI Interview Denied Discussing Sanctions with Russian Ambassador, *Washington Post*, Feb. 16, 2017, *available at* https://www.washingtonpost.com/world/national-security/flynn-in-fbi-interview-denied-discussing-sanctions-with-russian-ambassador/2017/02/16/e3e1e16a-f3d5-11e6-8d72-263470bf0401_story.html?utm_term=.5377e7ff9b1c.

⁷³ House Permanent Select Committee on Intelligence, Joint Statement on Progress of Bipartisan HPSCI Inquiry into Russian Active Measures, Jan. 25, 2017, *available at* <https://democrats-intelligence.house.gov/news/documentsingle.aspx?DocumentID=211>.

⁷⁴ Matt Apuzzo & Emmarie Huetteman, Sally Yates Tells Senators She Warned Trump about Michael Flynn, *New York Times*, May 8, 2017, *available at* https://www.nytimes.com/2017/05/08/us/politics/michael-flynn-sally-yates-hearing.html?_r=0.

⁷⁵ *Id.*

Comey responds, “You will always get honesty from me.” President Trump pauses and then says “That’s what I want, honest loyalty.” Director Comey responds, “You will get that from me.”⁷⁶

February 8, 2017: Jeff Sessions is confirmed by the Senate as Attorney General.⁷⁷

February 10, 2017: *CNN* reports that U.S. investigators have corroborated some aspects of the 35-page Trump Dossier based on intercepted communications of foreign nationals. According to *CNN*’s sources, the intercepts “confirm that some of the conversations described in the dossier took place between the same individuals on the same days and from the same locations as detailed in the dossier.” The discovery of corroborating evidence gives investigators greater confidence that parts of the Trump Dossier are credible.⁷⁸

February 13, 2017: Michael Flynn resigns as National Security Adviser.⁷⁹

February 14, 2017: President Trump asks FBI Director Comey to remain in the Oval Office after the conclusion of a counter-terrorism briefing that involved a number of other senior security officials. Once they are alone, President Trump tells Director Comey that former National Security Adviser Flynn had done nothing wrong. President Trump says, “I hope you can see your way clear to letting this go, to letting Flynn go. He is a good guy. I hope you can let this go.” Director Comey replies, “he is a good guy.” In subsequent written testimony, Comey states that he “understood the President to be requesting that we drop any investigation of Flynn in connection with false statements about his conversations with the Russian ambassador in December.”⁸⁰

February 15, 2017: FBI Director Comey tells Attorney General Sessions that he does not want to be left alone with President Trump. In testimony, Comey later says, “I took the opportunity to implore the Attorney General to prevent any future direct communication between the President and me. I told the AG that what had just happened – him being asked to leave while the FBI Director, who reports to the AG, remained behind – was inappropriate and should never happen. He did not reply.”⁸¹

⁷⁶ Michael S. Schmidt, In a Private Dinner, Trump Demanded Loyalty. Comey Demurred., *New York Times*, May 11, 2017, available at <https://www.nytimes.com/2017/05/11/us/politics/trump-comey-firing.html>.

⁷⁷ Eric Lichtblau & Matt Flegenheimer, *Jeff Sessions Confirmed as Attorney General, Capping Bitter Battle*, *New York Times*, Feb. 8, 2017, available at <https://www.nytimes.com/2017/02/08/us/politics/jeff-sessions-attorney-general-confirmation.html>.

⁷⁸ Jim Sciutto & Evan Perez, *US Investigators Corroborate Some Aspects of the Russia Dossier*, *CNN*, Feb. 10, 2017, available at <http://www.cnn.com/2017/02/10/politics/russia-dossier-update/index.html>.

⁷⁹ Maggie Haberman, Matthew Rosenberg, Matt Apuzzo & Glenn Thrush, *Michael Flynn Resigns as National Security Adviser*, *New York Times*, Feb. 13, 2017, available at <https://www.nytimes.com/2017/02/13/us/politics/donald-trump-national-security-adviser-michael-flynn.html>.

⁸⁰ Comey, *June 8 2017 Statement for the Record*, App. A.2.

⁸¹ Comey, *June 8 2017 Statement for the Record*, App. A.2.; Michael S. Schmidt and Matt Apuzzo, *Comey Told Sessions: Don’t Leave Me Alone with Trump*, *New York Times*, Jun. 6, 2017,

The same day, White House Chief of Staff, Reince Priebus, speaks with FBI Deputy Director Andrew McCabe about the FBI's inquiry into links between President Trump's associates and Russia, in violation of rules developed to prevent the appearance of political tampering with law enforcement. Priebus reportedly "ask[s] the FBI's top two officials to rebut news reports about Trump allies' ties to Russia."⁸²

February 16, 2017: The *Washington Post* reports that in a January 24 interview with the FBI, Flynn lied about whether he discussed lifting sanctions with the Russian ambassador.⁸³

On the same day, the House Oversight Committee requests documents relating to Flynn's December 2015 trip to Moscow.⁸⁴

February 24, 2017: President Trump tweets, "The FBI is totally unable to stop the national security 'leakers' that have permeated our government for a long time. They can't even....."⁸⁵ And he continues, "find the leakers within the FBI itself. Classified information is being given to media that could have a devastating effect on U.S. FIND NOW".⁸⁶

Sometime in March, 2017: The FBI interviews former Trump campaign adviser Carter Page over a series of five meetings in March. The interviews involve a total of about 10 hours of questioning and focus on Page's contacts with Russians and his interactions with the Trump campaign.⁸⁷

March 1, 2017: The *Washington Post* reports that Attorney General Sessions failed to report at least two contacts with the Russian ambassador to the United States while he was a United States Senator and chairman of the Trump campaign's foreign policy committee.⁸⁸ The contacts

<https://www.nytimes.com/2017/06/06/us/politics/comey-sessions-trump.html>.

⁸² Spencer Ackerman, *White House Confirms Conversation with FBI about Trump and Russia*, *The Guardian*, Feb. 24, 2017, available at <https://www.theguardian.com/us-news/2017/feb/24/donald-trump-russia-reince-priebus-fbi-talks-james-comey>; Cristiano Lima, *Democrats Slam White House over Report It Asked FBI to Downplay Russia Stories*, *Politico*, Feb. 23, 2017, available at <http://www.politico.com/story/2017/02/democrats-trump-fbi-russia-communications-235332>.

⁸³ Sari Horwitz & Adam Entous, *Flynn in FBI Interview Denied Discussing Sanctions with Russian Ambassador*, *Washington Post*, available at https://www.washingtonpost.com/world/national-security/flynn-in-fbi-interview-denied-discussing-sanctions-with-russian-ambassador/2017/02/16/e3e1e16a-f3d5-11e6-8d72-263470bf0401_story.html?utm_term=.4e0899316fe7.

⁸⁴ House Oversight and Government Reform Committee, *Oversight Committee Requests Sources and Amounts of Foreign Funding to Flynn for Trip to Moscow*, Feb. 16, 2017, available at <https://democrats-oversight.house.gov/news/press-releases/oversight-committee-requests-sources-and-amounts-of-foreign-funding-to-flynn-for>.

⁸⁵ <https://twitter.com/realDonaldTrump/status/835104946034991106>.

⁸⁶ <https://twitter.com/realDonaldTrump/status/835106143462703104>.

⁸⁷ Devlin Barrett, *FBI Has Questioned Trump Campaign Adviser Carter Page at Length in Russia Probe*, *Washington Post*, Jun. 26, 2017, available at https://www.washingtonpost.com/world/national-security/fbi-has-questioned-trump-campaign-adviser-carter-page-at-length-in-russia-probe/2017/06/26/1a271dcc-5aa5-11e7-a9f6-7c3296387341_story.html?utm_term=.000a0837be10.

⁸⁸ Adam Entous, *Ellen Nakashima and Greg Miller, Sessions Met with Russian Envoy Twice Last Year*,

reported by the *Post* story contradict Sessions's testimony at his confirmation hearing that he "did not have communications with the Russians."⁸⁹ The reported contacts may also contradict an answer that Sessions submitted for the record in response to a question from Senator Patrick Leahy:

[22.] e. Several of the President-Elect's nominees or senior advisers have Russian ties. Have you been in contact with anyone connected to any part of the Russian government about the 2016 election, either before or after election day?

RESPONSE: No⁹⁰

March 2, 2017: Attorney General Jeff Sessions announces at a press conference that he has "recused [himself] in the matters that deal with the Trump campaign."⁹¹ Attorney General Sessions's chief of staff, Jody Hunt, also sends an email to Director Comey and other top Justice officials stating,

After careful consideration following meetings with career Department officials over the course of the past several weeks, the Attorney General has decided to recuse himself from any existing or future investigations of any matters related in any way to the campaigns for President of the United States. The Attorney General's recusal is not only with respect to such investigations, if any, but also extends to Department responses to Congressional and media inquiries related to any such investigations.⁹²

The same day, President Trump issues a series of tweets, including: (1) "Jeff Sessions is an honest man. He did not say anything wrong. He could have stated his response more accurately, but it was clearly not...."⁹³; (2) "...intentional. This whole narrative is a way of saving face for Democrats losing an election that everyone thought they were supposed....."⁹⁴; (3) "...to

Encounters He Later Did Not Disclose, *Washington Post*, Mar. 1, 2017, available at https://www.washingtonpost.com/world/national-security/sessions-spoke-twice-with-russian-ambassador-during-trumps-presidential-campaign-justice-officials-say/2017/03/01/77205eda-feac-11e6-99b4-9e613afeb09f_story.html?utm_term=.731918865467.

⁸⁹ Jessica Estepa, *What did Al Franken Ask Jeff Sessions During his Confirmation Hearing?*, *USA Today*, June 13, 2017, available at <https://www.usatoday.com/story/news/politics/onpolitics/2017/06/13/what-did-al-franken-ask-jeff-sessions-during-his-confirmation-hearing/102819246/>.

⁹⁰ *Jeff Sessions, Questions from Senator Leahy*, Jan. 17, 2017, available at <https://www.judiciary.senate.gov/imo/media/doc/Sessions%20Responses%20to%20Leahy%20QFRs.pdf>.

⁹¹ Mark Landler & Eric Lichtblau, *Jeff Sessions Recuses Himself from Russia Inquiry*, *New York Times*, Mar. 2, 2017, available at <https://www.nytimes.com/2017/03/02/us/politics/jeff-sessions-russia-trump-investigation-democrats.html>.

⁹² Jody Hunt, *Email re: Recusal*, Mar. 2, 2017, available at <http://www.politico.com/f/?id=0000015c-ffc1-d1e3-a97d-ffd540770001>.

⁹³ <https://twitter.com/realDonaldTrump/status/837488402438176769>.

⁹⁴ <https://twitter.com/realDonaldTrump/status/837489578193846278>.

win. The Democrats are overplaying their hand. They lost the election, and now they have lost their grip on reality. The real story..."⁹⁵; (4) "...is all of the illegal leaks of classified and other information. It is a total 'witch hunt!'"⁹⁶

March 3, 2017: According to *Politico*, President Trump "gather[s] his senior aides in the Oval Office for a meeting, during which he fume[s] about Sessions' decision."⁹⁷

March 4, 2017: On Twitter, President Trump, without evidence, accuses President Obama of wire-tapping Trump Tower: "Terrible! Just found out that Obama had my 'wires tapped' in Trump Tower just before the victory. Nothing found. This is McCarthyism!"⁹⁸

March 8, 2017: Democracy 21, Citizens for Responsibility and Ethics in Washington (CREW), and Campaign Legal Center send a letter to U.S. Attorney Bharara asking him to investigate Trump's organizations and businesses to determine whether they are receiving payments and benefits from foreign governments in violation of the Foreign Emoluments Clause.⁹⁹

March 9, 2017: U.S. Attorney Bharara receives a voicemail at work from President Trump's personal secretary, Madeleine Westerhout, asking him to give her a call back. Bharara consults with his deputy U.S. Attorney about the propriety of the communication and speaks with Jody Hunt, Attorney General Jeff Sessions's chief of staff.¹⁰⁰ Bharara ultimately returns the call and tells Ms. Westerhout that the Attorney General's Office had advised him not to speak with President Trump. Bharara later explains, "I was in discussions with my own folks, and in reporting the phone call to the chief of staff to the attorney general I said, it appeared to be that he was trying to cultivate some kind of relationship." Bharara, also later, observes, "...It's a very weird and peculiar thing for a one-on-one conversation without the attorney general, without warning between the president and me or any United States attorney who has been asked to investigate various things and is in a position hypothetically to investigate business interests and associates of the president."¹⁰¹

⁹⁵ <https://twitter.com/realdonaldtrump/status/837491607171629057>.

⁹⁶ <https://twitter.com/realDonaldTrump/status/837492425283219458>.

⁹⁷ Tara Palmeri, Eliana Johnson, & Josh Dawsey, *Sessions Offered to Resign Before Trump's Trip Abroad*, *Politico*, Jun. 6, 2017, available at <http://www.politico.com/story/2017/06/06/jeff-sessions-trump-resign-239226>.

⁹⁸ <https://twitter.com/realDonaldTrump/status/837989835818287106>. See Darlene Superville & Julie Pace, *Trump Accuses Obama of Tapping His Phones, Cites No Evidence*, *AP*, Mar. 4, 2017, available at https://apnews.com/1b2637860b2042c48b18a26951437d5d?utm_campaign=SocialFlow&utm_source=Twitter&utm_medium=AP.

⁹⁹ Fred Wertheimer, Norman L. Eisen, & Paul M. Smith, *Letter to United States Attorney Preet Bharara*, Mar. 8, 2017, available at <http://www.democracy21.org/wp-content/uploads/2017/03/Group-letter-to-US-Attorney-calling-for-investigation-Trump-Organization.pdf>.

¹⁰⁰ Jason Leopold and Claudia Koerner, *Memo Shows Preet Bharara Was Concerned after Phone Call from White House*, *BuzzFeed News*, Jun. 22, 2017, available at https://www.buzzfeed.com/jasonleopold/memo-shows-preet-bahrara-was-concerned-about-contact-from?utm_term=.yqonQlk3ym#.udl5qn0XDG.

¹⁰¹ *ABC News*, 'This Week' Transcript 6-11-17: Preet Bharara, Jay Sekulow, Sen. Mike Lee, and Sen. Joe Manchin, Jun. 11, 2017, available at <http://abcnews.go.com/Politics/week-transcript-11-17-preet-bharara->

March 11, 2017: President Trump fires U.S. Attorney Bharara after Bharara refuses an order instructing him and 45 other Obama-appointed U.S. Attorneys to resign.¹⁰² *ProPublica* later reports that Marc Kasowitz, who President Trump would eventually hire to represent him in matters relating to the Russia investigation, bragged that he played a central role in Bharara's termination by telling President Trump, "This guy is going to get you."¹⁰³

March 12, 2017: After the White House initially refuses to answer questions about the unorthodox call to Bharara, White House spokeswoman Sarah Huckabee Sanders explains that President Trump was trying to "thank him for his service and to wish him good luck."¹⁰⁴

March 17, 2017: *ProPublica* reports that former U.S. Attorney Bharara had been investigating former congressman and current Secretary of Health and Human Services Tom Price for violations of the STOCK Act.¹⁰⁵

March 20, 2017: In testimony before the House Permanent Select Committee on Intelligence, Director Comey confirms the FBI's investigation into Russia's interference in the presidential election, as well as whether those affiliated with President Trump were in contact with Russian nationals.¹⁰⁶ Comey states,

I have been authorized by the Department of Justice to confirm that the FBI, as part of our counterintelligence mission, is investigating the Russian government's efforts to interfere in the 2016 presidential election and that includes investigating the nature of any links between individuals associated with the Trump campaign and the Russian government and whether there was any coordination between the campaign and Russia's efforts. As with any counterintelligence investigation, this will also include an assessment of whether any crimes were committed.¹⁰⁷

jay-sekulow/story?id=47957684.

¹⁰² Chas Danner, Preet Bharara Fired after Refusing Trump Administration's Order to Resign, *New York Magazine*, Mar. 11, 2017, available at <http://nymag.com/daily/intelligencer/2017/03/u-s-attorney-preet-bharara-is-refusing-trump-order-to-resign.html>.

¹⁰³ Jesse Eisinger & Justin Elliott, Trump's Personal Lawyer Boasted that He Got Preet Bharara Fired, *Pro Publica*, Jun. 13, 2017, available at <https://www.propublica.org/article/trump-personal-lawyer-boasted-that-he-got-preet-bharara-fired>.

¹⁰⁴ Eric Lichtblau & William K. Rashbaum, White House Addresses Trump's Unorthodox Call to Preet Bharara, *New York Times*, Mar. 12, 2017, available at <https://www.nytimes.com/2017/03/12/us/politics/white-house-addresses-trumps-unorthodox-call-to-preet-bharara.html>.

¹⁰⁵ Robert Faturechi, Fired U.S. Attorney Preet Bharara Said to Have Been Investigating HHS Secretary Tom Price, *Pro Publica*, Mar. 17, 2017, available at <https://www.propublica.org/article/preet-bharara-fired-investigating-tom-price-hhs-stock-trading>.

¹⁰⁶ Matthew Rosenberg, Emmarie Huetteman, & Michael S. Schmidt, Comey Confirms F.B.I. Inquiry on Russia; Sees No Evidence of Wiretapping, *New York Times*, Mar. 20, 2017, available at <https://www.nytimes.com/2017/03/20/us/politics/intelligence-committee-russia-donald-trump.html>.

¹⁰⁷ Washington Post Staff, Full Transcript: FBI Director James Comey Testifies on Russian Interference in

The same day, President Trump tweets, “The real story that Congress, the FBI and all others should be looking into is the leaking of Classified information. Must find leaker now!”¹⁰⁸

March 22, 2017: President Trump reportedly complains to CIA Director Mike Pompeo and Director of National Intelligence Daniel Coats about the FBI investigation and FBI Director Comey’s handling of it and asks if Coats can intervene with Comey. The *Washington Post* reports that Coats “discussed the conversation with other officials and decided that intervening with Comey as Trump had suggested would be inappropriate” A spokesman from the Office of the Director of National Intelligence (ODNI) later states that Coats “has never felt pressured by the President or anyone else in the Administration to influence any intelligence matters or ongoing investigations.”¹⁰⁹

March 23 or 24, 2017: President Trump calls Director Coats and asks him to publicly deny the existence of any evidence that his campaign coordinated with the Russian government.¹¹⁰

In the week after March 20, 2017: President Trump calls NSA Director Michael S. Rogers to ask him to state publicly that there was no evidence of collusion between the Trump campaign and Russia.¹¹¹

March 30, 2017: The *New York Times* reports that former National Security Adviser Flynn has offered to exchange testimony regarding possible ties of the Trump campaign to Russia for immunity from prosecution.¹¹²

The same day, President Trump calls FBI Director Comey and describes the Russia investigation as a “‘a cloud’ that was impairing [Trump’s] ability to act on behalf of the country.” President Trump asks Director Comey what they could do to “lift the cloud.” President Trump

2016 Election, *Washington Post*, Mar. 20, 2017, available at https://www.washingtonpost.com/news/post-politics/wp/2017/03/20/full-transcript-fbi-director-james-comey-testifies-on-russian-interference-in-2016-election/?utm_term=.185c1798b135.

¹⁰⁸ <https://twitter.com/realDonaldTrump/status/843779892776964097>.

¹⁰⁹ Adam Entous, *Top Intelligence Official Told Associates Trump Asked Him if He Could Intervene with Comey on FBI Russia Probe*, *Washington Post*, Jun. 6, 2017, available at https://www.washingtonpost.com/world/national-security/top-intelligence-official-told-associates-trump-asked-him-if-he-could-intervene-with-comey-to-get-fbi-to-back-off-flynn/2017/06/06/cc879f14-4ace-11e7-9669-250d0b15f83b_story.html?tid=a_breakingnews&utm_term=.8e5155a2a868.

¹¹⁰ *Id.*

¹¹¹ Adam Entous & Ellen Nakashima, *Trump Asked Intelligence Chiefs to Push Back against FBI Collusion Probe after Comey Revealed Its Existence*, *Washington Post*, May 22, 2017, available at https://www.washingtonpost.com/world/national-security/trump-asked-intelligence-chiefs-to-push-back-against-fbi-collusion-probe-after-comey-revealed-its-existence/2017/05/22/394933bc-3f10-11e7-9869-bac8b446820a_story.html?utm_term=.f74e68a6fd49.

¹¹² Matt Mazzetti & Matthew Rosenberg, *Michael Flynn Offers to Testify Before Congress in Exchange for Immunity*, *New York Times*, Mar. 30, 2017, available at <https://www.nytimes.com/2017/03/30/us/politics/michael-flynn-congress-immunity-russia.html>.

also asks Comey to make public the fact that he was not personally under investigation by the FBI.¹¹³

March 31, 2017: President Trump tweets, “Mike Flynn should ask for immunity in that this is a witch hunt (excuse for big election loss), by media & Dems, of historic proportion!”¹¹⁴

April 11, 2017: The *Washington Post* reports that the Department of Justice obtained a secret court order in the summer of 2016 to monitor the communications of Carter Page as part of an investigation into possible links between Russia and the Trump campaign. To obtain the FISA warrant, the Department would have had to demonstrate that there was probable cause to believe Page was acting as an agent of a foreign power.¹¹⁵ *CNN* later reports that the FBI relied at least in part on the Steele Dossier to obtain the warrant.¹¹⁶

The same day, President Trump calls FBI Director Comey to ask what he had done about his request that Comey “get out” that he is not personally under investigation. Comey says he added, “Because I have been very loyal to you, very loyal; we had that thing you know.”¹¹⁷

April 12, 2017: During an interview on Fox Business Network, President Trump was asked by Maria Bartiromo whether it was too late to ask Comey to step down; Trump replied, “No, it’s not too late, but, you know, I have confidence in him. We’ll see what happens. You know, it’s going to be interesting.”¹¹⁸

April 25, 2017: *CNN* reports that the White House has declined to provide documents relating to former National Security Adviser Flynn that the House Oversight Committee had requested. In a letter to the Committee, White House Director of Legislative Affairs Marc Short refers some requests to the Department of Defense, saying the office doesn’t have custody of some of the documents. Short also says that the White House is simply “unable to accommodate” other requests.¹¹⁹

¹¹³ Comey, *June 8 2017 Statement for the Record*, App. A.2.

¹¹⁴ <https://twitter.com/realDonaldTrump/status/847766558520856578>.

¹¹⁵ Ellen Nakashima, Devlin Barrett, & Adam Entous, *FBI obtained FISA Warrant to Monitor Trump Adviser Carter Page*, *Washington Post*, Apr. 11, 2017, available at https://www.washingtonpost.com/world/national-security/fbi-obtained-fisa-warrant-to-monitor-former-trump-adviser-carter-page/2017/04/11/620192ea-1e0e-11e7-ad74-3a742a6e93a7_story.html?utm_term=.55a6e486238d.

¹¹⁶ Evan Perez, Shimon Prokupecz, & Manu Raju, *FBI Used Dossier Allegations to Bolster Trump-Russia Investigation*, *CNN*, Apr. 18, 2017, available at <http://www.cnn.com/2017/04/18/politics/fbi-dossier-carter-page-donald-trump-russia-investigation/index.html>.

¹¹⁷ Comey, *June 8 2017 Statement for the Record*, App. A.2.

¹¹⁸ Aaron Blake, *President Trump’s Thoroughly Confusing Fox Business Interview*, Annotated, *Washington Post*, April 12, 2017, available at <https://www.washingtonpost.com/news/the-fix/wp/2017/04/12/president-trumps-thoroughly-confusing-fox-business-interview-annotated/>. Later in the interview, President Trump added that Comey “saved [Hillary Clinton’s] life” and that “Director Comey was very, very good to Hillary Clinton, that I can tell you. If he weren’t, she would be, right now, going to trial.” *Id.*

¹¹⁹ Tom LoBianco & Manu Raju, *House Oversight Committee: Flynn Might Have Broken the Law*, *CNN*,

The same day, Rod Rosenstein is confirmed as Deputy Attorney General. Rosenstein begins overseeing the Russia investigation due to Attorney General Sessions's March 2 recusal.¹²⁰

April 28, 2017: The Senate Select Committee on Intelligence requests documents from former National Security Adviser Flynn.¹²¹

May 2, 2017: President Trump tweets, "FBI Director Comey was the best thing that ever happened to Hillary Clinton in that he gave her a free pass for many bad deeds! The phony..."¹²²

May 3, 2017: FBI Director Comey testifies before the Senate Judiciary Committee that the FBI was "coordinating" with "two sets of prosecutors" – the Department of Justice's National Security Division and the U.S. Attorney's Office for the Eastern District of Virginia.¹²³ Director Comey refuses to inform top Trump aides about what he is planning to say.¹²⁴

Early May, 2017: According to the *New York Times*, Director Comey requests greater resources to intensify the FBI's investigation into the Russian interference in the presidential election.¹²⁵ Deputy FBI Director McCabe later testifies that he is unaware of any request that Director Comey made for additional resources for the Russia investigation.¹²⁶

Also in early May, with the help of White House Senior Adviser Stephen Miller, President Trump drafts a letter to FBI Director James Comey explaining his firing; however, White House Counsel Don McGahn prevents President Trump from sending it.¹²⁷

Apr. 25, 2017, available at <http://www.cnn.com/2017/04/25/politics/michael-flynn-house-oversight-committee/>.

¹²⁰ Seung Min Kim, Senate Confirms Rosenstein as Deputy Attorney General, *Politico*, Apr. 25, 2017, available at <http://www.politico.com/story/2017/04/25/rosenstein-confirmed-attorney-general-237600>.

¹²¹ Office of Senator Richard Burr, Notification: Senate Intel Committee Subpoenas Former National Security Advisor Flynn for Documents Regarding Russia Probe, May 10, 2017, available at <https://www.burr.senate.gov/press/releases/notification-senate-intel-committee-subpoenas-former-national-security-advisor-flynn-for-documents-regarding-russia-probe>.

¹²² <https://twitter.com/realdonaldtrump/status/859601184285491201?lang=en>.

¹²³ Washington Post Staff, Read the Full Testimony of FBI Director James Comey in Which He Discusses Clinton Email Investigation, *Washington Post*, May 3, 2017, available at https://www.washingtonpost.com/news/post-politics/wp/2017/05/03/read-the-full-testimony-of-fbi-director-james-comey-in-which-he-discusses-clinton-email-investigation/?utm_term=.aed68c100abc.

¹²⁴ Steve Holland & Jeff Mason, Comey Infuriated Trump with Refusal to Preview Senate Testimony: Aides, *Reuters*, May 10, 2017, available at <http://www.reuters.com/article/us-usa-trump-comey-decision-idUSKBN1862WP>.

¹²⁵ Matthew Rosenberg & Matt Apuzzo, Days Before Firing, Comey Asked for More Resources for Russia Inquiry, *New York Times*, May 10, 2017, available at <https://www.nytimes.com/2017/05/10/us/politics/comey-russia-investigation-fbi.html>.

¹²⁶ Adam Goldman and Matthew Rosenberg, Acting FBI Chief Contradicts White House on Russia and Comey, *New York Times*, May 11, 2017, available at <https://www.nytimes.com/2017/05/11/us/politics/andrew-mccabe-fbi-chief-russia-trump.html>.

¹²⁷ Natasha Bertrand, Mueller Has Trump's Original Letter Firing Comey – and His Own White House

May 8, 2017: President Trump tells Vice President Pence and several senior aides, including Chief of Staff Priebus, Chief Strategist Bannon, and White House Counsel McGahn that he is ready to fire FBI Director Comey. Trump summons Attorney General Sessions and Deputy Attorney General Rosenstein to a meeting at the White House and directs them to “explain in writing the case against Comey.”¹²⁸

The same day, President Trump tweets, “Ask Sally Yates, under oath, if she knows how classified information got into the newspapers soon after she explained it to W.H. Counsel.”¹²⁹

May 9, 2017: President Trump fires FBI Director Comey, explaining that he did so because Comey inappropriately handled the FBI’s investigation into Hillary Clinton’s use of a private email server.¹³⁰ In his letter to Director Comey President Trump writes, “While I greatly appreciate you informing me, on three separate occasions, that I am not under investigation, I nevertheless concur with the judgment of the Department of Justice that you are not able to effectively lead the Bureau.”¹³¹ Along with President Trump’s letter to Comey, the White House also releases a memo written by Deputy Attorney General Rod Rosenstein that criticizes Director Comey his management of the investigation of Secretary Clinton emails.¹³² As a result of Comey’s termination, Deputy FBI Director Andrew McCabe becomes Acting FBI Director.¹³³

May 10, 2017: President Trump meets with Sergey Lavrov, Russia’s foreign minister, and Russian ambassador to the United States, Sergey Kislyak in the White House. President Trump tells Lavrov and Kislyak, “I just fired the head of the FBI. He was crazy, a real nut job. I faced great pressure because of Russia. That’s taken off.”¹³⁴

Stopped Him from Sending It, *Business Insider*, Sept. 1, 2017, available at <http://www.businessinsider.com/stephen-miller-comey-letter-trump-draft-2017-9>; Peter Nicholas & Michael C. Bender, Trump Drafted Letter on Why He Wanted Comey Out, *Wall Street Journal*, Sept. 1, 2017, available at <https://www.wsj.com/articles/trump-drafted-letter-on-why-he-wanted-comey-out-1504303851>.

¹²⁸ Philip Rucker, Ashley Parker, Sari Horwitz, & Robert Costa, Inside Trump’s Anger and Impatience – and His Sudden Decision to Fire Comey, *Washington Post*, May 10, 2017, available at https://www.washingtonpost.com/politics/how-trumps-anger-andimpatience-prompted-him-to-fire-the-fbi-director/2017/05/10/d9642334-359c-11e7-b373-418f6849a004_story.html?utm_term=.fc4e9e38f3fb.

¹²⁹ <https://twitter.com/realDonaldTrump/status/861592420043157504>.

¹³⁰ Michael D. Shear & Matt Apuzzo, FBI Director James Comey Is Fired by Trump, *New York Times*, May 9, 2017, available at <https://www.nytimes.com/2017/05/09/us/politics/james-comey-fired-fbi.html>.

¹³¹ CNN, Trump’s Letter Firing FBI Director James Comey, May 10, 2017, available at <http://www.cnn.com/2017/05/09/politics/fbi-james-comey-fired-letter/index.html>.

¹³² Rod J. Rosenstein, Memorandum for the Attorney General, *United States Department of Justice*, May 9, 2017, available at <http://apps.washingtonpost.com/g/documents/politics/fbi-director-james-b-comeys-termination-letters-from-the-white-house-attorney-general/2430/>.

¹³³ Kelly Cohen, Meet Andrew McCabe, Acting FBI Director, *Washington Examiner*, May 10, 2017, available at <http://www.washingtonexaminer.com/meet-andrew-mccabe-acting-fbi-director/article/2622656>.

¹³⁴ Matt Apuzzo, Maggie Haberman, & Matthew Rosenberg, Trump Told Russians that Firing ‘Nut Job’ Comey Eased Pressure from Investigation, *New York Times*, May 19, 2017, available at <https://www.nytimes.com/2017/05/19/us/politics/trump-russia-comey.html>.

The same day, President Trump issues a series of tweets, including: (1) “James Comey will be replaced by someone who will do a far better job, bringing back the spirit and prestige of the FBI.”¹³⁵; (2) “Comey lost the confidence of almost everyone in Washington, Republican and Democrat alike. When things calm down, they will be thanking me!”¹³⁶ President Trump also retweets a Drudge Report tweet containing the text “10 SCANDALS ON DIRECTOR’S WATCH...”¹³⁷ and a link to an article entitled, “10 MAJOR FBI SCANDALS ON COMEY’S WATCH.”¹³⁸

Also on May 10, *CNN* reports that in the weeks leading up to Comey’s firing, the U.S. Attorney’s Office for the Eastern District of Virginia issued grand jury subpoenas in connection with the Flynn investigation.¹³⁹ The Senate Select Committee on Intelligence also subpoenas the documents it requested from Flynn on April 28, 2017.¹⁴⁰

May 11, 2017: President Trump provides different explanations for why he fired FBI Director Comey in an *NBC News* interview:

DONALD TRUMP: Look he's a show boat, he's a grand stander, the FBI has been in turmoil. You know that, I know that. Everybody knows that. You take a look at the FBI a year ago, it was in virtual turmoil, less than a year ago, it hasn't recovered from that.

LESTER HOLT: Monday, you met with the deputy attorney general, Rod Rosen-- Rosenstein—

DONALD TRUMP: Right.

LESTER HOLT: Did you ask for a recommendation?

DONALD TRUMP: Uh what I did is I was going to fire Comey-- my decision, it was not [OVER TALK]

¹³⁵ <https://twitter.com/realDonaldTrump/status/862265729718128641>.

¹³⁶ <https://twitter.com/realDonaldTrump/status/862267781336752128>.

¹³⁷ Chris Cillizza, Donald Trump Isn't Being Defensive over Firing James Comey. You're the One Being Defensive, *CNN*, May 10, 2017, available at <http://www.cnn.com/2017/05/10/politics/donald-trump-comey-firing/index.html>.

¹³⁸ See *Grabien News*, 10 Major Scandals on Comey's Watch, May 10, 2017, available at <https://news.grabien.com/story-10-major-fbi-scandals-comeys-watch>.

¹³⁹ Evan Perez, Shimon Prokupecz, and Pamela Brown, CNN Exclusive: Grand Jury Subpoenas Issued in FBI's Russia Investigation, *CNN*, May 10, 2017, available at <http://www.cnn.com/2017/05/09/politics/grand-jury-fbi-russia/>.

¹⁴⁰ Office of Senator Richard Burr, Notification: Senate Intel Committee Subpoenas Former National Security Advisor Flynn for Documents Regarding Russia Probe, May 10, 2017, available at <https://www.burr.senate.gov/press/releases/notification-senate-intel-committee-subpoenas-former-national-security-advisor-flynn-for-documents-regarding-russia-probe>.

LESTER HOLT: You had made the decision before they came in the room?

DONALD TRUMP: I-- I was going to fire Comey. Uh, I-- there's no good time to do it, by the way. Uh, they-- they were-- [OVER TALK]

LESTER HOLT: Because you letter, you said I-- I, I accepted their recommendation, so you had already made the decision.

DONALD TRUMP: Oh, I was gonna fire regardless of recommendation—

LESTER HOLT: So there was-- [OVER TALK]

DONALD TRUMP: He made-- he made a recommendation, he's highly respected, very good guy, very smart guy, uh, the Democrats like him, the Republicans like him, uh he made a recommendation, but regardless of recommendation I was going to fire Comey knowing, there was no good time to do it. And in fact when I decided to just do it, I said to myself, I said you know, this Russia thing with Trump and Russia is a made up story, it's an excuse by the Democrats for having lost an election that they should have won. And the reason they should have won it is the electoral college is almost impossible for a Republican to win. Very hard. Because you start off at such a disadvantage. So everybody was thinking, they should have won the election. This was an excuse for having lost an election.

. . . .

LESTER HOLT: And did you ask "Am I under investigation?"

DONALD TRUMP: I actually asked him yes. I said, If it's possible would you let me know am I under investigation? He said you are not under investigation.

LESTER HOLT: But he's, he's given sworn testimony that there is an ongoing investigation into the Trump campaign and possible collusion with the Russian government? You were the centerpiece of the Trump campaign so [OVER TALK] was he being truthful when he says you weren't under investigation?

DONALD TRUMP: [OVER TALK] Well, all I can tell you is, well I know what, I know that I'm not under investigation. Me. Personally. I'm not talking about campaigns. I'm not talking about anything else. I'm not under investigation.

LESTER HOLT: Did you ask him to drop the investigation?

DONALD TRUMP: No. Never.

LESTER HOLT: Did anyone from the White House?

DONALD TRUMP: No, in fact I want the investigation speeded up.

LESTER HOLT: Did anyone from the White House ask him to, to end the investigation?

DONALD TRUMP: [OVER TALK] No. No. Why would we do that?
[OVER TALK]¹⁴¹

. . . .

May 12, 2017: President Trump tweets, "James Comey better hope there are no 'tapes' of our conversations before he starts leaking to the press!"¹⁴² Trump also tweets, "When James Clapper himself, and virtually everyone else with knowledge of the witch hunt, says there is no collusion, when does it end?"¹⁴³

The same day, in an interview with Judge Jeanine Pirro on *Fox News*, President Trump denies that he asked for FBI Director Comey's loyalty:

JUDGE JEANINE PIRRO, FOX NEWS: People suggest that the question that apparently the New York Times is selling that you asked Comey whether or not you had his loyalty was possibly inappropriate. Could you see how they could think that?

PRESIDENT DONALD TRUMP: I read that article. I don't think it's inappropriate.

PIRRO: Did you ask that question?

TRUMP: No. No, I didn't. But I don't think it would be a bad question to ask. I think loyalty to the country, loyalty to the United States is important. You know, I mean, it depends on how you define loyalty, number one. Number two, I don't know how that got there because I didn't ask that question.¹⁴⁴

¹⁴¹ CNN, *Partial Transcript: NBC News Interview with Donald Trump*, May 11, 2017, *available at* <http://www.cnn.com/2017/05/11/politics/transcript-donald-trump-nbc-news/index.html>.

¹⁴² <https://twitter.com/realDonaldTrump/status/863007411132649473>.

¹⁴³ <https://twitter.com/realDonaldTrump/status/863014620516233216>.

¹⁴⁴ Fox News, *Trump Warns His Fired FBI Director, Threatens the Media*, May 12, 2017, *available at* <http://www.foxnews.com/transcript/2017/05/12/trump-warns-his-fired-fbi-director-threatens-media.html>.

May 16, 2017: President Trump tweets, “I have been asking Director Comey & others, from the beginning of my administration, to find the LEAKERS in the intelligence community.....”¹⁴⁵

May 17, 2017: Deputy Attorney General Rosenstein names former FBI Director Robert Mueller as special counsel to oversee the Russia investigation.¹⁴⁶ Shortly after the appointment of Special Counsel Mueller, Acting FBI Director Andrew McCabe tells the highest-ranking members of the Bureau that he and they should consider themselves possible witnesses in an investigation of possible obstruction of justice by President Trump.¹⁴⁷ Shortly after learning of Special Counsel Mueller’s appointment, President Trump reportedly berates Attorney General Jeff Sessions, accuses him of disloyalty, blames him for the appointment of a special counsel, and tells Sessions that he should resign.¹⁴⁸

May 18, 2017: President Trump tweets that he is the subject of “the single greatest witch hunt of a politician in American history!”¹⁴⁹ He also tweets, “With all of the illegal acts that took place in the Clinton campaign & Obama Administration, there was never a special counsel appointed!”¹⁵⁰

Also on May 18, Rachel Brand is confirmed as Associate Attorney General, which makes her the third-ranking official in the Department of Justice after Attorney General Sessions and Deputy Attorney General Rosenstein.¹⁵¹

May 19, 2017: The *Washington Post* reports that a senior White House adviser is a “significant person of interest” in the investigation into possible coordination between Russia and the Trump campaign.¹⁵² The *Independent* identifies that adviser as Jared Kushner, Trump’s son-in-law.¹⁵³

¹⁴⁵ <https://twitter.com/realDonaldTrump/status/864452996129853444>.

¹⁴⁶ Rod Rosenstein, *Order No. 3915-2017, Office of the Deputy Attorney General*, May 17, 2017, available at <https://www.justice.gov/opa/press-release/file/967231/download>.

¹⁴⁷ Murray Waas, *Exclusive: Top FBI Officials Could Testify against Trump*, *Vox*, Aug. 3, 2017, available at <https://www.vox.com/policy-and-politics/2017/8/3/16084246/mueller-obstruction-case-stronger-trump-surrogates>.

¹⁴⁸ Michael S. Schmidt & Maggie Haberman, *Trump Humiliated Jeff Sessions after Mueller Appointment*, *New York Times*, Sept. 14, 2017, available at <https://www.nytimes.com/2017/09/14/us/politics/jeff-sessions-trump.html?smid=tw-share&r=0>.

¹⁴⁹ <https://twitter.com/realDonaldTrump/status/865173176854204416>.

¹⁵⁰ <https://twitter.com/realDonaldTrump/status/865207118785372160>.

¹⁵¹ Andrea Noble, *Rachel Brand Confirmed by Senate to the No. 3 Position at DOJ*, *Washington Times*, May 18, 2017, available at <http://www.washingtontimes.com/news/2017/may/18/rachel-brand-confirmed-senate-associate-attorney-g/>.

¹⁵² Devlin Barrett & Matt Zapotosky, *Russia Probe Reaches Current White House Official, People Familiar with the Case Say*, *Washington Post*, May 19, 2017, available at https://www.washingtonpost.com/world/national-security/russia-probe-reaches-current-white-house-official-people-familiar-with-the-case-say/2017/05/19/7685adba-3c99-11e7-9e48-c4f199710b69_story.html?utm_term=.e74ae7845060.

¹⁵³ Andrew Buncombe & Mythili Sampathkumar, *Donald Trump’s Son-in-Law Jared Kushner ‘Person of Interest in Russia Investigation’*, *Independent*, May 19, 2017, available at <http://www.independent.co.uk/news/world/americas/us-politics/jared-kushner-russia-investigation-trump-song-in-law-probe-person-interest-a7745916.html>.

Reuters also reports that the White House is exploring whether ethics rules might be used to undermine newly appointed special counsel Robert Mueller or limit the scope of his investigation.¹⁵⁴

May 31, 2017: The House Intelligence Committee issues subpoenas for testimony, documents, and other records from former National Security Adviser Michael Flynn and Michael Cohen, President Trump's personal attorney.¹⁵⁵

Also on May 31, President Trump issues a series of tweets, including: (1) "So now it is reported that the Democrats, who have excoriated Carter Page about Russia, don't want him to testify. He blows away their...."¹⁵⁶ (2) "...case against him & now wants to clear his name by showing 'the false or misleading testimony by James Comey, John Brennan...' Witch Hunt!"¹⁵⁷

June 2, 2017: *Reuters* reports that Special Counsel Mueller will expand his probe "to assume control of a grand jury investigation into" Flynn.¹⁵⁸

June 3, 2017: According to the *Associated Press*, Special Counsel Mueller "has taken over a separate criminal probe involving former Trump campaign chairman Paul Manafort."¹⁵⁹

June 6, 2017: The *Washington Post* reports that the White House is gearing up for "a campaign-style line of attack aimed at undercutting [former FBI Director] Comey's reputation." According to the *Post*, the plan is to portray Comey as a "showboat and to bring up past controversies from his career, including his handling of the Hillary Clinton email investigation in 2016 . . ."¹⁶⁰

June 7, 2017: Director of National Intelligence Coats and Director of the National Security Agency Mike Rogers testify before the Senate Intelligence Committee. Both Coats and Rogers

¹⁵⁴ Julia Edwards Ainsley, *White House Looking at Ethics Rule to Weaken Special Investigation: Sources, Reuters*, May 19, 2017, available at <http://www.reuters.com/article/us-usa-trump-mueller-idUSKCN18F2KK>.

¹⁵⁵ Erin Kelly & Kevin Johnson, *House Intelligence Committee Issues Subpoenas in Russia Probe, USA Today*, May 31, 2017, available at <https://www.usatoday.com/story/news/politics/2017/05/31/house-intelligence-committee-issues-subpoenas-russia-probe/102359046/>.

¹⁵⁶ <https://twitter.com/realDonaldTrump/status/869865463584620544>.

¹⁵⁷ <https://twitter.com/realDonaldTrump/status/869867413776601088>.

¹⁵⁸ Nathan Layne, Mark Hosenball, & Julia Edwards Ainsley, *Exclusive: Special Counsel Mueller to Probe ex-Trump Aide Flynn's Turkey Ties, Reuters*, Jun. 2, 2017, available at <http://www.reuters.com/article/us-usa-trump-flynn-turkey-exclusive-idUSKBN18T276>.

¹⁵⁹ Sadie Gurman, Eric Tucker, & Jeff Horwitz, *Special Counsel's Trump Investigation Includes Manafort Case, AP*, Jun. 3, 2017, available at <https://www.apnews.com/35b610bf8d66416798be8abb2ebd85b0>.

¹⁶⁰ Robert Costa, Ashley Parker & Philip Rucker, *Trump, Furious and Frustrated, Gears Up to Punch Back at Comey Testimony, Washington Post*, Jun. 6, 2017, available at https://www.washingtonpost.com/politics/trump-furious-and-frustrated-will-join-allies-in-attacking-comey-testimony/2017/06/06/171e6d00-4acf-11e7-9669-250d0b15f83b_story.html?utm_term=.d4ee6a8c4abb.

refuse to say whether President Trump asked them to refute or downplay the FBI's investigation into Russian interference with the 2016 presidential election.¹⁶¹

June 8, 2017: Former FBI Director Comey testifies in open and closed hearings of the Senate Intelligence Committee. Comey's written statement for the record, attached as Appendix A.2, details his interactions with President Trump.¹⁶² Comey's opening remarks include these observations:

COMEY: ... And on May the ninth, when I learned that I had been fired, for that reason I immediately came home as a private citizen. But then the explanations, the shifting explanations, confused me and increasingly concerned me. They confused me because the president and I had had multiple conversations about my job, both before and after he took office, and he had repeatedly told me I was doing a great job, and he hoped I would stay. And I had repeatedly assured him that I did intend to stay and serve out the years of my term. He told me repeatedly that he had talked to lots of people about me, including our current Attorney General, and had learned that I was doing a great job, and that I was extremely well-liked by the FBI workforce.

So it confused me when I saw on television the president saying that he actually fired me because of the Russia investigation, and learned again from the media that he was telling privately other parties that my firing had relieved great pressure on the Russian investigation. I was also confused by the initial explanation that was offered publicly that I was fired because of the decisions I had made during the election year. That didn't make sense to me for a whole bunch of reasons, including the time and all the water that had gone under the bridge since those hard decisions that had to be made. That didn't make any sense to me. And although the law required no reason at all to fire an FBI director, the administration then chose to defame me and more importantly the FBI by saying that the organization was in disarray, that it was poorly led, that the workforce had lost confidence in its leader. Those were lies, plain and simple. And I am so sorry that the FBI workforce had to hear them, and I'm so sorry that the American people were told them.¹⁶³

¹⁶¹ Kyle Cheney & Josh Gerstein, Coats and Rogers Refuse to Say if Trump Asked Them to Sway Russia Probe, *Politico*, Jun. 7, 2017, available at <http://www.politico.com/story/2017/06/07/mike-rogers-dan-coats-senate-intelligence-hearing-russia-239244>.

¹⁶² Comey, June 8 2017 Statement for the Record, *App. A.2*.

¹⁶³ *Politico Staff*, Full Text: James Comey Testimony Transcript on Trump and Russia, *Politico*, Jun. 8, 2017, available at <http://www.politico.com/story/2017/06/08/full-text-james-comey-trump-russia-testimony-239295>.

Comey's testimony also includes the following exchanges:

BURR: Director, when the president requested that you, and I quote "Let Flynn go," General Flynn had an unreported contact with the Russians, which is an offense, and if press accounts are right, there might have been discrepancies between facts and his FBI testimony. In your estimation, was general Flynn at that time in serious legal jeopardy, and in addition to that, do you sense that the president was trying to obstruct justice or just seek for a way for Mike Flynn to save face, given that he had already been fired?

COMEY: General Flynn at that point in time was in legal jeopardy. There was an open FBI criminal investigation of his statements in connection with the Russian contacts, and the contacts themselves, and so that was my assessment at the time. I don't think it's for me to say whether the conversation I had with the president was an effort to obstruct. I took it as a very disturbing thing, very concerning, but that's a conclusion I'm sure the special counsel will work towards to try and understand what the intention was there, and whether that's an offense.

. . . .

WARNER: I think that's a very important statement you just made. Then, unlike your dealings with presidents of either parties in your past experience, in every subsequent meeting or conversation with this president, you created a written record. Did you feel that you needed to create this written record of these memos, because they might need to be relied on at some future date?

COMEY: Sure. I created records after conversations that I think I did it after each of our nine conversations.¹⁶⁴ If I didn't, I did it for nearly all of them especially the ones that were substantive. I knew there might come a day when I would need a record of what had happened, not just to defend myself, but to defend the FBI and our integrity as an institution and the Independence of our investigative function. That's what made this so difficult is it was a combination of circumstances, subject matter and the particular person.

. . . .

RISCH: Thank you. All right. So those three things we now know regarding the active measures, whether the president is under investigation and the collusion between the trump campaign and

¹⁶⁴ These nine conversations are described in detail in Comey's June 8 2017 Statement for the Record, which is attached as Appendix A.2.

the Russians. I want to drill right down, as my time is limited, to the most recent dust up regarding allegations that the president of the United States obstructed justice. Boy, you nailed this down on page 5, paragraph 3. You put this in quotes. Words matter. You wrote down the words so we can all have the words in front of us now. There's 28 words now in quotes. It says, quote, I hope -- this is the president speaking — I hope you can see your way clear to letting this go, to letting Flynn go. He is good guy. I hope you can let this go. Now, those are his exact words, is that correct.

COMNEY: Correct.

RISCH: You wrote them here and put them in quotes.

COMNEY: Correct.

. . . .

SEN. DIANNE FEINSTEIN: Thanks very much, Mr. Chairman. Mr. Comey, I just want you to know that I have great respect for you. Senator Cornyn and I sit on the judiciary committee and we have the occasion to have you before us. You're a man of strength and I regret the situations we all find ourselves in. I just want to say that. Let me begin with one overarching question. Why do you believe you were fired?

COMNEY: I guess I don't know for sure. I believe — I think the president, at his word, that I was fired because of the Russia investigation. Something about the way I was conducting it, the president felt created pressure on him that he wanted to relieve. Again, I didn't know that at the time. I watched his interview. I read the press accounts of his conversations. I take him at his word there. Look, I could be wrong. Maybe he's saying something that's not true. I take him at his word, at least based on what I know now.

. . . .

FEINSTEIN: Let's go to the Flynn issue. The senator outlined, "I hope you could see your way to letting Flynn go. He is a good guy. I hope you can let this go." But you also said in your written remarks, and I quote, that you "had understood the president to be requesting that we drop any investigation of Flynn in connection with false statements about his conversations with the Russian ambassador in December,". Please go into that with more detail.

COMNEY: Well, the context and the president's word are what led me to that conclusion. As I said in my statement, I could be wrong,

but Flynn had been forced to resign the day before. And the controversy around general Flynn at that point in time was centered on whether he lied to the vice president about his nature of conversations with the Russians, whether he had been candid with others in the course of that. So that happens on the day before. On the 1[4th]¹⁶⁵, the president makes reference to that. I understood what he wanted me to do was drop any investigation connected to Flynn's account of his conversations with the Russians.

. . . .

WYDEN: Let me turn to the attorney general. In your statement, you said that you and the FBI leadership team decided not to discuss the president's actions with Attorney General Sessions, even though he had not recused himself. What was it about the attorney general's interactions with the Russians or his behavior with regard to the investigation that would have led the entire leadership of the FBI to make this decision?

COMEY: Our judgment, as I recall, is that he was very close to and inevitably going to recuse himself for a variety of reasons. We also were aware of facts that I can't discuss in an opening setting that would make his continued engagement in a Russia-related investigation problematic. So we were convinced — in fact, I think we'd already heard the career people were recommending that he recuse himself, that he was not going to be in contact with Russia-related matters much longer. That turned out to be the case.

. . . .

HEINRICH: The memos that you wrote, you wrote — did you write all nine of them in a way that was designed to prevent them from needing classification?

COMEY: No. On a few of the occasions, I wrote — I sent emails to my chief of staff on some of the brief phone conversations I had. The first one was a classified briefing. Though it was in a conference room at Trump Tower, it was a classified briefing. I wrote that on a classified device. The one I started typing in the car, that was a classified laptop I started working on.

. . . .

KING: In terms of his comments to you about — I think in response to Senator Risch, he said, I hope you'll hold back on

¹⁶⁵ Just “1” in the *Politico* transcript. *Politico*, Jun. 8, 2017, *supra* n. 163.

that, but when you get a — when a president of the United States in the Oval Office says something like, I hope or I suggest or would you, do you take that as a directive?

COMEY: Yes. It rings in my ear as, well, will no one rid me of this meddlesome priest.

. . . .

KING: Back to Mr. Flynn. Would the — would closing out the Flynn investigation have impeded the overall Russian investigation?

COMEY: No. Well, unlikely, except to the extent — there is always a possibility if you have a criminal case against someone and squeeze them, flip them and they give you information about something else. But I saw the two as touching each other but separate.

. . . .

LANKFORD: Well, is there any question that the president is not real fond of this investigation? I can think of multiple 140-word character expressions that he's publicly expressed he's not fond of the investigation. I heard you refer to before trying to keep the agents away from any comment that the president may have made. Quite frankly, the president has informed around 6 billion people that he's not real fond of this investigation. Do you think there's a difference in that?

COMEY: Yes. There's a big difference in kicking superior officers out of the oval office, looking the FBI director in the eye and saying I hope you let this go. I think if agents as good as they are heard the president of the United States did that, there's a real risk of a chilling effect on their work. That's why we kept it so tight.

. . . .

COTTON: You stated earlier that there was an open investigation of Mr. Flynn and the FBI. Did you or any FBI agent ever sense that Mr. Flynn attempted to deceive you or make false states [*sic*] to an FBI agent?

COMEY: I don't want to go too far. That was the subject of the criminal inquiry.

. . . .

REED: Our, yes, so you're fired. Do you believe you're fired because you refused to take the president's direction, is that the ultimate reason?

COMEY: I don't know for sure. I know I was fired. Again, I take the president's words, I know I was fired because of something about the way I was conducting the Russia investigation was in some way putting pressure on him, in some way irritating him. And he decided to fire he because of that. I can't go farther than that.¹⁶⁶

. . . .

June 9, 2017: A source close to President Trump's legal team suggests that they will file a complaint against former FBI Director Comey with the Department of Justice's Inspector General and the Senate Judiciary Committee for leaking memos that he wrote memorializing his interactions with President Trump.¹⁶⁷

Also on June 9, President Trump tweets, "Despite so many false statements and lies, total and complete vindication...and WOW, Comey is a leaker!"¹⁶⁸ On the same day, President Trump gives a joint press conference with Romanian President Klaus Iohannis in which he denies that he told Comey to drop the investigation but also claimed that there was "nothing wrong" if he did say something about Flynn.¹⁶⁹

June 11, 2017: President Trump tweets, "I believe the James Comey leaks will be far more prevalent than anyone ever thought possible. Totally illegal? Very 'cowardly!'"¹⁷⁰

June 12, 2017: Christopher Ruddy, CEO of Newsmax Media and a friend of Trump's, says on *PBS NewsHour* that he believes that President Trump is considering firing Special Counsel Mueller.¹⁷¹

June 13, 2017: Deputy Attorney General Rod Rosenstein testifies that only he has the authority to fire Mueller and that he will only do so for good cause.¹⁷²

¹⁶⁶ *Id.*

¹⁶⁷ Ali Vitali & Peter Alexander, Trump Lawyer to File Leak Complaint After Comey Testimony, Source Says, *NBC News*, Jun. 9, 2017, available at <http://www.nbcnews.com/politics/white-house/trump-lawyer-file-leak-complaint-after-comey-testimony-source-says-n770231>.

¹⁶⁸ <https://twitter.com/realDonaldTrump/status/873120139222306817>.

¹⁶⁹ Ali Vitali, Trump '100 Percent' Willing to Testify Under Oath on Comey Allegations, *NBC News*, Jun. 9, 2017, available at <http://www.nbcnews.com/politics/white-house/trump-commits-testify-under-oath-100-percent-n770451>.

¹⁷⁰ <https://twitter.com/realDonaldTrump/status/873879934040780801>.

¹⁷¹ Domenico Montanaro, Trump Considering Firing Special Counsel? Just Another Example of Stirring the Pot, *NPR*, Jun. 13, 2017, available at <http://www.npr.org/2017/06/13/532763717/trump-considering-firing-special-counsel-just-another-example-of-stirring-the-po>.

¹⁷² Andrew Prokop, The Deputy Attorney General Just Made Clear That Firing Mueller Wouldn't Be Easy

June 14, 2017: The *Washington Post* reports that Director of National Intelligence Coats, National Security Agency Director Rogers, and former National Security Agency Deputy Director Richard Ledgett agreed to be interviewed by Special Counsel Mueller's investigators.¹⁷³

June 15, 2017: President Trump issues a series of tweets, including: (1) "They made up a phony collusion with the Russians story, found zero proof, so now they go for obstruction of justice on the phony story. Nice"¹⁷⁴; (2) "You are witnessing the single greatest WITCH HUNT in American political history - led by some very bad and conflicted people! #MAGA"¹⁷⁵; (3) "Why is that Hillary Clintons [sic] family and Dems [sic] dealings with Russia are not looked at, but my non-dealings are?"¹⁷⁶; (4) "Crooked H destroyed phones w/ hammer, 'bleached' emails, & had husband meet w/AG days before she was cleared- & they talk about obstruction?"¹⁷⁷

June 16, 2017: President Trump issues a series of tweets, including: (1) "After 7 months of investigations & committee hearings about my 'collusion with the Russians,' nobody has been able to show any proof. Sad!"¹⁷⁸; (2) "The Fake News Media hates when I use what has turned out to be my very powerful Social Media - over 100 million people! I can go around them"¹⁷⁹; (3) "Despite the phony Witch Hunt going on in America, the economic & jobs numbers are great. Regulations way down, jobs and enthusiasm way up!"¹⁸⁰; (4) "I am being investigated for firing the FBI Director by the man who told me to fire the FBI Director! Witch Hunt".¹⁸¹

June 18, 2017: President Trump tweets, "The MAKE AMERICA GREAT AGAIN agenda is doing very well despite the distraction of the Witch Hunt. Many new jobs, high business enthusiasm..."¹⁸²

June 22, 2017: *CNN* reports that Director of National Intelligence Coats and National Security Agency Director Rogers told Special Counsel Mueller's team and Senate investigators that President Trump suggested they state publicly that there was no collusion between his

for Trump, Vox, Jun. 13, 2017, available at <https://www.vox.com/policy-and-politics/2017/6/13/15792500/trump-firing-robert-mueller>.

¹⁷³ Devlin Barrett, Adam Entous, Ellen Nakashima, & Sari Horwitz, *Special Counsel Is Investigating Trump for Possible Obstruction of Justice, Officials Say*, *Washington Post*, Jun. 14, 2017, available at https://www.washingtonpost.com/world/national-security/special-counsel-is-investigating-trump-for-possible-obstruction-of-justice/2017/06/14/9ce02506-5131-11e7-b064-828ba60fbb98_story.html?utm_term=.feb5710f03ec.

¹⁷⁴ <https://twitter.com/realDonaldTrump/status/875305788708974592>.

¹⁷⁵ <https://twitter.com/realDonaldTrump/status/875321478849363968>.

¹⁷⁶ <https://twitter.com/realDonaldTrump/status/875438639823675392>.

¹⁷⁷ <https://twitter.com/realDonaldTrump/status/875441788110110727>.

¹⁷⁸ <https://twitter.com/realDonaldTrump/status/875682853585129472>.

¹⁷⁹ <https://twitter.com/realDonaldTrump/status/875690204564258816>.

¹⁸⁰ <https://twitter.com/realDonaldTrump/status/875698062030778368>.

¹⁸¹ <https://twitter.com/realDonaldTrump/status/875701471999864833>.

¹⁸² <https://twitter.com/realDonaldTrump/status/876388733607694336>.

campaign and Russia. *CNN* also reports Coats and Rogers both said that they did not believe that President Trump gave them orders to interfere.¹⁸³

Also on June 22, President Trump tweets that he “[has] no idea”¹⁸⁴ “...whether there are ‘tapes’ or recordings of my conversations with James Comey, but I did not make, and do not have, any such recordings.”¹⁸⁵

June 23, 2017: Fox and Friends airs an interview recorded on June 22 in which President Trump engages in the following exchanges:

TRUMP: But when [Comey] found out that I, you know, that there may be tapes out there, whether it's governmental tapes or anything else, and who knows, I think his story may have changed. I mean, you will have to take a look at that because then he has to tell what actually took place at the events. And my story didn't change. My story was always a straight story. My story was always the truth. But you'll have to determine for yourself whether or not his story changed. But I did not tape.

EARHARDT: It was a smart way to make sure he stayed honest in those hearings.

TRUMP: Well, it wasn't very stupid, I can tell you that. He was — he did admit that what I said was right. And if you look further back, before he heard about that, I think maybe he wasn't admitting that, so you'll have to do a little investigative reporting to determine that. But I don't think it will be that hard.

EARHARDT: Robert Mueller do you think he should recuse himself? He is friends with James Comey. He has hired attorneys that were part of Hillary Clinton's foundation and given money to both President Obama and Hillary Clinton's campaign. Should he recuse himself?

TRUMP: He is very, very good friends with Comey, which is very bothersome. Uh, but he is also — we are going to have to see. We are going to have to see in terms — look, there has been no obstruction. There has been no collusion. There has been leaking by Comey. But there's been no collusion and no obstruction, and virtually everybody agrees to that. So we'll have to see. I can say that the people that have been hired are all Hillary Clinton

¹⁸³ Dana Bash, Evan Perez, & Manu Raju, *Intel Chiefs Tell Investigators Trump Suggested They Refute Collusion with Russians*, *CNN*, Jun. 22, 2017, <http://www.cnn.com/2017/06/22/politics/intel-chiefs-trump-refute-collusion/index.html>.

¹⁸⁴ <https://twitter.com/realDonaldTrump/status/877932907137966080>.

¹⁸⁵ <https://twitter.com/realDonaldTrump/status/877932956458795008>.

supporters. Some of them worked for Hillary Clinton. I mean, the whole thing is ridiculous if you want to know the truth from that standpoint. But Robert Mueller is an honorable man, and hopefully he will come up with an honorable solution.¹⁸⁶

Also on June 23, The *New York Times* reports that former Trump campaign manager Paul Manafort and his son-in-law are being investigated by the FBI. It is unclear whether this investigation is part of the broader FBI investigation into Russia's interference in the 2016 election.¹⁸⁷

Also on June 23, in a letter responding to the House Permanent Select Committee on Intelligence regarding its request for records of any conversations between President Trump and former FBI Director Comey, White House Director of Legislative Affairs Marc Short refers the Committee to "President Trump's June 22, 2017 statement regarding this matter: 'With all of the recently reported electronic surveillance, intercepts, unmasking and illegal leaking of information, I have no idea whether there are "tapes" or recordings of my conversations with James Comey, but I did not make, and do not have, any such recordings.'" ¹⁸⁸ This statement is in fact two tweets that Trump sent on June 22.

June 28, 2017: President Trump's personal lawyers announce that they are delaying plans to file complaints against former FBI Director Comey for "leaking" memos that captured Comey's recollection of conversations that he had with President Trump.¹⁸⁹

July 8, 2017: The *New York Times* reports that members of the Trump campaign met with a lawyer linked to the Kremlin during the campaign on June 9, 2016.¹⁹⁰ Donald Trump Jr. issues the following statement to the media on July 8:

It was a short introductory meeting. I asked Jared and Paul to stop by. We primarily discussed a program about the adoption of Russian children that was active and popular with American families years ago and was since ended by the Russian government, but it was not a campaign issue at the time and there was no follow up.

¹⁸⁶ Garet Williams, *Trump's Conspiracy-Filled Interview with Fox & Friends*, *Vox*, Jun. 23, 2017, available at <https://www.vox.com/policy-and-politics/2017/6/23/15861628/trump-fox-comey-mueller-tapes-clinton-conspiracy>.

¹⁸⁷ Mike McIntire, *F.B.I. Investigating Deals Involving Paul Manafort and Son-in-Law*, *New York Times*, Jun. 23, 2017, https://www.nytimes.com/2017/06/23/us/politics/paul-manafort-jeffrey-yohai.html?_r=0.

¹⁸⁸ Marc Short, *Letter to Congressman Conaway and Ranking Member Schiff*, *The White House*, Jun. 23, 2017, available at <http://i2.cdn.turner.com/cnn/2017/images/06/23/white.house.letter.pdf>.

¹⁸⁹ Sarah Westwood, *Trump Legal Team Delays Filing Complaints against Comey until 'the Appropriate Time'*, *The Washington Examiner*, Jun 28, 2017, available at <http://www.washingtonexaminer.com/trump-legal-team-delays-filing-complaints-against-comey-until-the-appropriate-time/article/2627325>.

¹⁹⁰ Jo Becker, Matt Apuzzo, & Adam Goldman, *Trump Team Met with Lawyer Linked to Kremlin Campaign*, *New York Times*, Jul. 8, 2017, available at <https://www.nytimes.com/2017/07/08/us/politics/trump-russia-kushner-manafort.html>.

I was asked to attend the meeting by an acquaintance, but was not told the name of the person I would be meeting with beforehand.¹⁹¹

The *Washington Post* later reports that President Trump personally dictated this misleading statement.¹⁹²

July 9, 2017: Donald Trump Jr. gives a second statement to the news meeting regarding the June 9, 2016 meeting at Trump Tower:

I was asked to have a meeting by an acquaintance I knew from the 2013 Miss Universe pageant with an individual who I was told might have information helpful to the campaign. I was not told her name prior to the meeting. I asked Jared and Paul to attend, but told them nothing of the substance. We had a meeting in June 2016. After pleasantries were exchanged, the woman stated that she had information that individuals connected to Russia were funding the Democratic National Committee and supporting Ms. Clinton. Her statements were vague, ambiguous and made no sense. No details or supporting information was provided or even offered. It quickly became clear that she had no meaningful information. She then changed subjects and began discussing the adoption of Russian children and mentioned the Magnitsky Act. It became clear to me that this was the true agenda all along and that the claims of potentially helpful information were a pretext for the meeting. I interrupted and advised her that my father was not an elected official, but rather a private citizen, and that her comments and concerns were better addressed if and when he held public office. The meeting lasted approximately 20 to 30 minutes. As it ended, my acquaintance apologized for taking up our time. That was the end of it and there was no further contact or follow-up of any kind. My father knew nothing of the meeting or these events.¹⁹³

July 10, 2017: According to *Politico*, portions of former FBI Director Comey's memos about meetings with Trump have been "retroactively classified."¹⁹⁴

¹⁹¹ Liam Stack, *Donald Trump Jr.'s Two Different Explanations for Russian Meeting*, *New York Times*, Jul. 9, 2017, available at <https://www.nytimes.com/2017/07/09/us/donald-trump-jrs-two-different-explanations-for-russian-meeting.html?mcubz=3>.

¹⁹² Ashley Parker, Carol D. Leonnig, Philip Rucker and Tom Hamburger, *Trump Dictated Son's Misleading Statement on Meeting with Russian Lawyer*, *Washington Post*, Jul. 31, 2017, available at https://www.washingtonpost.com/politics/trump-dictated-sons-misleading-statement-on-meeting-with-russian-lawyer/2017/07/31/04c94f96-73ae-11e7-8f39-eeb7d3a2d304_story.html?utm_term=.5f282e9f1b34.

¹⁹³ Stack, *New York Times*, Jul. 9, 2017, *supra* n. 191.

¹⁹⁴ Kyle Cheney & Austin Wright, *Comey Friend: Flynn Memo Was Not Classified*, *Politico*, Jul 10, 2017,

Also on July 10, President Trump tweets, “James Comey leaked CLASSIFIED INFORMATION to the media. That is so illegal!”¹⁹⁵ This contradicts Comey’s June 8 testimony that the memos he leaked were unclassified.¹⁹⁶

July 11, 2017: Follow-up reporting by the *New York Times* on the June 9, 2016 meeting between Trump Jr., Paul Manafort, Jared Kushner, and three individuals with ties to Russia prompts Trump Jr. to tweet the email chain arranging the meeting.¹⁹⁷ The emails reveal that these three senior members of the campaign took a meeting with Russian individuals who had promised them damaging information about presidential candidate Hillary Clinton. The subject line of the emails reads, “Re: Russia - Clinton - private and confidential.”¹⁹⁸

July 18, 2017: Reports emerge that Special Counsel Mueller is investigating a meeting between Donald Trump Jr., Paul Manafort (then chairman of the Trump campaign), Jared Kushner, and several individuals with ties to Russia on June 9, 2016.¹⁹⁹

July 19, 2017: In an interview with the *New York Times*, President Trump has the following exchange:

BAKER: Right, your point is that Democrats are trying to use this as an excuse, fine. But did that email concern you, that the Russian government was trying something to compromise——

TRUMP: You know, Peter, I didn’t look into it very closely, to be honest with you.

BAKER: O.K.

TRUMP: I just heard there was an email requesting a meeting or something — yeah, requesting a meeting. That they have

available at <http://www.politico.com/story/2017/07/10/james-comey-memos-retroactively-classified-240362>.

¹⁹⁵ <https://twitter.com/realDonaldTrump/status/884361623514656769>.

¹⁹⁶ Joe Johns & Dan Merica, *Trump’s Lawyer to File Complaint against Comey over Memos*, *CNN*, Jun. 9, 2017, available at <http://www.cnn.com/2017/06/09/politics/james-comey-leak-complaint/index.html>.

¹⁹⁷ Donald Trump Jr.’s Email Exchange with Rob Goldstone, *attached as Appendix A.3*. See also Jo Becker, Adam Goldman, & Matt Apuzzo, *Russian Dirt on Clinton? ‘I Love It,’ Donald Trump Jr. Said*, *New York Times*, Jul. 11, 2017, available at <https://www.nytimes.com/2017/07/11/us/politics/trump-russia-email-clinton.html?mcubz=3>.

¹⁹⁸ <https://twitter.com/donaldjtrumpjr/status/884789418455953413>; <https://twitter.com/DonaldJTrumpJr/status/884789839522140166>.

¹⁹⁹ Aaron Blake, *Today’s Big Takeaway: Robert Mueller Is Now Investigating Donald Trump Jr.’s Russia Meeting*, Jul. 18, 2017, available at https://www.washingtonpost.com/news/the-fix/wp/2017/07/18/robert-mueller-is-now-the-ninth-person-in-donald-trump-jr-s-russia-meeting/?utm_term=.0159df6613d6; Jo Becker, Matt Apuzzo, & Adam Goldman, *Trump Team Met with Lawyer Linked to Kremlin Campaign*, *New York Times*, Jul. 8, 2017, available at <https://www.nytimes.com/2017/07/08/us/politics/trump-russia-kushner-manafort.html>.

information on Hillary Clinton, and I said — I mean, this was standard political stuff.

SCHMIDT: Did you know at the time that they had the meeting?

TRUMP: No, I didn't know anything about the meeting.

SCHMIDT: But you didn't——

TRUMP: It must have been a very important — must have been a very unimportant meeting, because I never even heard about it.

HABERMAN: No one told you a word, nothing? I know we talked about this on the plane a little bit.

TRUMP: No, nobody told me. I didn't know noth—— It's a very unimportant — sounded like a very unimportant meeting.²⁰⁰

Trump also suggests that a president may stop an FBI investigation without consequences:

TRUMP: So think of this. Mike. He illegally leaks, and everyone thinks it is illegal, and by the way, it looks like it's classified and all that stuff. So he got — not a smart guy — he got tricked into that, because they didn't even ask him that question. They asked him another question, O.K.?

TRUMP: He said I said "hope" — "I hope you can treat Flynn good" or something like that. I didn't say anything.

But even if he did — like I said at the news conference on the, you know, Rose Garden — even if I did, that's not — other people go a step further. I could have ended that whole thing just by saying — they say it can't be obstruction because you can say: "It's ended. It's over. Period."²⁰¹

Later, in a portion of an interview that jumped between on and off the record comments, Trump suggests that he never would have appointed Sessions if he had known that Sessions would recuse himself. This exchange follows:

BAKER: What would cause you — what would be the line beyond which if Mueller went, you would say, "That's too far, we would need to dismiss him"?

TRUMP: Look, there are so many conflicts that everybody has. Then Rosenstein becomes extremely angry because of Comey's Wednesday press conference, where he said that he would do the

²⁰⁰ *The New York Times*, Excerpts from the Times's Interview with Trump, Jul. 19, 2017, available at https://www.nytimes.com/2017/07/19/us/politics/trump-interview-transcript.html?_r=0.

²⁰¹ *Id.*

same thing he did a year ago with Hillary Clinton, and Rosenstein became extremely angry at that because, as a prosecutor, he knows that Comey did the wrong thing. Totally wrong thing. And he gives me a letter, O.K., he gives me a letter about Comey. And by the way, that was a tough letter, O.K. Now, perhaps I would have fired Comey anyway, and it certainly didn't hurt to have the letter, O.K. But he gives me a very strong letter, and now he's involved in the case. Well, that's a conflict of interest. Do you know how many conflicts of interests there are? But then, then Comey also says that he did something in order to get the special prose— special counsel. He leaked. The reason he leaked. So, he illegally leaked.²⁰²

Also on July 19, the Senate Judiciary Committee schedules a hearing for July 26 entitled “Oversight of the Foreign Agents Registration Act and Attempts to Influence U.S. Elections: Lessons Learned from Current and Prior Administrations.”²⁰³ The Committee invites Paul Manafort, Donald Trump Jr., and Glenn Simpson (co-founder of Fusion GPS, the company that compiled the Steele Dossier) to testify and issues a statement mentioning the possibility of using subpoenas to compel their attendance. The committee eventually reaches a deal to secure documents from both Manafort and Trump Jr. and interview each of them in private in lieu of public testimony.²⁰⁴ (The Committee also interviews Simpson in private on August 22.²⁰⁵) The Committee also sends letters to Manafort, Trump Jr. and Eric Trump in their capacities as Executive Vice Presidents of the Trump Organization, and the Trump campaign requesting that they preserve and produce “documents regarding any attempts or interest in obtaining information about presidential candidate Hillary Clinton from Russian government and affiliated sources, including through a June 2016 meeting between Donald Trump Jr., Jared Kushner, Paul Manafort, and Natalia Veselnitskaya.”²⁰⁶

²⁰² *Id.*

²⁰³ Senate Committee on the Judiciary, Rescheduled: Oversight of the Foreign Agents Registration Act and Attempts to Influence U.S. Elections: Lessons Learned from Current and Prior Administrations, available at <https://www.judiciary.senate.gov/meetings/oversight-of-the-foreign-agents-registration-act-and-attempts-to-influence-us-elections-lessons-learned-from-current-and-prior-administrations>.

²⁰⁴ Jordain Carney, Trump Jr., Manafort Reach Deal to Avoid Public Hearing Next Week, *The Hill*, Jul. 21, 2017, available at <http://thehill.com/blogs/floor-action/senate/343252-senate-judiciary-committee-wont-subpoena-trump-jr-manafort>.

²⁰⁵ Todd LoBianco & Ted Barrett, Russia Dossier Firm Founder Speaks with Senate Judiciary Investigators, *CNN*, Aug. 22, 2017, available at <http://www.cnn.com/2017/08/22/politics/glenn-simpson-senate-judiciary-investigators/index.html>.

²⁰⁶ Senate Judiciary Committee, July 19, 2017 Letter to Paul Manafort, Jul. 19, 2017, available at [https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Paul%20Manafort%20\(Document%20Request\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Paul%20Manafort%20(Document%20Request).pdf); Senate Judiciary Committee, July 19, 2017 Letter to Donald Trump, Jr. and Eric Trump, Jul. 19, 2017, available at [https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Trump%20Organization%20\(Document%20Request\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Trump%20Organization%20(Document%20Request).pdf); Senate Judiciary Committee, July 19, 2017 Letter to Christian Becker, Jul. 19, 2017, available at [https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Trump%20Campaign%20\(Document%20Request\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Trump%20Campaign%20(Document%20Request).pdf).

July 20, 2017: *Bloomberg* reports that Special Counsel Mueller has expanded his probe to investigate a “broad range of transactions involving Trump’s businesses as well as those of his associates.” According to *Bloomberg*, the transactions include “Russian purchases of apartments in Trump buildings, Trump’s involvement in a controversial SoHo development with Russian associates, the 2013 Miss Universe pageant in Moscow and Trump’s sale of a Florida mansion to a Russian oligarch in 2008” as well as “dealings with the Bank of Cyprus” and “the efforts of Jared Kushner . . . to secure financing for some of his family’s real estate properties.” According to one of *Bloomberg*’s sources, this portion of Mueller’s investigation has roots in a money-laundering probe that former U.S. Attorney Preet Bharara had launched in 2016.²⁰⁷

Also on July 20, the *New York Times* reports that “President Trump’s lawyers and aides are scouring the professional and political backgrounds of investigators hired by the special counsel Robert S. Mueller III, looking for conflicts of interest they could use to discredit the investigation — or even build a case to fire Mr. Mueller or get some members of his team recused, according to three people with knowledge of the research effort.”²⁰⁸ The effort includes collecting information about the team’s political donations, which might be used to argue that Mueller’s team is biased.²⁰⁹

July 22, 2017: *CNN* reports that Special Counsel Robert Mueller asks White House staff to preserve all documents relating to a June 2016 meeting that Donald Trump Jr., Jared Kushner and Paul Manafort had with a Russian lawyer and others.²¹⁰

Also on July 22, President Trump claims in a tweet that he “has the complete power to pardon.”²¹¹

July 24, 2017: Jared Kushner meets in private with investigators from the Senate Intelligence Committee.²¹² Kushner releases an 11-page prepared statement that he gave to Senate

²⁰⁷ Greg Farrell & Christian Berthelsen, *Mueller Expands Probe to Trump Business Transactions*, *Bloomberg*, Jul. 20, 2017, available at <https://www.bloomberg.com/news/articles/2017-07-20/mueller-is-said-to-expand-probe-to-trump-business-transactions>.

²⁰⁸ Michael S. Schmidt, Maggie Haberman, & Matt Apuzzo, *Trump Aides, Seeking Leverage, Investigate Mueller’s Investigators*, *New York Times*, Jul. 20, 2017, available at <https://www.nytimes.com/2017/07/20/us/politics/donald-trump-robert-mueller-russia-investigation.html?smprod=nytcore-iphone&smid=nytcore-iphone-share>.

²⁰⁹ *Id.*; see also Carol D. Leonnig, Ashley Parker, Rosalind S. Helderman, & Tom Hamburger, *Trump Team Seeks to Control, Block Mueller’s Russia Investigation*, *Washington Post*, Jul. 21, 2017, available at https://www.washingtonpost.com/politics/trumps-lawyers-seek-to-undercut-muellers-russia-investigation/2017/07/20/232ebf2c-6d71-11e7-b9e2-2056e768a7e5_story.html?utm_term=.674c98bb0254.

²¹⁰ Dana Bash, *Exclusive: Mueller Asks WH Staff to Preserve All Documents Relating to June 2016 Meeting*, *CNN*, Jul. 22, 2018, available at <http://www.cnn.com/2017/07/21/politics/robert-mueller-russia-investigation-trump-tower-meeting/index.html>.

²¹¹ <https://twitter.com/realDonaldTrump/status/888724194820857857>.

²¹² Barret, Rucker, & Demirjian, *Washington Post*, Jul. 24, 2017, *supra* n. 48.

investigators that details his contacts with Russian officials during the campaign and transition.²¹³

July 25, 2017: In an interview with *Wall Street Journal* editor-in-chief Gerard Baker, President Trump has the following exchanges:

WSJ: What about Bob Mueller?

PRESIDENT TRUMP: It's a very important, very important thing.

WSJ: I mean, but, Bob Mueller is also really the one leading this investigation. It's his job to see –

PRESIDENT TRUMP: Well, we're going to see.

MR. BAKER: And he's investigating Russia – your Russian connection –

WSJ: He's the Russian guy. So Sessions has recused himself, but is Bob Mueller's job safe? There is speculation –

PRESIDENT TRUMP: No, we're going to see. I mean, I have no comment yet, because it's too early. But we'll see. We're going to see. Here's the good news: I was never involved with Russia. There was nobody in the campaign. I've got 200 people that will say that they've never seen anybody on the campaign. Here's another – he was involved early. There's nobody on the campaign that saw anybody from Russia. We had nothing to do with Russia. They lost an election and they came up with this as an excuse. And the only ones that are laughing are the Democrats and the Russians. They're the only ones that are laughing. And if Jeff Sessions didn't recuse himself, we wouldn't even be talking about this subject.²¹⁴

July 26, 2017: The FBI conducts a pre-dawn raid on the Alexandria home of former Trump campaign chairman Paul Manafort in which it seizes documents and other materials related to the Russia investigation. According to the *Washington Post*, the search warrant "requested documents related to tax, banking, and other matters."²¹⁵

²¹³ Kushner, July 24, 2017, *supra* n. 14.

²¹⁴ Josh Dawsey & Hadas Gold, *Full Transcript: Trump's Wall Street Journal Interview*, *Politico*, Aug. 1, 2017, available at <http://www.politico.com/story/2017/08/01/trump-wall-street-journal-interview-full-transcript-241214>.

²¹⁵ Carol D. Leonnig, Tom Hamburger, & Rosalind S. Helderman, *FBI Conducted Predawn Raid of Former Trump Campaign Chairman Manafort's Home*, *Washington Post*, Aug. 9, 2017, available at <https://www.washingtonpost.com/politics/fbi-conducted-predawn-raid-of-former-trump-campaign-chairman-manaforts-home/2017/08/09/5879fa9c-7c45-11e7-9d08->

July 28, 2017: Reince Priebus is replaced as White House chief of staff by John Kelly, a retired four-star general who had been serving as Secretary of the Department of Homeland Security.²¹⁸

August 3, 2017: The Wall Street Journal reports that Special Counsel Mueller has impaneled a grand jury in the United States District Court for D.C. to investigate Russia's interference in the 2016 election. This is in addition to the grand jury in the United States District Court for the Eastern District of Virginia that had already been used in conjunction with the investigation of former National Security Adviser Flynn.²²⁰

if the special counsel was removed for “misconduct, dereliction of duty, incapacity, conflict of interest, or other good cause, including violation of policies of the Department of Justice.”²²⁴

August 6, 2017: In an interview with Chris Wallace on Fox News Sunday, Deputy Attorney General Rosenstein has the following exchanges:

WALLACE: ... When you appointed Mueller, and you were the one who did, you had to sign an order authorizing the appointment of a special counsel, and you said that he was authorized to investigate any coordination with Russia and -- I want to put these words on the screen -- any matters that arose or may arise directly from the investigation.

My question is, does that mean that there are no red lines that Mueller or any special counsel can investigate under the terms of your order, anything he finds?

ROSENSTEIN: Chris, the special counsel is subject to the rules and regulations of the Department of Justice, and we don't engage in fishing expeditions. Now, that order that you read, that doesn't detail specifically who may be the subject of the investigation --

WALLACE: Right.

ROSENSTEIN: -- because we don't reveal that publicly.

But Bob Mueller understands and I understand the specific scope of the investigation and so, it's not a fishing expedition.

WALLACE: I understand it's not a fishing expedition, but you say any matters that arose or may arise directly from the investigation. In the course of his investigation of the issues that he is looking at, if he finds evidence of a crime, can he look at that?

ROSENSTEIN: Well, Chris, if he finds evidence of a crime that's within the scope of what Director Mueller and I have agreed is the appropriate scope of the investigation, then he can. If it's something that's outside that scope, he needs to come to the acting attorney general, at this time, me, for a permission to expand his investigation. But we don't talk about that publicly.

²²⁴ S.1735, 115th Cong. §2(c) (2017); S. 1741, 115th Cong. §2(b) (2017).

And so, the speculation you've seen in the news media, that's not anything that I've said. It's not anything Director Mueller said. We don't know who's saying it or how credible those sources are.²²⁵

August 7, 2017: President Trump calls Senator Thom Tillis and they discuss (among other things) President Trump's opposition to Tillis's Special Counsel Integrity Act, which would make it harder for the president to terminate Special Counsel Mueller.²²⁶

August 8, 2017: *USA Today* reports that President Trump's legal team "has been in contact with [Special Counsel] Mueller's office" including the "president's messages expressing 'appreciation and greetings.'" President Trump's chief counsel John Dowd says that "[t]he president has sent messages back and forth" and that the president "appreciates what Bob Mueller is doing."²²⁷

August 9, 2017: President Trump calls Senate Majority Leader Mitch McConnell and berates McConnell for (among other things) refusing to protect him from investigations into Russian interference in the 2016 election.²²⁸

August 10, 2017: President Trump tells reporters that he does not intend to fire Special Counsel Mueller: "I've been reading about it from you people. You say, 'Oh, I'm going to dismiss him.' No. I'm not dismissing anybody."²²⁹

The same day, *Bloomberg* reports that Special Counsel Mueller is using a Washington, D.C.-based grand jury to issue subpoenas relating to the Russia investigation, including to banks seeking records of transactions involving Paul Manafort, and in relation to the June 2016 meeting between Manafort, Donald Trump Jr., Kushner, and Russian lawyer Natalia Veselnitskaya.²³⁰

²²⁵ Fox News Sunday, *Rod Rosenstein Addresses Efforts to Stop White House Leaks*, Aug. 6, 2017, available at <http://www.foxnews.com/transcript/2017/08/06/rod-rosenstein-addresses-efforts-to-stop-white-house-leaks.html>.

²²⁶ Josh Dawsey & Elana Schor, *Trump Clashed with Multiple GOP Senators over Russia*, *Politico*, Aug. 23, 2017, available at <http://www.politico.com/story/2017/08/23/trump-senate-yell-phone-calls-241950>.

²²⁷ David Jackson & Kevin Johnson, *President Trump Has Sent Private Messages to Russia Special Counsel Robert Mueller*, *USA Today*, Aug. 8, 2017, available at <https://www.usatoday.com/story/news/politics/2017/08/08/donald-trump-exchanged-private-messages-special-counsel-mueller/547917001/>.

²²⁸ Alexander Burns & Jonathan Martin, *McConnell, in Private, Doubts if Trump Can Save Presidency*, *New York Times*, Aug. 22, 2017, available at <https://www.nytimes.com/2017/08/22/us/politics/mitch-mcconnell-trump.html?smid=tw-share&r=0>; Manu Raju and Jeremy Diamond, *Trump, McConnell Haven't Spoken Since Angry Phone Call, Sources Say*, *CNN*, Aug. 23, 2017, available at <https://amp.cnn.com/cnn/2017/08/22/politics/mitch-mcconnell-trump-relationship/index.html>.

²²⁹ Gregory Korte & Kevin Johnson, *President Trump Says He Won't Fire Special Counsel Robert Mueller: 'I'm not dismissing anybody'*, *USA Today*, Aug. 10, 2017, available at <https://www.usatoday.com/story/news/politics/2017/08/10/president-trump-says-he-wont-fire-special-counsel-robert-mueller-im-not-dismissing-anybody/557159001/>.

²³⁰ Christian Berthelsen & Greg Farrell, *With Bank Subpoenas, Mueller Turns Up the Heat on Manafort*, *Bloomberg Politics*, Aug. 10, 2017, available at <https://www.bloomberg.com/news/articles/2017-08-10>.

August 11, 2017: Rinat Akhmetshin, a lobbyist and former Soviet army officer who met with Trump Jr., Kushner, and Manafort at Trump Tower on June 9, 2016, reportedly testifies under oath before a grand jury.²³¹

August 12, 2017: The *New York Times* reports that Special Counsel Mueller is negotiating with White House officials about interviewing current and former senior administration officials, including former White House Chief of Staff Reince Priebus.²³²

August 14, 2017: In a six-page letter to Rep. Conaway (who is presiding over the House Permanent Select Committee on Intelligence's investigation into Russian interference in the 2016 election²³³) and Ranking Member Schiff, counsel to Michael Cohen states that they "have not uncovered a single document that would in any way corroborate the [Steele] Dossier's allegation regarding Mr. Cohen" The letter also proffers that if Cohen were to testify, he would deny thirteen specific allegations about Cohen in the Steele Dossier.²³⁴

August 18, 2017: Steve Bannon leaves his position as chief strategist at the White House.²³⁵

August 22, 2017: Glenn Simpson, the co-founder of the opposition research firm Fusion GPS that hired Steele to prepare the Steele Dossier, participates in a day-long private interview with the Senate Judiciary Committee.²³⁶ *ABC News* also reports that Steele has met with FBI agents and turned over the names of the sources he used to compile the Steele Dossier.²³⁷

[10/with-bank-subpoenas-mueller-is-said-to-turn-up-heat-on-manafort](#). See also Karen Freifeld, *Exclusive: Grand Jury Subpoenas Issued in Relation to Russian Lawyer, Trump Jr. Meeting – Sources*, Reuters (August 3, 2017), <http://www.reuters.com/article/us-usa-trump-russia-subpoena-idUSKBN1AJ2V0>.

²³¹ Katrina Manson, *Russian Lobbyist Testifies to Mueller Grand Jury*, *Financial Times*, Aug. 30, 2017, available at <https://amp.ft.com/content/eb36aed6-8d87-11e7-a352-e46f43c5825d>.

²³² Michael S. Schmidt, Matt Apuzzo, & Maggie Haberman, *Mueller Is Said to Seek Interviews with West Wing in Russia Case*, *New York Times*, Aug. 12, 2017, available at https://www.nytimes.com/2017/08/12/us/politics/mueller-trump-russia-priebus.html?_r=0.

²³³ Conaway assumed oversight of the committee's investigation after Chairman, Rep. Devin Nunes stepped aside. See Braktkton Booker, *Meet Mike Conaway, GOP Congressman Now Overseeing House's Russia Probe*, *NPR*, Apr. 6, 2017, available at <http://www.npr.org/2017/04/06/522879293/meet-mike-conaway-gop-congressman-now-overseeing-houses-russia-probe>.

²³⁴ Stephen M. Ryan, *Letter to Representatives Conaway and Schiff Regarding Michael D. Cohen*, *Esquire*, Aug. 14, 2017, available at <http://www.documentcloud.org/documents/3984360-Letter-Edit.html#document/p1>. See also Maggie Haberman and Matt Apuzzo, *Trump Lawyer 'Vehemently' Denies Russian Collusion*, *New York Times*, Aug. 30, 2017, available at <https://www.nytimes.com/2017/08/30/us/politics/trump-russia-michael-cohen.html?referer=https://t.co/PfcZV1rraW?amp=1>.

²³⁵ Maggie Haberman, Michael D. Shear, & Glenn Thrush, *Stephen Bannon Out at the White House After Turbulent Run*, *New York Times*, Aug. 18, 2017, available at https://www.nytimes.com/2017/08/18/us/politics/steve-bannon-trump-white-house.html?mcubz=3&_r=0.

²³⁶ Eric Tucker, *Committee Hears from Founder of Firm Tied to Trump Dossier*, *Associated Press*, Aug. 22, 2017, available at http://hosted.ap.org/dynamic/stories/U/US_TRUMP_RUSSIA_PROBE?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT.

²³⁷ Brian Ross, Matthew Mosk, & Rhonda Schwartz, *Glenn Simpson, Key Figure Behind Million-Dollar*

August 28, 2017: *NBC News* reports that Special Counsel Mueller's team is investigating whether President Trump attempted to hide the purpose of the June 9, 2016 meeting attended by Donald Trump Jr., Paul Manafort, and Jared Kushner.²³⁸

August 29, 2017: *CNN* reports that Special Counsel Mueller has issued subpoenas to Melissa Laurenza, Paul Manafort's former lawyer, as well as Jason Maloni, his current spokesman.²³⁹

August 30, 2017: *Politico* reports that Special Counsel Mueller's team is working with the New York Attorney General's office on the investigation of former Trump campaign chairman Paul Manafort.²⁴⁰

August 31, 2017: The *Wall Street Journal* reports that President Trump's lawyers have met with Special Counsel Mueller on several occasions and have submitted memos arguing that President Trump did not obstruct justice when he fired FBI Director Comey.²⁴¹

The same day, *The Daily Beast* reports that Special Counsel Mueller has obtained the help of agents in the Criminal Investigations unit of the Internal Revenue Service.²⁴²

September 5, 2017: The *Washington Examiner* reports that the House Intelligence Committee has subpoenaed the FBI and the Department of Justice for documents relating to the Steele Dossier.²⁴³

September 7, 2017: Donald Trump Jr. meets with members and staffers from the Senate Judiciary Committee for five hours and reportedly states that he was not aware that his father, President Trump, played any role in drafting his initial statement about the June 9, 2016 meeting

'Dossier,' to Face Questions, *ABC News*, Aug. 22, 2017, available at <http://abcnews.go.com/Politics/glenn-simpson-key-figure-million-dollar-dossier-face/story?id=49348102>.

²³⁸ Julia Ainsley & Tom Winter, *Mueller Team Asking if Trump Tried to Hide Purpose of Trump Tower Meeting*, *NBC News*, Aug. 28, 2017, available at <https://www.nbcnews.com/news/us-news/mueller-team-asking-if-trump-tried-hide-purpose-trump-tower-n796746>.

²³⁹ Evan Perez, *Special Counsel Subpoenas Manafort's Former Attorney and Spokesman*, *CNN*, Aug. 29, 2017, available at <http://www.cnn.com/2017/08/29/politics/mueller-manafort-attorney-spokesman-subpoenas/index.html>.

²⁴⁰ Josh Dawsey, *Mueller Teams Up with New York Attorney General in Manafort Probe*, *Politico*, Aug. 30, 2017, available at <http://www.politico.com/story/2017/08/30/manafort-mueller-probe-attorney-general-242191>.

²⁴¹ Peter Nicholas, Erica Orden, & Paul Sonne, *Trump Attorneys Lay Out Arguments against Obstruction of Justice Probe to Mueller*, *Wall Street Journal*, Aug. 31, 2017, available at <https://www.wsj.com/articles/trump-attorneys-lay-out-arguments-against-obstruction-of-justice-probe-to-mueller-1504207495>.

²⁴² Betsy Woodruff, *Exclusive: Mueller Enlists the IRS for His Trump-Russia Investigation*, *Daily Beast*, Aug. 31, 2017, available at <http://www.thedailybeast.com/exclusive-mueller-enlists-the-irs-for-his-trump-russia-investigation?source=email&via=mobile>.

²⁴³ Byron York, *House Committee Subpoenas FBI, Justice over Trump Dossier*, *Washington Examiner*, Sept. 5, 2017, available at <http://www.washingtonexaminer.com/house-committee-subpoenas-fbi-justice-over-trump-dossier/article/2633466>.

at Trump Tower.²⁴⁴ Trump Jr. delivered a prepared statement at the meeting where, among other things, he stated, “I did not collude with any foreign government and do not know of anyone who did.”²⁴⁵ Trump Jr. also told the Committee that he arranged the June 2016 meeting because he was interested in information that could bear on Hillary Clinton’s “fitness” to be president.²⁴⁶

September 8, 2017: Special Counsel Mueller has sought interviews with at least six current and former White House aides.²⁴⁷

September 12, 2017: In response to a question about whether the president would encourage the Department of Justice to prosecute former FBI Director Comey, White House Press Secretary Sarah Huckabee Sanders states, “That’s not the President’s role. That’s the job of the Department of Justice, and something they should certainly look at.”²⁴⁸

September 13, 2017: *NBC News* reports that Michael G. Flynn, the son of former National Security Adviser (ret.) Lt. Gen. Michael Flynn, is a subject of Special Counsel Mueller’s investigation at least in part because of his work in his father’s lobbying firm, Flynn Intel Group.²⁴⁹

September 15, 2017: The *Wall Street Journal* reports that Facebook has shared detailed records with Special Counsel Mueller about Russian ad purchases on its platform during the 2016 presidential election.²⁵⁰

²⁴⁴ Tom Hamburger & Karoun Demirjian, Trump Jr. Says He Can’t Recall White House Role in Explaining Meeting with Russians, *Washington Post*, Sept. 7, 2017, available at https://www.washingtonpost.com/politics/trump-jr-says-nothing-came-of-2016-meeting-with-russians/2017/09/07/43f3f2ce-93e9-11e7-89fa-bb822a46da5b_story.html?utm_term=.cfd5857327a3.

²⁴⁵ Andrew Prokop, Here’s Donald Trump Jr.’s Statement to Congress about His Russia Meeting, *Vox*, Sept. 7, 2017, available at <https://www.vox.com/policy-and-politics/2017/9/7/16270068/donald-trump-jr-statement-russia>.

²⁴⁶ Nicholas Fandos & Maggie Haberman, Trump Jr. Says He Wanted Russian Dirt to Determine Clinton’s ‘Fitness’ for Office, *New York Times*, Sept. 7, 2017, available at <https://www.nytimes.com/2017/09/07/us/politics/trump-russia-investigation.html>.

²⁴⁷ Carol D. Leonnig, Rosalind S. Helderman, & Ashley Parker, Mueller Gives White House Names of 6 Aides He Expects to Question in Russia Probe, *Washington Post*, Sept. 8, 2017, available at https://www.washingtonpost.com/politics/spicer-priebus-hicks-among-six-current-and-former-trump-aides-mueller-has-expressed-interest-in-interviewing-for-russia-probe/2017/09/08/3b32779e-949a-11e7-aace-04b862b2b3f3_story.html?sw_bypass=true&utm_term=.deb75f97e7f2.

²⁴⁸ White House Office of the Press Secretary, Press Briefing by Press Secretary Sarah Sanders, Sept. 12, 2017, available at <https://www.whitehouse.gov/the-press-office/2017/09/12/press-briefing-press-secretary-sarah-sanders>.

²⁴⁹ Carol E. Lee, Julia Ainsley, Ken Dilanian, Mike Flynn’s Son Is Subject of Federal Russia Probe, *NBC News*, Sept. 13, 2017, available at <https://www.nbcnews.com/news/us-news/mike-flynn-s-son-subject-federal-russia-probe-n800741>.

²⁵⁰ Deepa Seetharaman, Byron Tau, & Shane Harris, Facebook Gave Special Counsel Robert Mueller More Details on Russian Ad Buys than Congress, *Wall Street Journal*, Sept. 15, 2017, available at <https://www.wsj.com/articles/facebook-gave-special-counsel-robert-mueller-more-details-on-russian-ad-buys-than-congress-1505514552>.

September 20, 2017: The *New York Times* reports that Special Counsel Mueller had requested White House documents about the firing of former National Security Adviser Flynn, the firing of former FBI Director Comey, President Trump's meeting with Russian officials at the White House the day after he fired Comey, and the White House's response to questions about the June 2016 meeting at Trump Tower between Trump Jr., Kushner, Manafort, and several Russians.²⁵¹

October 3, 2017: *CNN* reports that ads posted on Facebook and linked to Russia targeted Michigan and Wisconsin—two states crucial to President Trump's victory in the 2016 election. Some of the ads were reportedly targeted at voters susceptible to anti-Muslim messages.²⁵²

²⁵¹ Michael S. Schmidt, *Mueller Seeks White House Documents Related to Trump's Actions as President*, *New York Times*, Sept. 20, 2017, available at https://www.nytimes.com/2017/09/20/us/politics/mueller-trump-russia.html?_r=0.

²⁵² Manu Raju, Dylan Beyers, & Dana Bash, *Exclusive: Russia-Linked Facebook Ads Targeted Michigan and Wisconsin*, *CNN*, Oct. 4, 2017, available at <http://www.cnn.com/2017/10/03/politics/russian-facebook-ads-michigan-wisconsin/index.html>.

Appendix A.2
James Comey's June 8, 2017 Statement for the Record

Statement for the Record
Senate Select Committee on Intelligence

James B. Comey

June 8, 2017

Chairman Burr, Ranking Member Warner, Members of the Committee. Thank you for inviting me to appear before you today. I was asked to testify today to describe for you my interactions with President-Elect and President Trump on subjects that I understand are of interest to you. I have not included every detail from my conversations with the President, but, to the best of my recollection, I have tried to include information that may be relevant to the Committee.

January 6 Briefing

I first met then-President-Elect Trump on Friday, January 6 in a conference room at Trump Tower in New York. I was there with other Intelligence Community (IC) leaders to brief him and his new national security team on the findings of an IC assessment concerning Russian efforts to interfere in the election. At the conclusion of that briefing, I remained alone with the President-Elect to brief him on some personally sensitive aspects of the information assembled during the assessment.

The IC leadership thought it important, for a variety of reasons, to alert the incoming President to the existence of this material, even though it was salacious and unverified. Among those reasons were: (1) we knew the media was about to publicly report the material and we believed the IC should not keep knowledge of the material and its imminent release from the President-Elect; and (2) to the extent there was some effort to compromise an incoming President, we could blunt any such effort with a defensive briefing.

The Director of National Intelligence asked that I personally do this portion of the briefing because I was staying in my position and because the material implicated the FBI's counter-intelligence responsibilities. We also agreed I would do it alone to minimize potential embarrassment to the President-Elect. Although we agreed it made sense for me to do the briefing, the FBI's leadership and I were concerned that the briefing might create a situation where a new President came into office uncertain about whether the FBI was conducting a counter-intelligence investigation of his personal conduct.

It is important to understand that FBI counter-intelligence investigations are different than the more-commonly known criminal investigative work. The Bureau's goal in a counter-intelligence investigation is to understand the technical and human methods that hostile foreign powers are using to influence the United States or to steal our secrets. The FBI uses that understanding to disrupt those efforts. Sometimes disruption takes the form of alerting a person who is targeted for recruitment or influence by the foreign power. Sometimes it involves hardening a computer system that is being attacked. Sometimes it involves "turning" the recruited person into a double-agent, or publicly calling out the behavior with sanctions or expulsions of embassy-based intelligence officers. On occasion, criminal prosecution is used to disrupt intelligence activities.

Because the nature of the hostile foreign nation is well known, counter-intelligence investigations tend to be centered on individuals the FBI suspects to be witting or unwitting agents of that foreign power. When the FBI develops reason to believe an American has been targeted for recruitment by a foreign power or is covertly acting as an agent of the foreign power, the FBI will "open an investigation" on that American and use legal authorities to try to learn more about the nature of any relationship with the foreign power so it can be disrupted.

In that context, prior to the January 6 meeting, I discussed with the FBI's leadership team whether I should be prepared to assure President-Elect Trump that we were not investigating him personally. That was true; we did not have an open counter-intelligence case on him. We agreed I should do so if circumstances warranted. During our one-on-one meeting at Trump Tower, based on President-Elect Trump's reaction to the briefing and without him directly asking the question, I offered that assurance.

I felt compelled to document my first conversation with the President-Elect in a memo. To ensure accuracy, I began to type it on a laptop in an FBI vehicle outside Trump Tower the moment I walked out of the meeting. Creating written records immediately after one-on-one conversations with Mr. Trump was my practice from that point forward. This had not been my practice in the past. I spoke alone with President Obama twice in person (and never on the phone) – once in 2015 to discuss law enforcement policy issues and a second time, briefly, for him to say goodbye in late 2016. In neither of those circumstances did I memorialize the discussions. I can recall nine one-on-one conversations with President Trump in four months – three in person and six on the phone.

January 27 Dinner

The President and I had dinner on Friday, January 27 at 6:30 pm in the Green Room at the White House. He had called me at lunchtime that day and

invited me to dinner that night, saying he was going to invite my whole family, but decided to have just me this time, with the whole family coming the next time. It was unclear from the conversation who else would be at the dinner, although I assumed there would be others.

It turned out to be just the two of us, seated at a small oval table in the center of the Green Room. Two Navy stewards waited on us, only entering the room to serve food and drinks.

The President began by asking me whether I wanted to stay on as FBI Director, which I found strange because he had already told me twice in earlier conversations that he hoped I would stay, and I had assured him that I intended to. He said that lots of people wanted my job and, given the abuse I had taken during the previous year, he would understand if I wanted to walk away.

My instincts told me that the one-on-one setting, and the pretense that this was our first discussion about my position, meant the dinner was, at least in part, an effort to have me ask for my job and create some sort of patronage relationship. That concerned me greatly, given the FBI's traditionally independent status in the executive branch.

I replied that I loved my work and intended to stay and serve out my ten-year term as Director. And then, because the set-up made me uneasy, I added that I was not "reliable" in the way politicians use that word, but he could always count on me to tell him the truth. I added that I was not on anybody's side politically and could not be counted on in the traditional political sense, a stance I said was in his best interest as the President.

A few moments later, the President said, "I need loyalty, I expect loyalty." I didn't move, speak, or change my facial expression in any way during the awkward silence that followed. We simply looked at each other in silence. The conversation then moved on, but he returned to the subject near the end of our dinner.

At one point, I explained why it was so important that the FBI and the Department of Justice be independent of the White House. I said it was a paradox: Throughout history, some Presidents have decided that because "problems" come from Justice, they should try to hold the Department close. But blurring those boundaries ultimately makes the problems worse by undermining public trust in the institutions and their work.

Near the end of our dinner, the President returned to the subject of my job, saying he was very glad I wanted to stay, adding that he had heard great things

about me from Jim Mattis, Jeff Sessions, and many others. He then said, “I need loyalty.” I replied, “You will always get honesty from me.” He paused and then said, “That’s what I want, honest loyalty.” I paused, and then said, “You will get that from me.” As I wrote in the memo I created immediately after the dinner, it is possible we understood the phrase “honest loyalty” differently, but I decided it wouldn’t be productive to push it further. The term – honest loyalty – had helped end a very awkward conversation and my explanations had made clear what he should expect.

During the dinner, the President returned to the salacious material I had briefed him about on January 6, and, as he had done previously, expressed his disgust for the allegations and strongly denied them. He said he was considering ordering me to investigate the alleged incident to prove it didn’t happen. I replied that he should give that careful thought because it might create a narrative that we were investigating him personally, which we weren’t, and because it was very difficult to prove a negative. He said he would think about it and asked me to think about it.

As was my practice for conversations with President Trump, I wrote a detailed memo about the dinner immediately afterwards and shared it with the senior leadership team of the FBI.

February 14 Oval Office Meeting

On February 14, I went to the Oval Office for a scheduled counter-terrorism briefing of the President. He sat behind the desk and a group of us sat in a semi-circle of about six chairs facing him on the other side of the desk. The Vice President, Deputy Director of the CIA, Director of the National Counter-Terrorism Center, Secretary of Homeland Security, the Attorney General, and I were in the semi-circle of chairs. I was directly facing the President, sitting between the Deputy CIA Director and the Director of NCTC. There were quite a few others in the room, sitting behind us on couches and chairs.

The President signaled the end of the briefing by thanking the group and telling them all that he wanted to speak to me alone. I stayed in my chair. As the participants started to leave the Oval Office, the Attorney General lingered by my chair, but the President thanked him and said he wanted to speak only with me. The last person to leave was Jared Kushner, who also stood by my chair and exchanged pleasantries with me. The President then excused him, saying he wanted to speak with me.

When the door by the grandfather clock closed, and we were alone, the President began by saying, “I want to talk about Mike Flynn.” Flynn had resigned

the previous day. The President began by saying Flynn hadn't done anything wrong in speaking with the Russians, but he had to let him go because he had misled the Vice President. He added that he had other concerns about Flynn, which he did not then specify.

The President then made a long series of comments about the problem with leaks of classified information – a concern I shared and still share. After he had spoken for a few minutes about leaks, Reince Priebus leaned in through the door by the grandfather clock and I could see a group of people waiting behind him. The President waved at him to close the door, saying he would be done shortly. The door closed.

The President then returned to the topic of Mike Flynn, saying, "He is a good guy and has been through a lot." He repeated that Flynn hadn't done anything wrong on his calls with the Russians, but had misled the Vice President. He then said, "I hope you can see your way clear to letting this go, to letting Flynn go. He is a good guy. I hope you can let this go." I replied only that "he is a good guy." (In fact, I had a positive experience dealing with Mike Flynn when he was a colleague as Director of the Defense Intelligence Agency at the beginning of my term at FBI.) I did not say I would "let this go."

The President returned briefly to the problem of leaks. I then got up and left out the door by the grandfather clock, making my way through the large group of people waiting there, including Mr. Priebus and the Vice President.

I immediately prepared an unclassified memo of the conversation about Flynn and discussed the matter with FBI senior leadership. I had understood the President to be requesting that we drop any investigation of Flynn in connection with false statements about his conversations with the Russian ambassador in December. I did not understand the President to be talking about the broader investigation into Russia or possible links to his campaign. I could be wrong, but I took him to be focusing on what had just happened with Flynn's departure and the controversy around his account of his phone calls. Regardless, it was very concerning, given the FBI's role as an independent investigative agency.

The FBI leadership team agreed with me that it was important not to infect the investigative team with the President's request, which we did not intend to abide. We also concluded that, given that it was a one-on-one conversation, there was nothing available to corroborate my account. We concluded it made little sense to report it to Attorney General Sessions, who we expected would likely recuse himself from involvement in Russia-related investigations. (He did so two weeks later.) The Deputy Attorney General's role was then filled in an acting capacity by a United States Attorney, who would also not be long in the role.

After discussing the matter, we decided to keep it very closely held, resolving to figure out what to do with it down the road as our investigation progressed. The investigation moved ahead at full speed, with none of the investigative team members – or the Department of Justice lawyers supporting them – aware of the President’s request.

Shortly afterwards, I spoke with Attorney General Sessions in person to pass along the President’s concerns about leaks. I took the opportunity to implore the Attorney General to prevent any future direct communication between the President and me. I told the AG that what had just happened – him being asked to leave while the FBI Director, who reports to the AG, remained behind – was inappropriate and should never happen. He did not reply. For the reasons discussed above, I did not mention that the President broached the FBI’s potential investigation of General Flynn.

March 30 Phone Call

On the morning of March 30, the President called me at the FBI. He described the Russia investigation as “a cloud” that was impairing his ability to act on behalf of the country. He said he had nothing to do with Russia, had not been involved with hookers in Russia, and had always assumed he was being recorded when in Russia. He asked what we could do to “lift the cloud.” I responded that we were investigating the matter as quickly as we could, and that there would be great benefit, if we didn’t find anything, to our having done the work well. He agreed, but then re-emphasized the problems this was causing him.

Then the President asked why there had been a congressional hearing about Russia the previous week – at which I had, as the Department of Justice directed, confirmed the investigation into possible coordination between Russia and the Trump campaign. I explained the demands from the leadership of both parties in Congress for more information, and that Senator Grassley had even held up the confirmation of the Deputy Attorney General until we briefed him in detail on the investigation. I explained that we had briefed the leadership of Congress on exactly which individuals we were investigating and that we had told those Congressional leaders that we were not personally investigating President Trump. I reminded him I had previously told him that. He repeatedly told me, “We need to get that fact out.” (I did not tell the President that the FBI and the Department of Justice had been reluctant to make public statements that we did not have an open case on President Trump for a number of reasons, most importantly because it would create a duty to correct, should that change.)

The President went on to say that if there were some “satellite” associates of his who did something wrong, it would be good to find that out, but that he

hadn't done anything wrong and hoped I would find a way to get it out that we weren't investigating him.

In an abrupt shift, he turned the conversation to FBI Deputy Director Andrew McCabe, saying he hadn't brought up "the McCabe thing" because I had said McCabe was honorable, although McAuliffe was close to the Clintons and had given him (I think he meant Deputy Director McCabe's wife) campaign money. Although I didn't understand why the President was bringing this up, I repeated that Mr. McCabe was an honorable person.

He finished by stressing "the cloud" that was interfering with his ability to make deals for the country and said he hoped I could find a way to get out that he wasn't being investigated. I told him I would see what we could do, and that we would do our investigative work well and as quickly as we could.

Immediately after that conversation, I called Acting Deputy Attorney General Dana Boente (AG Sessions had by then recused himself on all Russia-related matters), to report the substance of the call from the President, and said I would await his guidance. I did not hear back from him before the President called me again two weeks later.

April 11 Phone Call

On the morning of April 11, the President called me and asked what I had done about his request that I "get out" that he is not personally under investigation. I replied that I had passed his request to the Acting Deputy Attorney General, but I had not heard back. He replied that "the cloud" was getting in the way of his ability to do his job. He said that perhaps he would have his people reach out to the Acting Deputy Attorney General. I said that was the way his request should be handled. I said the White House Counsel should contact the leadership of DOJ to make the request, which was the traditional channel.

He said he would do that and added, "Because I have been very loyal to you, very loyal; we had that thing you know." I did not reply or ask him what he meant by "that thing." I said only that the way to handle it was to have the White House Counsel call the Acting Deputy Attorney General. He said that was what he would do and the call ended.

That was the last time I spoke with President Trump.

#

Appendix A.3
Donald Trump Jr.'s Email Exchange with Rob Goldstone

To everyone, in order to be totally transparent, I am releasing the entire email chain of my emails with Rob Goldstone about the meeting on June 9, 2016. The first email on June 3, 2016 was from Rob, who was relating a request from Emin, a person I knew from the 2013 Ms. Universe Pageant near Moscow. Emin and his father have a very highly respected company in Moscow. The information they suggested they had about Hillary Clinton I thought was Political Opposition Research. I first wanted to just have a phone call but when that didn't work out, they said the woman would be in New York and asked if I would meet. I decided to take the meeting. The woman, as she has said publicly, was not a government official. And, as we have said, she had no information to provide and wanted to talk about adoption policy and the Magnitsky Act. To put this in context, this occurred before the current Russian fever was in vogue. As Rob Goldstone said just today in the press, the entire meeting was "the most inane nonsense I ever heard. And I was actually agitated by it."

From: Donald Trump Jr.
Sent: Wednesday, June 08, 2016 12:03 PM
To: Jared Kushner; Paul Manafort
Subject: FW: Russia - Clinton - private and confidential

Meeting got moved to 4 tomorrow at my offices.
Best,
Don

Donald J. Trump Jr.
Executive Vice President of Development and Acquisitions The Trump Organization
725 Fifth Avenue | New York, NY | 10022
n | trump.com

-----Original Message-----

From: Rob Goldstone
Sent: Wednesday, June 08, 2016 11:18 AM
To: Donald Trump Jr.
Subject: Re: Russia - Clinton - private and confidential

They can't do today as she hasn't landed yet from Moscow 4pm is great tomorrow.
Best
Rob

This iphone speaks many languages

On Jun 8, 2016, at 11:15, Donald Trump Jr. wrote:

Yes Rob I could do that unless they wanted to do 3 today instead... just let me know and ill lock it in either way.
d

Donald J. Trump Jr.
Executive Vice President of Development and Acquisitions The Trump Organization
725 Fifth Avenue | New York, NY | 10022

| trump.com

-----Original Message-----

From: Rob Goldstone

Sent: Wednesday, June 08, 2016 10:34 AM
To: Donald Trump Jr.
Subject: Re: Russia - Clinton - private and confidential

Good morning

Would it be possible to move tomorrow meeting to 4pm as the Russian attorney is in court until 3 i was just informed.

Best

Rob

This iphone speaks many languages

On Jun 7, 2016, at 18:14, Donald Trump Jr. wrote:

Great. It will likely be Paul Manafort (campaign boss) my brother in law and me. 725 Fifth Ave 25th floor.

Sent from my iPhone

> On Jun 7, 2016, at 5:19 PM, Rob Goldstone wrote:

>

> Perfect...I won't sit in on the meeting, but will bring them at 3pm and introduce you etc.

> I will send the names of the two people meeting with you for security when I have them later today.

>

> best

>

> Rob

>

>> On Jun 7, 2016, at 5:16 PM, Donald Trump Jr. wrote:

>>

>> How about 3 at our offices? Thanks rob appreciate you helping set it up.

>> D

>>

>>

>> Sent from my iPhone

>>

>>> On Jun 7, 2016, at 4:20 PM, Rob Goldstone wrote:

>>>

>>> Don

>>> Hope all is well

>>> Emin asked that I schedule a meeting with you and The Russian government attorney who is flying over from Moscow for this Thursday.

>>> I believe you are aware of the meeting - and so wondered if 3pm or later on Thursday works for you?

>>> I assume it would be at your office.

>>> Best

>>> Rob Goldstone

>>> This iphone speaks many languages

>>>

>>> On Jun 6, 2016, at 16:38, Donald Trump Jr. wrote:

>>>

>>> Rob thanks for the help.

>>> D

>>>

>>>

>>> Sent from my iPhone

>>>

>>>> On Jun 6, 2016, at 3:43 PM, Rob Goldstone wrote:

>>>>

>>>> Ok he's on stage in Moscow but should be off within 20 Minutes so I

>>>> am sure can call Rob

>>>>

>>>> This iphone speaks many languages

>>>>

>>>> On Jun 6, 2016, at 15:38, Donald Trump Jr. wrote:

>>>>

>>>> My cell thanks

>>>> d

>>>>

>>>>

>>>>

>>>> Donald J. Trump Jr.

>>>> Executive Vice President of Development and Acquisitions The Trump

>>>> Organization

>>>> 725 Fifth Avenue | New York, NY | 10022

>>>> | trump.com

>>>>

>>>>

>>>>

>>>> -----Original Message-----

>>>> From: Rob Goldstone [mailto:rob@goldstone.com]

>>>> Sent: Monday, June 06, 2016 3:37 PM

>>>> To: Donald Trump Jr. <[mailto:donald@trump.com]>

>>>> Subject: Re: Russia - Clinton - private and confidential

>>>>

>>>> Let me track him down in Moscow

>>>> What number he could call?

>>>>

>>>> This iphone speaks many languages

>>>>

>>>> On Jun 6, 2016, at 15:03, Donald Trump Jr. wrote:

>>>>

>>>> Rob could we speak now?

>>>> d

>>>>

>>>>

>>>>

>>>> Donald J. Trump Jr.

>>>> Executive Vice President of Development and Acquisitions The Trump

>>>> Organization

>>>> 725 Fifth Avenue | New York, NY | 10022

>>>> | trump.com

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>>>> -----Original Message-----

>>>> From: Rob Goldstone [mailto:rob@goldstone.com]

>>>> Sent: Monday, June 06, 2016 12:40 PM
>>>> To: Donald Trump Jr. >
>>>> Subject: Re: Russia - Clinton - private and confidential
>>>>
>>>> Hi Don
>>>> Let me know when you are free to talk with Emin by phone about this
>>>> Hillary info - you had mentioned early this week so wanted to try
>>>> to schedule a time and day Best to you and family Rob Goldstone
>>>>
>>>> This iphone speaks many languages
>>>>
>>>> On Jun 3, 2016, at 10:53, Donald Trump Jr. > wrote:
>>>>
>>>> Thanks Rob I appreciate that. I am on the road at the moment but perhaps I just speak to Emin first. Seems we
have some time and if it's what you say I love it especially later in the summer. Could we do a call first thing next week
when I am back?
>>>> Best,
>>>> Don
>>>>
>>>>
>>>> Sent from my iPhone
>>>>
>>>>> On Jun 3, 2016, at 10:36 AM, Rob Goldstone > wrote:
>>>>>
>>>>> Good morning
>>>>> Emin just called and asked me to contact you with something very interesting.
>>>>> The Crown prosecutor of Russia met with his father Aras this morning and in their meeting offered to provide the
Trump campaign with some official documents and information that would incriminate Hillary and her dealings with
Russia and would be very useful to your father.
>>>>> This is obviously very high level and sensitive information but is part of Russia and its government's support for
Mr. Trump - helped along by Aras and Emin.
>>>>> What do you think is the best way to handle this information and would you be able to speak to Emin about it
directly?
>>>>> I can also send this info to your father via Rhona, but it is ultra sensitive so wanted to send to you first.
>>>>> Best
>>>>> Rob Goldstone
>>>>>
>>>>> This iphone speaks many languages
>>>>>
>>>>> This e-mail message, and any attachments to it, are for the sole use of the intended recipients, and may contain
confidential and privileged information. Any unauthorized review, use, disclosure or distribution of this email message
or its attachments is prohibited. If you are not the intended recipient, please contact the sender by reply email and
destroy all copies of the original message. Please note that any views or opinions presented in this email are solely those
of the author and do not necessarily represent those of the company. Finally, while the company uses virus protection,
the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability
for any damage caused by any virus transmitted by this email.

Appendix B.1
18 U.S.C. § 1503

- Sec.
 1520. Destruction of corporate audit records.
 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.

AMENDMENTS

- 2008—Pub. L. 110-177, title II, § 201(b), Jan. 7, 2008, 121 Stat. 2536, added item 1521.
 2002—Pub. L. 107-204, title VIII, §§ 802(b), 806(b), July 30, 2002, 116 Stat. 801, 804, added items 1514A, 1519, and 1520.
 1996—Pub. L. 104-191, title II, § 245(b), Aug. 21, 1996, 110 Stat. 2018, added item 1518.
 1990—Pub. L. 101-647, title XXV, § 2503(b), Nov. 29, 1990, 104 Stat. 4861, added item 1517.
 1988—Pub. L. 100-690, title VII, §§ 7030, 7078(b), Nov. 18, 1988, 102 Stat. 4398, 4406, inserted “; general provision” in item 1515 and added item 1516.
 1982—Pub. L. 97-291, § 4(b), Oct. 12, 1982, 96 Stat. 1253, substituted “or juror” for “, juror or witness” after “officer” in item 1503, and added items 1512, 1513, 1514, and 1515.
 1970—Pub. L. 91-452, title VIII, § 802(b), Oct. 15, 1970, 84 Stat. 937, added item 1511.
 1967—Pub. L. 90-123, § 1(b), Nov. 3, 1967, 81 Stat. 362, added item 1510.
 1962—Pub. L. 87-664, § 6(b), Sept. 19, 1962, 76 Stat. 552, substituted “Obstruction of proceedings before departments, agencies, and committees” for “Influencing or injuring witness before agencies and committees” in item 1505.
 1960—Pub. L. 86-449, title I, § 102, May 6, 1960, 74 Stat. 86, added item 1509.
 1956—Act Aug. 2, 1956, ch. 879, § 2, 70 Stat. 936, added item 1508.
 1950—Act Sept. 23, 1950, ch. 1024, title I, § 31(b), 64 Stat. 1019, added item 1507.

§ 1501. Assault on process server

Whoever knowingly and willfully obstructs, resists, or opposes any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ or process of any court of the United States, or United States magistrate judge; or

Whoever assaults, beats, or wounds any officer or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process—

Shall, except as otherwise provided by law, be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 769; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103-322, title XXXIII, § 330016(1)(F), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 245 (Mar. 4, 1909, ch. 321, § 140, 35 Stat. 1114).

The phrase “Except as otherwise expressly provided by law” was inserted because sections 2231, 2232, and 2233 of this title provide greater penalties for obstructing service of search warrants.

Mandatory provisions were rephrased in the alternative.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$300” in last par.

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-204, title VIII, § 801, July 30, 2002, 116 Stat. 800, provided that: “This title [enacting sections 1348, 1514A, 1519, and 1520 of this title, amending section 523 of Title 11, Bankruptcy, and section 1658 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under sections 994 and 1658 of Title 28] may be cited as the ‘Corporate and Criminal Fraud Accountability Act of 2002.’”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-291, § 1, Oct. 12, 1982, 96 Stat. 1248, provided: “That this Act [enacting sections 1512 to 1515, 3579, and 3580 of this title, amending sections 1503, 1505, 1510, and 3146 of this title and Rule 32 of the Federal Rules of Civil Procedure, and enacting provisions set out as notes under sections 1512 and 3579 of this title] may be cited as the ‘Victim and Witness Protection Act of 1982.’”

§ 1502. Resistance to extradition agent

Whoever knowingly and willfully obstructs, resists, or opposes an extradition agent of the United States in the execution of his duties, shall be fined under this title or imprisoned not more than one year, or both.

(June 24, 1948, ch. 645, 62 Stat. 769; Pub. L. 103-322, title XXXIII, § 330016(1)(F), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 661 (R.S. 5277).

Said section 661 of title 18, U.S.C., 1940 ed., was incorporated in this section and section 752 of this title.

Words “an extradition agent of the United States” were substituted for “such agent” which was referred to in sections 3182 et seq. of this title.

A fine of “\$300” was substituted for “\$1,000” as the mandatory maximum to harmonize with similar offenses in this chapter. (See section 1501 of this title.)

Punishment provision was rephrased in the alternative.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$300”.

§ 1503. Influencing or injuring officer or juror generally

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such

juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is—

(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and

(3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 769; Pub. L. 97-291, §4(c), Oct. 12, 1982, 96 Stat. 1253; Pub. L. 103-322, title VI, §60016, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 1974, 2147; Pub. L. 104-214, §1(3), Oct. 1, 1996, 110 Stat. 3017.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §241 (Mar. 4, 1909, ch. 321, §135, 35 Stat. 1113; June 8, 1945, ch. 178, §1, 59 Stat. 234).

The phrase "other committing magistrate" was substituted for "officer acting as such commissioner" in order to clarify meaning.

Minor changes were made in phraseology.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-214 inserted at end "If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case."

1994—Pub. L. 103-322, §330016(1)(K), which directed the substitution of "fined under this title" for "fined not more than \$5,000", could not be executed because the words "fined not more than \$5,000" did not appear in text subsequent to amendment by Pub. L. 103-322, §60016. See below.

Pub. L. 103-322, §60016, designated existing provisions as subsec. (a), substituted "magistrate judge" for "commissioner" in two places and "punished as provided in subsection (b)" for "fined not more than \$5,000 or imprisoned not more than five years, or both", and added subsec. (b).

1982—Pub. L. 97-291, §4(c)(1), substituted "or juror" for "juror or witness" after "officer" in section catchline.

Pub. L. 97-291, §4(c)(2), (3), substituted in text "grand" for "witness, in any court of the United States or before any United States commissioner or other

committing magistrate, or any grand" after "or impede any", and struck out "injures any party or witness in his person or property on account of his attending or having attended such court or examination before such officer, commissioner, or other committing magistrate, or on account of his testifying or having testified to any matter pending therein, or" after "discharge of his duty, or".

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-291 effective Oct. 12, 1982, see section 9(a) of Pub. L. 97-291, set out as an Effective Date note under section 1512 of this title.

§ 1504. Influencing juror by writing

Whoever attempts to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any written communication, in relation to such issue or matter, shall be fined under this title or imprisoned not more than six months, or both.

Nothing in this section shall be construed to prohibit the communication of a request to appear before the grand jury.

(June 25, 1948, ch. 645, 62 Stat. 770; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §243 (Mar. 4, 1909, ch. 321, §137, 35 Stat. 1113).

Last paragraph was added to remove the possibility that a proper request to appear before a grand jury might be construed as a technical violation of this section.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000" in first par.

§ 1505. Obstruction of proceedings before departments, agencies, and committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined

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juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is—

(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and

(3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 769; Pub. L. 97-291, §4(c), Oct. 12, 1982, 96 Stat. 1253; Pub. L. 103-322, title VI, §60016, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 1974, 2147; Pub. L. 104-214, §1(3), Oct. 1, 1996, 110 Stat. 3017.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §241 (Mar. 4, 1909, ch. 321, §135, 35 Stat. 1113; June 8, 1945, ch. 178, §1, 59 Stat. 234).

The phrase "other committing magistrate" was substituted for "officer acting as such commissioner" in order to clarify meaning.

Minor changes were made in phraseology.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-214 inserted at end "If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case."

1994—Pub. L. 103-322, §330016(1)(K), which directed the substitution of "fined under this title" for "fined not more than \$5,000", could not be executed because the words "fined not more than \$5,000" did not appear in text subsequent to amendment by Pub. L. 103-322, §60016. See below.

Pub. L. 103-322, §60016, designated existing provisions as subsec. (a), substituted "magistrate judge" for "commissioner" in two places and "punished as provided in subsection (b)" for "fined not more than \$5,000 or imprisoned not more than five years, or both", and added subsec. (b).

1982—Pub. L. 97-291, §4(c)(1), substituted "or juror" for "juror or witness" after "officer" in section catchline.

Pub. L. 97-291, §4(c)(2), (3), substituted in text "grand" for "witness, in any court of the United States or before any United States commissioner or other

committing magistrate, or any grand" after "or impede any", and struck out "injures any party or witness in his person or property on account of his attending or having attended such court or examination before such officer, commissioner, or other committing magistrate, or on account of his testifying or having testified to any matter pending therein, or" after "discharge of his duty, or".

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-291 effective Oct. 12, 1982, see section 9(a) of Pub. L. 97-291, set out as an Effective Date note under section 1512 of this title.

§ 1504. Influencing juror by writing

Whoever attempts to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any written communication, in relation to such issue or matter, shall be fined under this title or imprisoned not more than six months, or both.

Nothing in this section shall be construed to prohibit the communication of a request to appear before the grand jury.

(June 25, 1948, ch. 645, 62 Stat. 770; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §243 (Mar. 4, 1909, ch. 321, §137, 35 Stat. 1113).

Last paragraph was added to remove the possibility that a proper request to appear before a grand jury might be construed as a technical violation of this section.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000" in first par.

§ 1505. Obstruction of proceedings before departments, agencies, and committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined

in section 2331), imprisoned not more than 8 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 770; Pub. L. 87-664, §6(a), Sept. 19, 1962, 76 Stat. 551; Pub. L. 91-452, title IX, §903, Oct. 15, 1970, 84 Stat. 947; Pub. L. 94-435, title I, §105, Sept. 30, 1976, 90 Stat. 1389; Pub. L. 97-291, §4(d), Oct. 12, 1982, 96 Stat. 1253; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 108-458, title VI, §6703(a), Dec. 17, 2004, 118 Stat. 3766.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §241a, (Mar. 4, 1909, ch. 321, §135a, as added Jan. 13, 1940, ch. 1, §4 Stat. 13; June 8, 1945, ch. 178, §2, 59 Stat. 234).

Word "agency" was substituted for the words "independent establishment, board, commission" in two instances to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Minor changes were made in phraseology.

REFERENCES IN TEXT

The Antitrust Civil Process Act, referred to in text, is Pub. L. 87-664, Sept. 19, 1962, 76 Stat. 548, as amended, which is classified generally to chapter 34 (§1311 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of Title 15 and Tables.

AMENDMENTS

2004—Pub. L. 108-458, which directed amendment of the third undesignated paragraph of this section by substituting "be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both" for "be fined under this title or imprisoned not more than 5 years, or both", was executed by making the substitution for "be fined under this title or imprisoned not more than five years, or both", to reflect the probable intent of Congress.

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000" in last par.

1982—Pub. L. 97-291 struck out first two paragraphs which provided, respectively, that whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavored to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress, and whoever injured any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein, would be subject to the penalty set forth in the last paragraph, and in the fourth paragraph substituted "any pending" for "such" after "law under which", and substituted "any" for "such" before "department" and before "inquiry".

1976—Pub. L. 94-435 struck out "section 1968 of this title" after "Antitrust Civil Process Act", inserted "withholds, misrepresents" after "willfully", "covers up" after "conceals", "answers to written interrogatories, or oral testimony", after "any documentary material", and "or attempts to do so or solicits another to do so;" after "such demand".

1970—Pub. L. 91-452 inserted reference to section 1968 of this title.

1962—Pub. L. 87-664 substituted section catchline "Obstruction of proceedings before departments, agencies, and committees" for "Influencing or injuring witness before agencies and committees" and punished the willful removal, concealment, destruction, mutilation, alteration or falsification of documents which were the subject of a demand under the Antitrust Civil Process

Act if done with the intent to prevent compliance with a civil investigative demand.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-291 effective Oct. 12, 1982, see section 9(a) of Pub. L. 97-291, set out as an Effective Date note under section 1512 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-435 effective Sept. 30, 1976, see section 106 of Pub. L. 94-435, set out as a note under section 1311 of Title 15, Commerce and Trade.

§ 1506. Theft or alteration of record or process; false bail

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect; or

Whoever acknowledges, or procures to be acknowledged in any such court, any recognition, bail, or judgment, in the name of any other person not privy or consenting to the same—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 770; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §233 (Mar. 4, 1909, ch. 321, §127, 35 Stat. 1111).

The term of imprisonment was reduced from 7 to 5 years, to conform the punishment with like ones for similar offenses. (See section 1503 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000" in last par.

§ 1507. Picketing or parading

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined under this title or imprisoned not more than one year, or both.

Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

(Added Sept. 23, 1950, ch. 1024, title I, §31(a), 64 Stat. 1018; amended Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000" in first par.

§ 1508. Recording, listening to, or observing proceedings of grand or petit juries while deliberating or voting

Whoever knowingly and willfully, by any means or device whatsoever—

Appendix B.3
18 U.S.C. § 1512

§ 1512. Tampering with a witness, victim, or an informant

(a)(1) Whoever kills or attempts to kill another person, with intent to—

(A) prevent the attendance or testimony of any person in an official proceeding;

(B) prevent the production of a record, document, or other object, in an official proceeding; or

(C) prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

(A) influence, delay, or prevent the testimony of any person in an official proceeding;

(B) cause or induce any person to—

(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(iv) be absent from an official proceeding to which that person has been summoned by legal process; or

(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

(3) The punishment for an offense under this subsection is—

(A) in the case of a killing, the punishment provided in sections 1111 and 1112;

(B) in the case of—

(i) an attempt to murder; or

(ii) the use or attempted use of physical force against any person;

imprisonment for not more than 30 years; and

(C) in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to—

(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(D) be absent from an official proceeding to which such person has been summoned by legal process; or

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation¹ supervised release,¹ parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than 20 years, or both.

(c) Whoever corruptly—

(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.

(d) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

(1) attending or testifying in an official proceeding;

(2) reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation¹ supervised release,¹ parole, or release pending judicial proceedings;

(3) arresting or seeking the arrest of another person in connection with a Federal offense; or

(4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.

(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(f) For the purposes of this section—

(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(g) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

¹ So in original.

(1) that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h) There is extraterritorial Federal jurisdiction over an offense under this section.

(i) A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(Added Pub. L. 97-291, § 4(a), Oct. 12, 1982, 96 Stat. 1249; amended Pub. L. 99-646, § 61, Nov. 10, 1986, 100 Stat. 3614; Pub. L. 100-690, title VII, § 7029(a), (c), Nov. 18, 1988, 102 Stat. 4397, 4398; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103-322, title VI, § 60018, title XXXIII, § 330016(1)(O), (U), Sept. 13, 1994, 108 Stat. 1975, 2148; Pub. L. 104-214, § 1(2), Oct. 1, 1996, 110 Stat. 3017; Pub. L. 104-294, title VI, § 604(b)(31), Oct. 11, 1996, 110 Stat. 3508; Pub. L. 107-204, title XI, § 1102, July 30, 2002, 116 Stat. 807; Pub. L. 107-273, div. B, title III, § 3001(a), (c)(1), Nov. 2, 2002, 116 Stat. 1803, 1804; Pub. L. 110-177, title II, § 205, Jan. 7, 2008, 121 Stat. 2537.)

AMENDMENTS

2008—Subsec. (a)(3)(A). Pub. L. 110-177, § 205(1)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112.”

Subsec. (a)(3)(B). Pub. L. 110-177, § 205(1)(B), substituted “30 years” for “20 years” in concluding provisions.

Subsec. (a)(3)(C). Pub. L. 110-177, § 205(1)(C), substituted “20 years” for “10 years”.

Subsec. (b). Pub. L. 110-177, § 205(2), substituted “20 years” for “ten years” in concluding provisions.

Subsec. (d). Pub. L. 110-177, § 205(3), substituted “3 years” for “one year” in concluding provisions.

2002—Subsec. (a)(1). Pub. L. 107-273, § 3001(a)(1)(A), substituted “as provided in paragraph (3)” for “as provided in paragraph (2)” in concluding provisions.

Subsec. (a)(2). Pub. L. 107-273, § 3001(a)(1)(C), added par. (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 107-273, § 3001(a)(1)(B), (D), redesignated par. (2) as (3), added subpars. (B) and (C), and struck out former subpar. (B) which read as fol-

lows: “(B) in the case of an attempt, imprisonment for not more than twenty years.”

Subsec. (b). Pub. L. 107-273, § 3001(a)(2), struck out “or physical force” after “intimidation” in introductory provisions.

Subsec. (b)(3). Pub. L. 107-273, § 3001(c)(1), inserted “supervised release,” after “probation”.

Subsec. (c). Pub. L. 107-204 added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107-204 redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(2). Pub. L. 107-273, § 3001(c)(1), inserted “supervised release,” after “probation”.

Subsecs. (e) to (j). Pub. L. 107-204 redesignated former subsecs. (d) to (i) as (e) to (j), respectively.

Subsec. (k). Pub. L. 107-273, § 3001(a)(3), added subsec. (k).

1996—Subsec. (a)(2)(A). Pub. L. 104-294 inserted “and” after semicolon at end.

Subsec. (i). Pub. L. 104-214 added subsec. (i).

1994—Subsec. (a)(2)(A). Pub. L. 103-322, § 60018, amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and”

Subsec. (b). Pub. L. 103-322, § 330016(1)(U), substituted “fined under this title” for “fined not more than \$250,000” in concluding provisions.

Subsec. (c). Pub. L. 103-322, § 330016(1)(O), substituted “fined under this title” for “fined not more than \$25,000” in concluding provisions.

1988—Subsec. (b). Pub. L. 100-690, § 7029(c), substituted “threatens, or corruptly persuades” for “or threatens”.

Subsec. (h). Pub. L. 100-690, § 7029(a), added subsec. (h).

1986—Subsec. (a). Pub. L. 99-646, § 61(2), (3), added subsec. (a) and redesignated former subsec. (a) as (b).

Subsecs. (b) to (g). Pub. L. 99-646, § 61(1), (3), redesignated former subsec. (a) as (b), inserted “, delay, or prevent”, and redesignated former subsecs. (b) to (f) as (c) to (g), respectively.

CHANGE OF NAME

Words “magistrate judge” and “United States magistrate judge” substituted for “magistrate” and “United States magistrate”, respectively, in subsec. (f)(1) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE

Section 9 of Pub. L. 97-291 provided that:

“(a) Except as provided in subsection (b), this Act and the amendments made by this Act [enacting this section and sections 1513 to 1515, 3579, and 3580 of this title, amending sections 1503, 1505, 1510, and 3146 of this title and Rule 32 of the Federal Rules of Criminal Procedure, and enacting provisions set out as notes under this section and sections 1501 and 3579 of this title] shall take effect on the date of the enactment of this Act [Oct. 12, 1982].

“(b)(1) The amendment made by section 2 of this Act [enacting provisions set out as a note under this section] shall apply to presentence reports ordered to be made on or after March 1, 1983.

“(2) The amendments made by section 5 of this Act [enacting sections 3579 and 3580 of this title] shall apply with respect to offenses occurring on or after January 1, 1983.”

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES

Section 2 of Pub. L. 97-291 provided that:

“(a) The Congress finds and declares that:

"(1) Without the cooperation of victims and witnesses, the criminal justice system would cease to function; yet with few exceptions these individuals are either ignored by the criminal justice system or simply used as tools to identify and punish offenders.

"(2) All too often the victim of a serious crime is forced to suffer physical, psychological, or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system unresponsive to the real needs of such victim.

"(3) Although the majority of serious crimes falls under the jurisdiction of State and local law enforcement agencies, the Federal Government, and in particular the Attorney General, has an important leadership role to assume in ensuring that victims of crime, whether at the Federal, State, or local level, are given proper treatment by agencies administering the criminal justice system.

"(4) Under current law, law enforcement agencies must have cooperation from a victim of crime and yet neither the agencies nor the legal system can offer adequate protection or assistance when the victim, as a result of such cooperation, is threatened or intimidated.

"(5) While the defendant is provided with counsel who can explain both the criminal justice process and the rights of the defendant, the victim or witness has no counterpart and is usually not even notified when the defendant is released on bail, the case is dismissed, a plea to a lesser charge is accepted, or a court date is changed.

"(6) The victim and witness who cooperate with the prosecutor often find that the transportation, parking facilities, and child care services at the court are unsatisfactory and they must often share the pretrial waiting room with the defendant or his family and friends.

"(7) The victim may lose valuable property to a criminal only to lose it again for long periods of time to Federal law enforcement officials, until the trial and sometimes and [sic] appeals are over; many times that property is damaged or lost, which is particularly stressful for the elderly or poor.

"(b) The Congress declares that the purposes of this Act [see Short Title of 1982 Amendment note set out under section 1501 of this title] are—

"(1) to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process;

"(2) to ensure that the Federal Government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant; and

"(3) to provide a model for legislation for State and local governments."

FEDERAL GUIDELINES FOR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

Section 6 of Pub. L. 97-291, as amended by Pub. L. 98-473, title II, § 1408(b), Oct. 12, 1984, 98 Stat. 2177, provided that:

"(a) Within two hundred and seventy days after the date of enactment of this Act [Oct. 12, 1982], the Attorney General shall develop and implement guidelines for the Department of Justice consistent with the purposes of this Act [see Short Title of 1982 Amendment note set out under section 1501 of this title]. In preparing the guidelines the Attorney General shall consider the following objectives:

"(1) SERVICES TO VICTIMS OF CRIME.—Law enforcement personnel should ensure that victims routinely receive emergency social and medical services as soon as possible and are given information on the following—

"(A) availability of crime victim compensation (where applicable);

"(B) community-based victim treatment programs;

"(C) the role of the victim in the criminal justice process, including what they can expect from the system as well as what the system expects from them; and

"(D) stages in the criminal justice process of significance to a crime victim, and the manner in which information about such stages can be obtained.

"(2) NOTIFICATION OF AVAILABILITY OF PROTECTION.—A victim or witness should routinely receive information on steps that law enforcement officers and attorneys for the Government can take to protect victims and witnesses from intimidation.

"(3) SCHEDULING CHANGES.—All victims and witnesses who have been scheduled to attend criminal justice proceedings should either be notified as soon as possible of any scheduling changes which will affect their appearances or have available a system for alerting witnesses promptly by telephone or otherwise.

"(4) PROMPT NOTIFICATION TO VICTIMS OF SERIOUS CRIMES.—Victims, witnesses, relatives of those victims and witnesses who are minors, and relatives of homicide victims should, if such persons provide the appropriate official with a current address and telephone number, receive prompt advance notification, if possible, of—

"(A) the arrest of an accused;

"(B) the initial appearance of an accused before a judicial officer;

"(C) the release of the accused pending judicial proceedings; and

"(D) proceedings in the prosecution and punishment of the accused (including entry of a plea of guilty, trial, sentencing, and, where a term of imprisonment is imposed, a hearing to determine a parole release date and the release of the accused from such imprisonment).

"(5) CONSULTATION WITH VICTIM.—The victim of a serious crime, or in the case of a minor child or a homicide, the family of the victim, should be consulted by the attorney for the Government in order to obtain the views of the victim or family about the disposition of any Federal criminal case brought as a result of such crime, including the views of the victim or family about—

"(A) dismissal;

"(B) release of the accused pending judicial proceedings;

"(C) plea negotiations; and

"(D) pretrial diversion program.

"(6) SEPARATE WAITING AREA.—Victims and other prosecution witnesses should be provided prior to court appearance a waiting area that is separate from all other witnesses.

"(7) PROPERTY RETURN.—Law enforcement agencies and prosecutor should promptly return victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it.

"(8) NOTIFICATION TO EMPLOYER.—A victim or witness who so requests should be assisted by law enforcement agencies and attorneys for the Government in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of cooperation with law enforcement agencies or attorneys for the Government, is subjected to serious financial strain, should be assisted by such agencies and attorneys in explaining to creditors the reason for such serious financial strain.

"(9) TRAINING BY FEDERAL LAW ENFORCEMENT TRAINING FACILITIES.—Victim assistance education and training should be offered to persons taking courses at Federal law enforcement training facilities and attorneys for the Government so that victims may be promptly, properly, and completely assisted.

"(10) GENERAL VICTIM ASSISTANCE.—The guidelines should also ensure that any other important assist-

ance to victims and witnesses, such as the adoption of transportation, parking, and translator services for victims in court be provided.

"(b) Nothing in this title shall be construed as creating a cause of action against the United States.

"(c) The Attorney General shall assure that all Federal law enforcement agencies outside of the Department of Justice adopt guidelines consistent with subsection (a) of this section."

[Amendment of section 6 of Pub. L. 97-291 by Pub. L. 98-473, set out above, effective 30 days after Oct. 12, 1984, see section 1409(a) of Pub. L. 98-473, set out as an Effective Date note under section 10601 of Title 42, The Public Health and Welfare.]

§ 1513. Retaliating against a witness, victim, or an informant

(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(B) providing to a law enforcement officer any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph (2).

(2) The punishment for an offense under this subsection is—

(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

(B) in the case of an attempt, imprisonment for not more than 30 years.

(b) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(2) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings given by a person to a law enforcement officer;

or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(d) There is extraterritorial Federal jurisdiction over an offense under this section.

(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be

fined under this title or imprisoned not more than 10 years, or both.

(f) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.

(Added Pub. L. 97-291, § 4(a), Oct. 12, 1982, 96 Stat. 1250; amended Pub. L. 103-322, title VI, § 60017, title XXXIII, § 330016(1)(U), Sept. 13, 1994, 108 Stat. 1975, 2148; Pub. L. 104-214, § 1(1), Oct. 1, 1996, 110 Stat. 3017; Pub. L. 107-204, title XI, § 1107(a), July 30, 2002, 116 Stat. 810; Pub. L. 107-273, div. B, title III, § 3001(b), (c)(2), title IV, § 4002(b)(4), Nov. 2, 2002, 116 Stat. 1804, 1807; Pub. L. 110-177, title II, §§ 204, 206, Jan. 7, 2008, 121 Stat. 2537.)

AMENDMENTS

2008—Subsec. (a)(1)(B). Pub. L. 110-177, § 206(1), inserted comma after "probation" and struck out comma after "release."

Subsec. (a)(2)(B). Pub. L. 110-177, § 206(2), substituted "30 years" for "20 years".

Subsec. (b). Pub. L. 110-177, § 206(3)(B), substituted "20 years" for "ten years" in concluding provisions.

Subsec. (b)(2). Pub. L. 110-177, § 206(3)(A), inserted comma after "probation" and struck out comma after "release."

Subsecs. (e), (f). Pub. L. 110-177, § 206(4), redesignated subsec. (e) relating to conspiracy to commit any offense under this section as (f).

Subsec. (g). Pub. L. 110-177, § 204, added subsec. (g).

2002—Subsecs. (a)(1)(B), (b)(2). Pub. L. 107-273, § 3001(c)(2), inserted "supervised release," after "probation".

Subsec. (d). Pub. L. 107-273, § 4002(b)(4), transferred subsec. (d) to appear after subsec. (c).

Subsec. (e). Pub. L. 107-273, § 3001(b), added subsec. (e) relating to conspiracy to commit any offense under this section.

Pub. L. 107-204 added subsec. (e) relating to taking of action harmful to any person for providing law enforcement officer truthful information relating to commission of offense.

1996—Subsec. (c). Pub. L. 104-214, § 1(1)(B), added subsec. (c) at end.

Pub. L. 104-214, § 1(1)(A), redesignated subsec. (c) as (d).

Subsec. (d). Pub. L. 104-214, § 1(1)(A), redesignated subsec. (c) as (d).

1994—Subsec. (a). Pub. L. 103-322, § 60017(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 103-322, § 330016(1)(U), substituted "fined under this title" for "fined not more than \$250,000" in concluding provisions.

Pub. L. 103-322, § 60017(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 103-322, § 60017(1), redesignated subsec. (b) as (c).

EFFECTIVE DATE

Section effective Oct. 12, 1982, see section 9(a) of Pub. L. 97-291, set out as a note under section 1512 of this title.

§ 1514. Civil action to restrain harassment of a victim or witness

(a)(1) A United States district court, upon application of the attorney for the Government,

Appendix B.4
18 U.S.C. § 371

Pub. L. 103-322, § 320101(d)(2), inserted "the assault involved in the use of a dangerous weapon, or" after "and if".

Pub. L. 103-322, §§ 320101(d)(1), 330016(1)(K), amended subsec. (e) identically, substituting "shall be fined under this title" for "shall be fined not more than \$5,000" after "subsection (a) of this section".

1988—Subsec. (a). Pub. L. 100-690 inserted a comma after "section 3056 of this title".

1986—Subsec. (a). Pub. L. 99-646, § 62(1), inserted "a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title)".

Subsec. (h). Pub. L. 99-646, § 62(2), substituted "individual" for "official".

1982—Pub. L. 97-285, § 2(a), substituted "Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties" for "Congressional assassination, kidnaping, and assault" in section catchline.

Subsec. (a). Pub. L. 97-285, § 1(a), expanded coverage of subsec. (a) to cover the killing of any individual who is a member of the executive branch of the Government and the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination.

Subsecs. (h), (i). Pub. L. 97-285, § 1(b), added subsecs. (h) and (i).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

REPORT TO MEMBER OF CONGRESS ON INVESTIGATION CONDUCTED SUBSEQUENT TO THREAT ON MEMBER'S LIFE

Pub. L. 95-624, § 19, Nov. 9, 1978, 92 Stat. 3466, provided that: "The Federal Bureau of Investigation shall provide a written report to a Member of Congress on any investigation conducted based on a threat on the Member's life under section 351 of title 18 of the United States Code."

CHAPTER 19—CONSPIRACY

Sec.	
371.	Conspiracy to commit offense or to defraud United States.
372.	Conspiracy to impede or injure officer.
373.	Solicitation to commit a crime of violence.

AMENDMENTS

1984—Pub. L. 98-473, title II, § 1003(b), Oct. 12, 1984, 98 Stat. 2138, added item 373.

§ 371. Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

(June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 88, 294 (Mar. 4, 1909, ch. 321, § 37, 35 Stat. 1096; Mar. 4, 1909, ch. 321, § 178a, as added Sept. 27, 1944, ch. 425, 58 Stat. 752).

This section consolidates said sections 88 and 294 of title 18, U.S.C., 1940 ed.

To reflect the construction placed upon said section 88 by the courts the words "or any agency thereof" were inserted. (See *Haas v. Henkel*, 1909, 30 S. Ct. 249, 216 U. S. 462, 54 L. Ed. 569, 17 Ann. Cas. 1112, where court said: "The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing, or defeating the lawful functions of any department of government." Also, see *United States v. Walter*, 1923, 44 S. Ct. 10, 263 U. S. 15, 68 L. Ed. 137, and definitions of department and agency in section 6 of this title.)

The punishment provision is completely rewritten to increase the penalty from 2 years to 5 years except where the object of the conspiracy is a misdemeanor. If the object is a misdemeanor, the maximum imprisonment for a conspiracy to commit that offense, under the revised section, cannot exceed 1 year.

The injustice of permitting a felony punishment on conviction for conspiracy to commit a misdemeanor is described by the late Hon. Grover M. Moscovitz, United States district judge for the eastern district of New York, in an address delivered March 14, 1944, before the section on Federal Practice of the New York Bar Association, reported in 3 Federal Rules Decisions, pages 380-392.

Hon. John Paul, United States district judge for the western district of Virginia, in a letter addressed to Congressman Eugene J. Keogh dated January 27, 1944, stresses the inadequacy of the 2-year sentence prescribed by existing law in cases where the object of the conspiracy is the commission of a very serious offense.

The punishment provision of said section 294 of title 18 was considered for inclusion in this revised section. It provided the same penalties for conspiracy to violate the provisions of certain counterfeiting laws, as are applicable in the case of conviction for the specific violations. Such a punishment would seem as desirable for all conspiracies as for such offenses as counterfeiting and transporting stolen property in interstate commerce.

A multiplicity of unnecessary enactments inevitably leads to confusion and disregard of law. (See reviser's note under section 493 of this title.)

Since consolidation was highly desirable and because of the strong objections of prosecutors to the general application of the punishment provision of said section 294, the revised section represents the best compromise that could be devised between sharply conflicting views.

A number of special conspiracy provisions, relating to specific offenses, which were contained in various sections incorporated in this title, were omitted because adequately covered by this section. A few exceptions were made, (1) where the conspiracy would constitute the only offense, or (2) where the punishment provided in this section would not be commensurate with the gravity of the offense. Special conspiracy provisions were retained in sections 241, 286, 372, 757, 794, 956, 1201, 2271, 2384 and 2388 of this title. Special conspiracy provisions were added to sections 2153 and 2154 of this title.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000".

§ 372. Conspiracy to impede or injure officer

If two or more persons in any State, Territory, Possession, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from

Appendix C.1
Department of Justice Regulations, 28 C.F.R. § 600.1-600.10

PART 600—GENERAL POWERS OF SPECIAL COUNSEL

Sec.

- 600.1 Grounds for appointing a Special Counsel.
- 600.2 Alternatives available to the Attorney General.
- 600.3 Qualifications of the Special Counsel.
- 600.4 Jurisdiction.
- 600.5 Staff.
- 600.6 Powers and authority.
- 600.7 Conduct and accountability.
- 600.8 Notification and reports by the Special Counsel.
- 600.9 Notification and reports by the Attorney General.
- 600.10 No creation of rights.

AUTHORITY: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

SOURCE: 64 FR 37042, July 9, 1999, unless otherwise noted.

§ 600.1 Grounds for appointing a Special Counsel.

The Attorney General, or in cases in which the Attorney General is recused, the Acting Attorney General, will appoint a Special Counsel when he or she determines that criminal investigation of a person or matter is warranted and—

(a) That investigation or prosecution of that person or matter by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department or other extraordinary circumstances; and

(b) That under the circumstances, it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter.

§ 600.2 Alternatives available to the Attorney General.

When matters are brought to the attention of the Attorney General that might warrant consideration of appointment of a Special Counsel, the Attorney General may:

(a) Appoint a Special Counsel;

(b) Direct that an initial investigation, consisting of such factual inquiry or legal research as the Attorney General deems appropriate, be conducted in order to better inform the decision; or

(c) Conclude that under the circumstances of the matter, the public

interest would not be served by removing the investigation from the normal processes of the Department, and that the appropriate component of the Department should handle the matter. If the Attorney General reaches this conclusion, he or she may direct that appropriate steps be taken to mitigate any conflicts of interest, such as recusal of particular officials.

§ 600.3 Qualifications of the Special Counsel.

(a) An individual named as Special Counsel shall be a lawyer with a reputation for integrity and impartial decisionmaking, and with appropriate experience to ensure both that the investigation will be conducted ably, expeditiously and thoroughly, and that investigative and prosecutorial decisions will be supported by an informed understanding of the criminal law and Department of Justice policies. The Special Counsel shall be selected from outside the United States Government. Special Counsels shall agree that their responsibilities as Special Counsel shall take first precedence in their professional lives, and that it may be necessary to devote their full time to the investigation, depending on its complexity and the stage of the investigation.

(b) The Attorney General shall consult with the Assistant Attorney General for Administration to ensure an appropriate method of appointment, and to ensure that a Special Counsel undergoes an appropriate background investigation and a detailed review of ethics and conflicts of interest issues. A Special Counsel shall be appointed as a "confidential employee" as defined in 5 U.S.C. 7511(b)(2)(C).

§ 600.4 Jurisdiction.

(a) *Original jurisdiction.* The jurisdiction of a Special Counsel shall be established by the Attorney General. The Special Counsel will be provided with a specific factual statement of the matter to be investigated. The jurisdiction of a Special Counsel shall also include the authority to investigate and prosecute federal crimes committed in the course of, and with intent to interfere with, the Special Counsel's investigation, such as perjury, obstruction of

§ 600.5

justice, destruction of evidence, and intimidation of witnesses; and to conduct appeals arising out of the matter being investigated and/or prosecuted.

(b) *Additional jurisdiction.* If in the course of his or her investigation the Special Counsel concludes that additional jurisdiction beyond that specified in his or her original jurisdiction is necessary in order to fully investigate and resolve the matters assigned, or to investigate new matters that come to light in the course of his or her investigation, he or she shall consult with the Attorney General, who will determine whether to include the additional matters within the Special Counsel's jurisdiction or assign them elsewhere.

(c) *Civil and administrative jurisdiction.* If in the course of his or her investigation the Special Counsel determines that administrative remedies, civil sanctions or other governmental action outside the criminal justice system might be appropriate, he or she shall consult with the Attorney General with respect to the appropriate component to take any necessary action. A Special Counsel shall not have civil or administrative authority unless specifically granted such jurisdiction by the Attorney General.

§ 600.5 Staff.

A Special Counsel may request the assignment of appropriate Department employees to assist the Special Counsel. The Department shall gather and provide the Special Counsel with the names and resumes of appropriate personnel available for detail. The Special Counsel may also request the detail of specific employees, and the office for which the designated employee works shall make reasonable efforts to accommodate the request. The Special Counsel shall assign the duties and supervise the work of such employees while they are assigned to the Special Counsel. If necessary, the Special Counsel may request that additional personnel be hired or assigned from outside the Department. All personnel in the Department shall cooperate to the fullest extent possible with the Special Counsel.

28 CFR Ch. VI (7-1-16 Edition)

§ 600.6 Powers and authority.

Subject to the limitations in the following paragraphs, the Special Counsel shall exercise, within the scope of his or her jurisdiction, the full power and independent authority to exercise all investigative and prosecutorial functions of any United States Attorney. Except as provided in this part, the Special Counsel shall determine whether and to what extent to inform or consult with the Attorney General or others within the Department about the conduct of his or her duties and responsibilities.

§ 600.7 Conduct and accountability.

(a) A Special Counsel shall comply with the rules, regulations, procedures, practices and policies of the Department of Justice. He or she shall consult with appropriate offices within the Department for guidance with respect to established practices, policies and procedures of the Department, including ethics and security regulations and procedures. Should the Special Counsel conclude that the extraordinary circumstances of any particular decision would render compliance with required review and approval procedures by the designated Departmental component inappropriate, he or she may consult directly with the Attorney General.

(b) The Special Counsel shall not be subject to the day-to-day supervision of any official of the Department. However, the Attorney General may request that the Special Counsel provide an explanation for any investigative or prosecutorial step, and may after review conclude that the action is so inappropriate or unwarranted under established Departmental practices that it should not be pursued. In conducting that review, the Attorney General will give great weight to the views of the Special Counsel. If the Attorney General concludes that a proposed action by a Special Counsel should not be pursued, the Attorney General shall notify Congress as specified in § 600.9(a)(3).

(c) The Special Counsel and staff shall be subject to disciplinary action for misconduct and breach of ethical duties under the same standards and to the same extent as are other employees of the Department of Justice. Inquiries into such matters shall be handled

Offices of Independent Counsel, Justice

§ 600.10

through the appropriate office of the Department upon the approval of the Attorney General.

(d) The Special Counsel may be disciplined or removed from office only by the personal action of the Attorney General. The Attorney General may remove a Special Counsel for misconduct, dereliction of duty, incapacity, conflict of interest, or for other good cause, including violation of Departmental policies. The Attorney General shall inform the Special Counsel in writing of the specific reason for his or her removal.

§ 600.8 Notification and reports by the Special Counsel.

(a) *Budget.* (1) A Special Counsel shall be provided all appropriate resources by the Department of Justice. Within the first 60 days of his or her appointment, the Special Counsel shall develop a proposed budget for the current fiscal year with the assistance of the Justice Management Division for the Attorney General's review and approval. Based on the proposal, the Attorney General shall establish a budget for the operations of the Special Counsel. The budget shall include a request for assignment of personnel, with a description of the qualifications needed.

(2) Thereafter, 90 days before the beginning of each fiscal year, the Special Counsel shall report to the Attorney General the status of the investigation, and provide a budget request for the following year. The Attorney General shall determine whether the investigation should continue and, if so, establish the budget for the next year.

(b) *Notification of significant events.* The Special Counsel shall notify the Attorney General of events in the course of his or her investigation in conformity with the Departmental guidelines with respect to Urgent Reports.

(c) *Closing documentation.* At the conclusion of the Special Counsel's work, he or she shall provide the Attorney General with a confidential report explaining the prosecution or declination decisions reached by the Special Counsel.

§ 600.9 Notification and reports by the Attorney General.

(a) The Attorney General will notify the Chairman and Ranking Minority Member of the Judiciary Committees of each House of Congress, with an explanation for each action—

(1) Upon appointing a Special Counsel;

(2) Upon removing any Special Counsel; and

(3) Upon conclusion of the Special Counsels investigation, including, to the extent consistent with applicable law, a description and explanation of instances (if any) in which the Attorney General concluded that a proposed action by a Special Counsel was so inappropriate or unwarranted under established Departmental practices that it should not be pursued.

(b) The notification requirement in paragraph (a)(1) of this section may be tolled by the Attorney General upon a finding that legitimate investigative or privacy concerns require confidentiality. At such time as confidentiality is no longer needed, the notification will be provided.

(c) The Attorney General may determine that public release of these reports would be in the public interest, to the extent that release would comply with applicable legal restrictions. All other releases of information by any Department of Justice employee, including the Special Counsel and staff, concerning matters handled by Special Counsels shall be governed by the generally applicable Departmental guidelines concerning public comment with respect to any criminal investigation, and relevant law.

§ 600.10 No creation of rights.

The regulations in this part are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative.

Appendix C.2
Deputy Attorney General Rosenstein's Order No. 3915-2017



Office of the Deputy Attorney General
Washington, D.C. 20530

ORDER NO. 3915-2017

APPOINTMENT OF SPECIAL COUNSEL
TO INVESTIGATE RUSSIAN INTERFERENCE WITH THE
2016 PRESIDENTIAL ELECTION AND RELATED MATTERS

By virtue of the authority vested in me as Acting Attorney General, including 28 U.S.C. §§ 509, 510, and 515, in order to discharge my responsibility to provide supervision and management of the Department of Justice, and to ensure a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election, I hereby order as follows:

- (a) Robert S. Mueller III is appointed to serve as Special Counsel for the United States Department of Justice.
- (b) The Special Counsel is authorized to conduct the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including:
 - (i) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and
 - (ii) any matters that arose or may arise directly from the investigation; and
 - (iii) any other matters within the scope of 28 C.F.R. § 600.4(a).
- (c) If the Special Counsel believes it is necessary and appropriate, the Special Counsel is authorized to prosecute federal crimes arising from the investigation of these matters.
- (d) Sections 600.4 through 600.10 of Title 28 of the Code of Federal Regulations are applicable to the Special Counsel.

Date

5/17/17

Rod J. Rosenstein
Acting Attorney General

Appendix D.1
Articles of Impeachment against President Andrew Johnson

U.S. Congress, House,
"JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES:

BEING THE

SECOND SESSION OF THE FORTIETH CONGRESS;

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 2, 1867,

IN THE NINETY-SECOND YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1868.

By Mr. O'Neill: The memorial of the American Philosophical Society of Philadelphia, Pennsylvania, praying action for proper examinations upon the coast and within the Territory of Alaska.

By Mr. Delos R. Ashley: The resolutions of citizens of Nevada, relative to the protection of naturalized citizens.

Ordered, That said memorial and resolutions, &c., be referred to the Committee on Foreign Affairs.

By Mr. Laflin: The petition of J. A. Shearman and others, of the State of New York, praying for a reduction of the taxes.

By Mr. Robertson: A petition of similar import.

By Mr. Samuel Hooper: The petition of builders, owners, and shippers, of Boston, Massachusetts, praying Congress to remit duties on all articles used in building vessels.

Also, the petition of distillers, importers, and exporters of Boston, Massachusetts, praying for passage of a law to allow export of liquors.

By Mr. Griswold: The remonstrance of cigar manufacturers of the fifteenth congressional district of New York, against placing stamps on cigars.

By Mr. Mercur: The petition of the citizens of Danville, State of Pennsylvania, relative to the reduction of the taxes, and the navy and the army.

Ordered, That the said petitions, &c., be referred to the Committee of Ways and Means.

By Mr. Donnelly: The memorial of the legislature of Minnesota, relative to the Northern Pacific railroad; which was referred to the Committee on the Pacific Railroad.

By Mr. Pike: The protest of the officers of Maine regiments, relative to commutation of servants' pay; which was referred to the Committee on Military Affairs.

By Mr. Randall: The petition of bookbinders of Philadelphia, Pennsylvania, against international copyright bill; which was referred to the Committee on the Library.

By Mr. Windom: The concurrent resolution of the legislature of the State of Minnesota, relative to the protection of American citizens in foreign countries; which was referred to the Committee on Foreign Affairs.

A message from the Senate, by Mr. Forney, their Secretary:

Mr. Speaker: The Senate have passed a bill of the House of the following title, viz:

H. R. 368. Authorizing the sale of an unoccupied military site at Waterford, Pennsylvania; without amendment.

The Senate have indefinitely postponed a joint resolution (H. Res. 42) authorizing the employment of Brevet Brigadier General Seth Eastman on special service.

The President of the United States has notified the Senate that he did, on the 28th instant, approve and sign a joint resolution of the following title, viz:

S. Res. 114. A resolution directing that the government of Great Britain be supplied with certain volumes of the Narrative of the Exploring Expedition.

The House, in pursuance of the resolution of the House of Tuesday last, then resolved itself into a Committee of the Whole on the articles of impeachment of the President of the United States; and after some time spent therein the Speaker resumed the chair, and Mr. Dawes reported that the committee having had under consideration the said articles of impeachment, had directed him to report the same with an amendment in the nature of a substitute therefor.

The House then proceeded to the consideration of the said articles;

When

The said amendment was agreed to.

The question then recurring on the said articles as amended,

The first article was read as follows, viz :

ARTICLE I. That said Andrew Johnson, President of the United States, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the Constitution and laws of the United States, issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned, by and with the advice and consent of the Senate of the United States, as such Secretary, and said Andrew Johnson, President of the United States, on the twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-seven, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate, that is to say, on the twelfth day of December in the year last aforesaid, having reported to said Senate such suspension with the evidence and reasons for his action in the case and the name of the person designated to perform the duties of such office temporarily until the next meeting of the Senate, and said Senate thereafterwards on the thirteenth day of January, in the year of our Lord one thousand eight hundred and sixty-eight, having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, and having refused to concur in said suspension, whereby and by force of the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there due notice, and said Edwin M. Stanton, by reason of the premises, on said twenty-first day of February, being lawfully entitled to hold said office of Secretary for the Department of War, which said order for the removal of said Edwin M. Stanton is in substance as follows, that is to say :

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

SIR : By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon receipt of this communication.

You will transfer to Brevet Major General Lorenzo Thomas, Adjutant General of the army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

To the Hon. EDWIN M. STANTON, Washington, D. C.

Which order was unlawfully issued with intent then and there to violate the act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and with the further intent, contrary to the provisions of said act, in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove said Edwin M. Stanton from the office of Secretary for the Department of War, the said Edwin M. Stanton being then and there Secretary for the Department of War, and being then and there in the due and lawful execution and discharge of the duties of said office, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the question being put, Will the House agree thereto ?

It was decided in the affirmative,	{ Yeas	127
	{ Nays	42
	{ Not voting	20

The yeas and nays being desired by one-fifth of the members present,
Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. William Lawrence	Mr. Philetus Sawyer
Oakes Ames	Ignatius Donnelly	William S. Lincoln	Robert C. Schenck
George W. Anderson	John F. Driggs	Benjamin F. Loan	Glenni W. Scofield
Samuel M. Arnell	Benjamin Eggleston	John A. Logan	John P. C. Shanks
Delos R. Ashley	Thomas D. Eliot	William Loughridge	Worthington C. Smith
James M. Ashley	John F. Farnsworth	John Lynch	Rufus P. Spalding
Alexander H. Bailey	Orange Ferriss	Rufus Mallory	H. H. Starkweather
John D. Baldwin	Thomas W. Ferry	James M. Marvin	Thaddeus Stevens
Nathaniel P. Banks	William C. Fields	Horace Maynard	William B. Stokes
Fernando C. Beaman	James A. Garfield	Dennis McCarthy	John Taffe
John Beatty	Joseph J. Gravely	Joseph W. McClurg	Caleb N. Taylor
Jacob Benton	John A. Griswold	Ulysses Mercur	Francis Thomas
John A. Bingham	George A. Halsey	George F. Miller	John Trimble
James G. Blaine	Abner C. Harding	William Moore	Row'd E. Trowbridge
Austin Blair	William Higby	Daniel J. Morrell	Glucery Twichell
George S. Boutwell	John Hill	James Mullins	Charles Upson
Henry P. H. Bromwell	Samuel Hooper	Leonard Myers	Henry Van Aernam
John M. Broomall	Benjamin F. Hopkins	Carman A. Newcomb	Burt Van Horn
Ralph P. Buckland	Chester D. Hubbard	David A. Nunn	Robert T. Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Charles O'Neill	Charles H. Van Wyck
Henry L. Cake	Morton C. Hunter	Godlove S. Orth	Hamilton Ward
John C. Churchill	Ebon C. Ingersoll	Halbert E. Paine	Cadwal'r C. Washburn
Reader W. Clarke	Thomas A. Jenckes	Sidney Perham	Ellihu B. Washburne
Sidney Clarke	Norman B. Judd	John A. Peters	William B. Washburn
Amasa Cobb	George W. Julian	Frederick A. Pike	Martin Welker
John Coburn	William D. Kelley	Tobias A. Plants	Thomas Williams
Burton C. Cook	William H. Kelsey	Luke P. Poland	James F. Wilson
Thomas Cornell	John H. Ketcham	Daniel Polsley	John T. Wilson
John Covode	Bethuel M. Kitchen	Theodore M. Pomeroy	Stephen F. Wilson
Shelby M. Cullom	William H. Koontz	Hiram Price	William Windom
Henry L. Dawes	Addison H. Ladin	Green B. Raum	Fred'k E. Woodbridge.
Nathan F. Dixon	George V. Lawrence	William H. Robertson	

Those who voted in the negative are—

Mr. George M. Adams	Mr. John Fox	Mr. Michael C. Kerr	Mr. Lewis W. Ross
Stevenson Archer	J. Lawrence Getz	J. Proctor Knott	Charles Sitgreaves
Samuel B. Axtell	Adam J. Glossbrenner	Samuel S. Marshall	Thomas E. Stewart
William H. Barnum	J. S. Golladay	James R. McCormick	Frederick Stone
James B. Beck	Asa P. Grover	George W. Morgan	Stephen Taber
Benjamin M. Boyer	Charles Haight	William Mungen	Lawrence S. Trimble
James Brooks	William S. Holman	William E. Niblack	Daniel M. Van Auken
Albert G. Burr	Julius Hotchkiss	John A. Nicholson	Philadelph Van Trump
Samuel F. Cary	James M. Humpbrey	John V. L. Pruyn	Fernando Wood
John W. Chanler	James A. Johnson	Samuel J. Randall	George W. Woodward.
Charles A. Eldridge	Thomas L. Jones		

Those not voting are—

Mr. Jehu Baker	Mr. Darwin A. Finney	Mr. James K. Moorhead	Mr. Lewis Selye
Demas Barnes	Isaac R. Hawkins	John Morrissey	Samuel Shellabarger
John F. Benjamin	Asahel W. Hubbard	Charles E. Phelps	Aaron F. Stevens
Ephraim R. Eckley	Richard D. Hubbard	William A. Pile	Henry D. Washburn
Jacob H. Ela	Hiram McCullough	William E. Robinson	William Williams.

So the first article was agreed to.

The second article was then read as follows, viz :

ARTICLE II. That on said twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the Constitution of the United States, and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say :

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

To Brevet Major General LORENZO THOMAS,
Adjutant General U. S. Army, Washington, D. C.

Then and there being no vacancy in said office of Secretary for the Department of War, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the question being put, Will the House agree thereto?

It was decided in the affirmative,	{	Yeas	124
		Nays	41
		Not voting	24

The yeas and nays being desired by one-fifth of the members present,
Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. George V. Lawrence	Mr. Philetus Sawyer
Oakes Ames	Ignatius Donnelly	William Lawrence	Robert C. Schenck
George W. Anderson	John F. Driggs	William S. Lincoln	Glenn W. Scofield
Samuel M. Arnell	Benjamin Eggleston	Benjamin F. Loan	John P. C. Shanks
Delos R. Ashley	Thomas D. Eliot	John A. Logan	Worthington C. Smith
James M. Ashley	John F. Farnsworth	John Lynch	Rufus P. Spalding
Alexander H. Bailey	Orange Ferriss	Rufus Mallory	H. H. Starkweather
John D. Baldwin	Thomas W. Ferry	James M. Marvin	Thaddeus Stevens
Nathaniel P. Banks	William C. Fields	Horace Maynard	William B. Stokes
Fernando C. Beaman	James A. Garfield	Dennis McCarthy	John Taffe
John Beatty	Joseph J. Gravelly	Joseph W. McClurg	Caleb N. Taylor
Jacob Benton	John A. Griswold	Ulysses Mercur	Francis Thomas
John A. Bingham	George A. Halsey	George F. Miller	John Trimble
James G. Blaine	Abner C. Harding	William Moore	Row'd E. Trowbridge
Austin Blair	William Higby	Daniel J. Morrell	Ginery Twichell
George S. Boutwell	John Hill	Leonard Myers	Charles Upson
Henry P. H. Bromwell	Samuel Hooper	Carman A. Newcomb	Henry Van Aernam
John M. Broomall	Benjamin F. Hopkins	David A. Nunn	Burt Van Horn
Ralph P. Buckland	Chester D. Hubbard	Charles O'Neill	Robert T. Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Godlove S. Orth	Charles H. Van Wyck
Henry L. Cake	Morton C. Hunter	Halbert E. Paine	Hamilton Ward
John C. Churchill	Ebon C. Ingersoll	Sidney Perham	Cadwal'r C. Washburn
Reader W. Clarke	Thomas A. Jenckes	John A. Peters	Elihu B. Washburne
Sidney Clarke	Norman B. Judd	Frederick A. Pike	William B. Washburn
Amasa Cobb	George W. Julian	Tobias A. Plants	Martin Welker
John Coburn	William D. Kelley	Luke P. Poland	Thomas Williams
Burton C. Cook	William H. Kelsey	Daniel Polsley	James P. Wilson
Thomas Cornell	John H. Ketcham	Theodore M. Pomeroy	John T. Wilson
Shelby M. Cullom	Bethuel M. Kitchen	Hiram Price	Stephen F. Wilson
Henry L. Dawes	William H. Koontz	Green B. Raum	William Windom
Nathan F. Dixon	Addison H. Laffin	William H. Robertson	Fred'k E. Woodbridge.

Those who voted in the negative are—

Mr. George M. Adams	Mr. John Fox	Mr. Thomas L. Jones	Mr. Lewis W. Ross
Stevenson Archer	J. Lawrence Getz	J. Proctor Knott	Charles Sitgreaves
Samuel B. Axtell	Adam J. Glossbrenner	Samuel S. Marshall	Thomas E. Stewart
William H. Barnum	J. S. Golladay	James R. McCormick	Frederick Stone
James B. Beck	Asa P. Grover	George W. Morgan	Stephen Taber
Benjamin M. Boyer	Charles Haight	William Mungen	Lawrence S. Trimble
James Brooks	William S. Holman	William E. Niblack	Daniel M. Van Auken
Albert G. Burr	Julius Hotchkiss	John A. Nicholson	Philadelph Van Trump
Samuel F. Cary	James M. Humphrey	John V. L. Pruyn	Fernando Wood
John W. Chanler	James A. Johnson	Samuel J. Randall	George W. Woodward.
Charles A. Eldridge			

Those not voting are—

Mr. Jehu Baker	Mr. Darwin A. Finney	Mr. Hiram McCullough	Mr. William E. Robinson
Demas Barnes	Isaac R. Hawkins	James K. Moorhead	Lewis Selye
John F. Benjamin	Asahel W. Hubbard	John Morrissey	Samuel Shellabarger
John Covode	Richard D. Hubbard	James Mallins	Aaron F. Stevens
Ephraim R. Eckley	Michael C. Kerr	Charles E. Phelps	Henry D. Washburn
Jacob H. Ela	William Loughridge	William A. Pile	William Williams.

So the second article was agreed to.

The third article was then read as follows, viz:

ARTICLE III. That said Andrew Johnson, President of the United States, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did commit and was guilty of a high misdemeanor in office in this, that, without au-

thority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War *ad interim*, without the advice and consent of the Senate, and with intent to violate the Constitution of the United States, no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate, and no vacancy existing in said office at the time, and which said appointment, so made by said Andrew Johnson, of said Lorenzo Thomas, is in substance as follows, that is to say :

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

To Brevet Major General LORENZO THOMAS,
Adjutant General U. S. Army, Washington, D. C.

And the question being put, Will the House agree thereto?

It was decided in the affirmative,	{	Yeas	124
		Nays	40
		Not voting	25

The yeas and nays being desired by one-fifth of the members present,
Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Nathan F. Dixon	Mr. George V. Lawrence	Mr. Hiram Price
Oakes Ames	Grenville M. Dodge	William Lawrence	Green B. Raum
George W. Anderson	Ignatius Donnelly	William S. Lincoln	William H. Robertson
Samuel M. Arnell	John F. Driggs	Benjamin F. Loan	Philetus Sawyer
Delos R. Ashley	Benjamin Eggleston	John A. Logan	Robert C. Schenck
James M. Ashley	Thomas D. Eliot	William Loughridge	Glenn W. Scofield
Alexander H. Bailey	John F. Farnsworth	John Lynch	John P. C. Shanks
John D. Baldwin	Orange Ferriss	Rufus Mallory	Worthington C. Smith
Nathaniel P. Banks	Thomas W. Ferry	James M. Marvin	Rufus P. Spalding
Fernando C. Beaman	William C. Fields	Horace Maynard	H. H. Starkweather
John Beatty	James A. Garfield	Dennis McCarthy	John Taffe
Jacob Benton	Joseph J. Gravelly	Joseph W. McClurg	Caleb N. Taylor
John A. Bingham	John A. Griswold	Ulysses Mercur	Francis Thomas
James G. Blaine	George A. Halsey	George F. Miller	John Trimble
Austin Blair	Abner C. Harding	William Moore	Row'd E. Trowbridge
George S. Boutwell	William Higby	George W. Morgan	Ginery Twichell
Henry P. H. Bromwell	John Hill	Daniel J. Morrell	Charles Upton
John M. Broomall	Benjamin F. Hopkins	James Mullins	Henry Van Aernam
Ralph P. Buckland	Chester D. Hubbard	Leonard Myers	Burt Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Carman A. Newcomb	Robert T. Van Horn
Henry L. Cake	Morton C. Hunter	David A. Nunn	Charles H. Van Wyck
John C. Churchill	Ebon C. Ingersoll	Charles O'Neill	Hamilton Ward
Reader W. Clarke	Thomas A. Jenckes	Godlove S. Orth	Ellihu B. Washburne
Sidney Clarke	Norman B. Judd	Halbert E. Paine	William B. Washburn
Amasa Cobb	George W. Juhan	Sidney Perham	Martin Welker
John Coburn	William D. Kelley	John A. Peters	Thomas Williams
Burton C. Cook	William H. Kelsey	Frederick A. Pike	James F. Wilson
Thomas Cornell	John H. Ketcham	Tobias A. Plants	John T. Wilson
John Covode	Bethuel M. Kitchen	Luke P. Poland	Stephen F. Wilson
Shelby M. Cullom	William H. Koontz	Daniel Polsley	William Windom
Henry L. Dawes	Addison H. Laflin	Theodore M. Pomeroy	Fred'k E. Woodbridge.

Those who voted in the negative are—

Mr. George M. Adams	Mr. John Fox	Mr. James A. Johnson	Mr. Lewis W. Ross
Stevenson Archer	J. Lawrence Getz	Thomas L. Jones	Charles Sitgreaves
Samuel B. Axtell	Adam J. Glossbrenner	Michael C. Kerr	Thomas E. Stewart
William H. Barnum	J. S. Golladay	J. Proctor Knott	Frederick Stone
James B. Beck	Asa P. Grover	Samuel S. Marshall	Stephen Taber
Benjamin M. Boyer	Charles Haight	James R. McCormick	Lawrence S. Trimble
James Brooks	William S. Holman	William E. Niblack	Daniel M. Van Auken
Albert G. Burr	Julius Hotchkiss	John A. Nicholson	Philadelph Van Trump
Samuel F. Cary	Richard D. Hubbard	John V. L. Pruyn	Fernando Wood
John W. Chanler	James M. Humphrey	Samuel J. Randall	George W. Woodward.
Charles A. Eldridge			

Those not voting are—

Mr. Jehu Baker	Mr. Isaac R. Hawkins	Mr. William Mungen	Mr. Aaron F. Stevens
Demas Barnes	Samuel Hooper	Charles E. Phelps	Thaddeus Stevens
John F. Benjamin	Asahel W. Hubbard	William A. Pile	William B. Stokes
Ephraim R. Eckley	Hiram McCullough	William E. Robinson	Cadwal'r C. Washburn
Jacob H. Ela	James K. Moorhead	Lewis Selye	Henry D. Washburn
Darwin A. Finney	John Morrissey	Samuel Shellabarger	William Williams.

So the third article was agreed to.

The fourth article was then read as follows. viz :

ARTICLE IV. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and laws of the United States, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, then and there the Secretary for the Department of War, duly appointed under the laws of the United States, from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States, and of the provisions of an act entitled "An act to define and punish certain conspiracies," approved July thirty-first, eighteen hundred and sixty-one, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high crime in office.

And the question being put, Will the House agree thereto?

It was decided in the affirmative, {	Yeas.....	117
	Nays	40
	Not voting.....	32

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Nathan F. Dixon	Mr. Bethuel M. Kitchen	Mr. Theodore M. Pomeroy
Oakes Ames	Grenville M. Dodge	William H. Koontz	Hiram Price
George W. Anderson	Ignatius Donnelly	Addison H. Laflin	Green B. Raun
Samuel M. Arnell	John F. Driggs	George V. Lawrence	William H. Robertson
Delos R. Ashley	Benjamin Eggleston	William Lawrence	Philetus Sawyer
James M. Ashley	Thomas D. Eliot	William S. Lincoln	Robert C. Schenck
Alexander H. Bailey	John F. Farnsworth	Benjamin F. Loan	Glenni W. Scofield
John D. Baldwin	Orange Ferriss	John A. Logan	John P. C. Shanks
Nathaniel P. Banks	Thomas W. Ferry	John Lynch	Worthington C. Smith
Fernando C. Beaman	William C. Fields	Rufus Mallory	H. H. Starkweather
John Beatty	James A. Garfield	James M. Marvin	John Taffe
Jacob Benton	Joseph J. Gravely	Horace Maynard	Caleb N. Taylor
John A. Bingham	John A. Griswold	Dennis McCarthy	Francis Thomas
James G. Blaine	Charles Haight	Joseph W. McClurg	John Trimble
Austin Blair	George A. Halsey	Ulysses Mercur	Row'd E. Trowbridge
George S. Boutwell	Abner C. Harding	George F. Miller	Ginery Twichell
Henry P. H. Bromwell	John Hill	William Moore	Charles Upson
John M. Broomall	Samuel Hooper	Daniel J. Morrell	Henry Van Aernam
Ralph P. Buckland	Benjamin F. Hopkins	James Mullins	Burt Van Horn
Henry L. Cake	Chester D. Hubbard	Leonard Myers	Robert T. Van Horn
John C. Churchill	Calvin T. Hulburt	David A. Nunn	Charles H. Van Wyck
Reader W. Clarke	Morton C. Hunter	Charles O'Neill	Hamilton Ward
Sidney Clarke	Ebon C. Ingersoll	Godlove S. Orth	William B. Washburn
Amasa Cobb	Thomas A. Jenckes	Halbert E. Paine	Martin Welker
John Coburn	Norman B. Judd	Sidney Perham	Thomas Williams
Burton C. Cook	George W. Julian	John A. Peters	James F. Wilson
Thomas Cornell	William D. Kelley	Frederick A. Pike	John T. Wilson
John Covode	William H. Kelsey	Tobias A. Plants	Stephen F. Wilson
Snelby M. Cullom	John H. Ketcham	Daniel Polsley	William Windom.
Henry L. Dawes			

Those who voted in the negative are—

Mr. George M. Adams	Mr. Charles A. Eldridge	Mr. Thomas L. Jones	Mr. Samuel J. Randall
Stevenson Archer	John Fox	Michael C. Kerr	Lewis W. Ross
Samuel B. Axtell	J. Lawrence Getz	J. Proctor Knott	Charles Sitgreaves
William H. Barnum	Adam J. Glossbrenner	Samuel S. Marshall	Frederick Stone
James B. Beck	J. S. Golladay	James R. McCormick	Stephen Taber
Benjamin M. Boyer	Asa P. Grover	George W. Morgan	Lawrence S. Trimble
James Brooks	William S. Holman	William Mungen	Daniel M. Van Auken
Albert G. Burr	Julius Hotchkiss	William E. Niblack	Philadelph Van Trump
Samuel F. Cary	Richard D. Hubbard	John A. Nicholson	Fernando Wood
John W. Chanler	James A. Johnson	John V. L. Pruyn	George W. Woodward.

Those not voting are—

Mr. Jehu Baker	Mr. William Higby	Mr. Charles E. Phelps	Mr. Thaddeus Stevens
Demas Barnes	Asahel W. Hubbard	William A. Pile	Thomas E. Stewart
John F. Benjamin	James M. Humphrey	Luke P. Poland	William B. Stokes
Benjamin F. Butler	William Loughridge	William E. Robinson	Cadwal'r C. Washburn
Ephraim R. Eckley	Hiram McCullough	Lewis Selye	Elliuh B. Washburne
Jacob H. Ela	James K. Moorhead	Samuel Shellabarger	Henry D. Washburn
Darwin A. Finney	John Morrissey	Rufus P. Spalding	William Williams
Isaac R. Hawkins	Carman A. Newcomb	Aaron F. Stevens	Fred'k E. Woodbridge.

So the fourth article was agreed to.

The fifth article was read as follows, viz :

ARTICLE V. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and on divers other days and times in said year, before the second day of March, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, to prevent and hinder the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and in pursuance of said conspiracy did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, duly appointed and commissioned under the laws of the United States, from holding said office, whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the question being put, Will the House agree thereto ?

It was decided in the affirmative,	Yeas.....	127
	Nays.....	42
	Not voting.....	20

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. William Lawrence	Mr. Philetus Sawyer
Oakes Ames	Ignatius Donnelly	William S. Lincoln	Robert C. Schenck
George W. Anderson	John F. Driggs	Benjamin F. Loan	Glenni W. Scofield
Samuel M. Arnell	Benjamin Eggleston	John A. Logan	John P. C. Shanks
Delos R. Ashley	Thomas D. Eliot	William Loughridge	Worthington C. Smith
James M. Ashley	John F. Farnsworth	John Lynch	Rufus P. Spalding
Alexander H. Bailey	Orange Ferriss	Rufus Mallory	H. H. Starkweather
John D. Baldwin	Thomas W. Ferry	James M. Marvin	Thaddeus Stevens
Nathaniel P. Banks	William C. Fields	Horace Maynard	William B. Stokes
Fernando C. Beaman	James A. Garfield	Dennis McCarthy	John Taffe
John Beatty	Joseph J. Gravelly	Joseph W. McClurg	Caleb N. Taylor
Jacob Benton	John A. Griswold	Ulysses Meaur	Francis Thomas
John A. Bingham	George A. Halsey	George F. Miller	John Trimble
James G. Blaine	Abner C. Harding	William Moore	Row'd E. Trowbridge
Austin Blair	William Higby	Daniel J. Morrell	Ginery Twichell
George S. Boutwell	John Hill	James Mullins	Charles Upson
Henry P. H. Brownell	Samuel Hooper	Leonard Myers	Henry Van Aernam
John M. Broomall	Benjamin F. Hopkins	Carman A. Newcomb	Burt Van Horn
Ralph P. Buckland	Chester D. Hubbard	David A. Nunn	Robert T. Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Charles O'Neill	Charles H. Van Wyck
Henry L. Cake	Morton C. Hunter	Godlove S. Orth	Hamilton Ward
John C. Churchill	Ebon C. Ingersoll	Halbert E. Paine	Cadwal'r C. Washburn
Reader W. Clarke	Thomas A. Jenekes	Sidney Perham	Elliuh B. Washburne
Sidney Clarke	Norman B. Judd	John A. Peters	William B. Washburn
Amasa Cobb	George W. Julian	Frederick A. Pike	Martin Welker
John Coburn	William D. Kelley	Tobias A. Plants	Thomas Williams
Burton C. Cook	William H. Kelsey	Luke P. Poland	James F. Wilson
Thomas Cornell	John H. Ketcham	Daniel Polsley	John T. Wilson
John Covode	Bethuel M. Kitchen	Theodore M. Pomeroy	Stephen F. Wilson
Shelby M. Cullom	William H. Koontz	Hiram Price	William Windom
Henry L. Dawes	Addison H. Laffin	Green B. Raum	Fred'k E. Woodbridge.
Nathan F. Dixon	George V. Lawrence	William H. Robertson	

Those who voted in the negative are—

Mr. George M. Adams	Mr. Benjamin M. Boyer	Mr. Charles A. Eldridge	Mr. Asa P. Grover
Stevenson Archer	James Brooks	John Fox	Charles Haight
Samuel B. Axtell	Albert G. Burr	J. Lawrence Getz	William S. Holman
William H. Barnum	Samuel F. Cary	Adam J. Glossbrenner	Julius Hotchkiss
James B. Beck	John W. Chanler	J. S. Golladay	James M. Humphrey

Mr. James A. Johnson	Mr. George W. Morgan	Mr. Lewis W. Ross	Mr. Lawrence S. Trimble
Thomas L. Jones	William Mungen	Charles Sitgreaves	Daniel M. Van Auken
Michael C. Kerr	William E. Niblack	Thomas F. Stewart	Philadelph Van Trump
J. Proctor Knott	John A. Nicholson	Frederick Stone	Fernando Wood
Samuel S. Marshall	John V. L. Pruyn	Stephen Taber	George W. Woodward
James R. McCormick	Samuel J. Randall		

Those not voting are—

Mr. Jehu Baker	Mr. Darwin A. Finney	Mr. James K. Moorhead	Mr. Lewis Selye
Demas Barnes	Isaac R. Hawkins	John Morrissey	Samuel Shellabarger
John F. Benjamin	Asahel W. Hubbard	Charles E. Phelps	Aaron F. Stevens
Ephraim R. Eckley	Richard D. Hubbard	William A. Pile	Henry D. Washburn
Jacob H. Ela	Hiram McCullough	William E. Robinson	William Williams

So the fifth article was agreed to.

The sixth article was read as follows, viz :

ARTICLE VI. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, by force to seize, take, and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said department, contrary to the provisions of an act entitled "An act to define and punish certain conspiracies," approved July thirty-one, eighteen hundred and sixty-one, and with intent to violate and disregard an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

And the question being put, Will the House agree thereto?

It was decided in the affirmative,	Yeas	127
	Nays	42
	Not voting	20

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. William Lawrence	Mr. Philetus Sawyer
Oakes Ames	Ignatius Donnelly	William S. Lincoln	Robert C. Schenck
George W. Anderson	John F. Driggs	Benjamin F. Loan	Glenni W. Scofield
Samuel M. Arnell	Benjamin Eggleston	John A. Logan	John P. C. Shanks
Delos R. Ashley	Thomas D. Eliot	William Loughridge	Worthington C. Smith
James M. Ashley	John F. Farnsworth	John Lynch	Rufus P. Spalding
Alexander H. Bailey	Orange Ferriss	Rufus Mallory	H. H. Starkweather
John D. Baldwin	Thomas W. Ferry	James M. Marvin	Thaddeus Stevens
Nathaniel P. Banks	William C. Fields	Horace Maynard	William B. Stokes
Fernando C. Beaman	James A. Garfield	Dennis McCarthy	John Taffe
John Beatty	Joseph J. Gravelly	Joseph W. McClurg	Caleb N. Taylor
Jacob Benton	John A. Griswold	Ulysses Mercur	Francis Thomas
John A. Bingham	George A. Halsey	George F. Miller	John Trimble
James G. Blaine	Abner C. Harding	William Moore	Row'd E. Trowbridge
Austin Blair	William Higby	Daniel J. Morrell	Ginery Twichell
George S. Boutwell	John Hill	James Mullins	Charles Upson
Henry P. H. Bromwell	Samuel Hooper	Leonard Myers	Henry Van Aernam
John M. Broomall	Benjamin F. Hopkins	Carman A. Newcomb	Burt Van Horn
Ralph P. Buckland	Chester D. Hubbard	David A. Nunn	Robert T. Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Charles O'Neill	Charles H. Van Wyck
Henry L. Cake	Morton C. Hunter	Godlove S. Orth	Hamilton Ward
John C. Churchill	Ebon C. Ingersoll	Halbert E. Paine	Cadwal'r C. Washburn
Reader W. Clarke	Thomas A. Jenekes	Sidney Perham	Ellihu B. Washburne
Sidney Clarke	Norman B. Judd	John A. Peters	William B. Washburn
Amasa Cobb	George W. Julian	Frederick A. Pike	Martin Welker
John Coburn	William D. Kelley	Tobias A. Plants	Thomas Williams
Burton C. Cook	William H. Kelsey	Luke P. Poland	James F. Wilson
Thomas Cornell	John H. Ketcham	Daniel Polsley	John T. Wilson
John Covode	Bethuel M. Kitchen	Theodore M. Pomeroy	Stephen F. Wilson
Shelby M. Cullom	William H. Koontz	Hiram Price	William Windom
Henry L. Dawes	Addison H. Laflin	Green B. Raum	Fred'k E. Woodbridge.
Nathan F. Dixon	George V. Lawrence	William H. Robertson	

Those who voted in the negative are—

Mr. George M. Adams	Mr. Benjamin M. Doyer	Mr. Charles A. Eldridge	Mr. Asa P. Grover
Stevenson Archer	James Brooks	John Fox	Charles Haight
Samuel B. Axtell	Albert G. Burr	J. Lawrence Getz	William S. Holman
William H. Barnum	Samuel F. Cary	Adam J. Glossbrenner	Julius Hotchkiss
James B. Beck	John W. Chanler	J. S. Golladay	James M. Humphrey

Mr. James A. Johnson
Thomas L. Jones
Michael C. Kerr
J. Proctor Knott
Samuel S. Marshall
James R. McCormick

Mr. George W. Morgan
William Mungen
William E. Niblack
John A. Nicholson
John V. L. Pruyn
Samuel J. Randall

Mr. Lewis W. Ross
Charles Sitgreaves
Thomas E. Stewart
Frederick Stone
Stephen Taber

Mr. Lawrence S. Trimble
Daniel M. Van Trump
Philadelph Van Auker
Fernando Wood
George W. Woodward.

Those not voting are—

Mr. Jehu Baker
Demas Barnes
John F. Benjamin
Ephraim R. Eckley
Jacob H. Ela

Mr. Darwin A. Finney
Isaac R. Hawkins
Asahel W. Hubbard
Richard D. Hubbard
Hiram McCullough

Mr. James K. Moorhead
John Morrissey
Charles E. Phelps
William A. Pile
William E. Robinson

Mr. Lewis Selye
Samuel Shellabarger
Aaron F. Stevens
Henry D. Washburn
William Williams.

So the sixth article was agreed to.

The seventh article having been read as follows, viz :

ARTICLE VII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas with intent unlawfully to seize, take, and possess the property of the United States in the department of War, in the custody and charge of Edwin M. Stanton, Secretary for said department, with intent to violate and disregard the act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, whereby said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

The question was put, Will the House agree thereto ?

And it was decided in the affirmative, { Yeas 127
Nays 42
Not voting 20

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison
Oakes Ames
George W. Anderson
Samuel M. Arnell
Delos R. Ashley
James M. Ashley
Alexander H. Bailey
John D. Baldwin
Nathaniel P. Banks
Fernando C. Beaman
John Beatty
Jacob Benton
John A. Bingham
James G. Blaine
Austin Blair
George S. Boutwell
Henry P. H. Bromwell
John M. Broomall
Ralph P. Buckland
Benjamin F. Butler
Henry L. Cake
John C. Churchill
Reader W. Clarke
Sidney Clarke
Amasa Cobb
John Coburn
Burton C. Cook
Thomas Cornell
John Covode
Shelby M. Cullom
Henry L. Dawes
Nathan F. Dixon

Mr. Grenville M. Dodge
Ignatius Donnelly
John F. Driggs
Benjamin Eggleston
Thomas D. Eliot
John F. Farnsworth
Orange F. Friss
Thomas W. Ferry
William C. Fields
James A. Garfield
Joseph J. Gravely
John A. Griswold
George A. Halsey
Abner C. Harding
William Higby
John Hill
Samuel Hooper
Benjamin F. Hopkins
Chester D. Hubbard
Calvin T. Hulburd
Morton C. Hunter
Ebon C. Ingersoll
Thomas A. Jenckes
Norman B. Judd
George W. Julian
William D. Kelley
William H. Kelsey
John H. Ketchum
Bethuel M. Kitchen
William H. Koontz
Addison H. Laffin
George V. Lawrence

Mr. William Lawrence
William S. Lincoln
Benjamin F. Loan
John A. Logan
William Loughbridge
John Lynch
Rufus Mallory
James M. Marvin
Horace Maynard
Dennis McCarthy
Joseph W. McClurg
Ulysses Mercur
George F. Miller
William Moore
Daniel J. Morrell
James Mullins
Leonard Myers
Carman A. Newcomb
David A. Nunn
Charles O'Neill
Godlove S. Orth
Halbert E. Paine
Sidney Perham
John A. Peters
Frederick A. Pike
Tobias A. Plants
Luke P. Poland
Daniel Polsley
Theodore M. Pomeroy
Hiram Price
Green B. Raum
William H. Robertson

Mr. Philetus Sawyer
Robert C. Schenck
Glenn W. Scofield
John P. C. Shanks
Worthington C. Smith
Rufus P. Spalding
H. H. Starkweather
Thaddeus Stevens
William B. Stokes
John Taffe
Caleb N. Taylor
Francis Thomas
John Trimble
Row'd E. Trowbridge
Ginery Twichell
Charles Upson
Henry Van Aernam
Burt Van Horn
Robert T. Van Horn
Charles H. Van Wyck
Hamilton Ward
Cadwal'r C. Washburn
Ellihu B. Washburne
William B. Washburn
Martin Welker
Thomas Williams
James F. Wilson
John T. Wilson
Stephen F. Wilson
William Windom
Fred'k E. Woodbridge.

Those who voted in the negative are—

Mr. George M. Adams
Stevenson Archer
Samuel B. Axtell
William H. Barnum
James B. Beck
Benjamin M. Boyer
James Brooks
Albert G. Burr
Samuel F. Cary
John W. Chanler
Charles A. Eldridge

Mr. John Fox
J. Lawrence Getz
Adam J. Glossbreuner
J. S. Golladay
Asa P. Grover
Charles Haight
William S. Holman
Julius Hotchkiss
James M. Humphrey
James A. Johnson
Thomas L. Jones

Mr. Michael C. Kerr
J. Proctor Knott
Samuel S. Marshall
James R. McCormick
George W. Morgan
William Mungen
William E. Niblack
John A. Nicholson
John V. L. Pruyn
Samuel J. Randall

Mr. Lewis W. Ross
Charles Sitgreaves
Thomas E. Stewart
Frederick Stone
Stephen Taber
Lawrence S. Trimble
Daniel M. Van Auker
Philadelph Van Trump
Fernando Wood
George W. Woodward

Those not voting are—

Mr. Jehu Baker	Mr. Darwin A. Finney	Mr. James K. Moorhead	Mr. Lewis Selye
Demas Barnes	Isaac R. Hawkins	John Morrissey	Samuel Shellabarger
John F. Benjamin	Asahel W. Hubbard	Charles E. Phelps	Aaron F. Stevens
Ephraim R. Eckley	Richard D. Hubbard	William A. Pile	Henry D. Washburn
Jacob H. Ela	Hiram McCullough	William E. Robinson	William Williams.

So the seventh article was agreed to.

The eighth article having been read as follows, viz :

ARTICLE VIII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, with intent unlawfully to control the disbursements of the moneys appropriated for the military service and for the Department of War, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and in violation of the Constitution of the United States, and without the advice and consent of the Senate of the United States, and while the Senate was then and there in session, there being no vacancy in the office of Secretary for the Department of War, and with intent to violate and disregard the act aforesaid, then and there issue and deliver to one Lorenzo Thomas a letter of authority in writing, in substance as follows, that is to say :

EXECUTIVE MANSION,

Washington, D. C., February 21, 1868.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully yours,

ANDREW JOHNSON.

To Brevet Major General LORENZO THOMAS,
Adjutant General U. S. Army, Washington, D. C.

Whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

The question was put, Will the House agree thereto ?

And it was decided in the affirmative, { Yeas 127
Nays 42
Not voting 20

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. John Coburn	Mr. Chester D. Hubbard	Mr. Ulysses Mercur
Oakes Ames	Burton C. Cook	Calvin T. Hulburd	George F. Miller
George W. Anderson	Thomas Cornell	Morton C. Hunter	William Moore
Samuel M. Arnell	John Covode	Ebon C. Ingersoll	Daniel J. Morrell
Delos R. Ashley	Sholby M. Cullom	Thomas A. Jenckes	James Mullins
James M. Ashley	Henry L. Dawes	Norman B. Judd	Leonard Myers
Alexander H. Bailey	Nathan F. Dixon	George W. Julian	Carman A. Newcomb
John D. Baldwin	Gronville M. Dodge	William D. Kelley	David A. Nunn
Nathaniel P. Banks	Ignatius Donnelly	William H. Kelsey	Charles O'Neill
Fernando C. Beaman	John F. Driggs	John H. Ketcham	Godlove S. Orth
John Beatty	Benjamin Eggleston	Bethuel M. Kitchen	Halbert E. Paine
Jacob Benton	Thomas D. Eliot	William H. Koontz	Sidney Perham
John A. Bingham	John F. Farnsworth	Addison H. Laffin	John A. Peters
James G. Blaine	Orange Ferriss	George V. Lawrence	Frederick A. Pike
Austin Blair	Thomas W. Ferry	William Lawrence	Tobias A. Plants
George S. Boutwell	William C. Fields	William S. Lincoln	Luke P. Poland
Henry P. H. Bromwell	James A. Garfield	Benjamin F. Loan	Daniel Polsley
John M. Broomall	Joseph J. Gravely	John A. Logan	Theodore M. Pomeroy
Ralph P. Buckland	John A. Griswold	William Loughridge	Hiram Price
Benjamin F. Butler	George A. Halsey	John Lynch	Green B. Raum
Henry L. Cake	Abner C. Harding	Rufus Mallory	William H. Robertson
John C. Churchill	William Higby	James M. Marvin	Philetus Sawyer
Reader W. Clarke	John Hill	Horace Maynard	Robert C. Schenck
Sidney Clarke	Samuel Hooper	Dennis McCarthy	Glenn W. Scofield
Amasa Cobb	Benjamin F. Hopkins	Joseph W. McClurg	John P. C. Shanks

Mr. Worthington C. Smith	Mr. Francis Thomas	Mr. Robert T. Van Horn	Mr. Thomas Williams
Rufus P. Spalding	John Trimble	Charles H. Van Wyck	James F. Wilson
H. H. Starkweather	Row'd E. Trowbridge	Hamilton Ward	John T. Wilson
Thaddeus Stevens	Ginery Twichell	Cadwal'r C. Washburn	Stephen F. Wilson
William B. Stokes	Charles Upson	Ellihu B. Washburne	William Windom
John Taffe	Henry Van Aernam	William B. Washburn	Fred'k E. Woodbridge.
Caleb N. Taylor	Burt Van Horn	Martin Welker	

Those who voted in the negative are—

Mr. George M. Adams	Mr. John Fox	Mr. Michael C. Kerr	Mr. Lewis W. Ross
Stevenson Archer	J. Lawrence Getz	J. Proctor Knott	Charles Sitgreaves
Samuel B. Axtell	Adam J. Glossbrenner	Samuel S. Marshall	Thomas E. Stewart
William H. Barnum	J. S. Golladay	James R. McCormick	Frederick Stone
James B. Beck	Asa P. Grover	George W. Morgan	Stephen Taber
Benjamin M. Boyer	Charles Haight	William Mungen	Lawrence S. Trimble
James Brooks	William S. Holman	William E. Niblack	Daniel M. Van Anken
Albert G. Burr	Julius Hotchkiss	John A. Nicholson	Philadelph Van Trump
Samuel F. Cary	James M. Humphrey	John V. L. Pruyn	Fernando Wood
John W. Chanler	James A. Johnson	Samuel J. Randall	George W. Woodward.
Charles A. Eldridge	Thomas L. Jones		

Those not voting are—

Mr. Jehn Baker	Mr. Darwin A. Finney	Mr. James K. Moorhead	Mr. Lewis Selye
Demas Barnes	Isaac R. Hawkins	John Morrissey	Samuel Shellabarger
John F. Benjamin	Asahel W. Hubbard	Charles E. Phelps	Aaron F. Stevens
Ephraim R. Eckley	Richard D. Hubbard	William A. Pile	Henry D. Washburn
Jacob H. Ela	Hiram McCullough	William E. Robinson	William Williams.

So the eighth article was agreed to.

The ninth article having been read as follows, viz :

ARTICLE IX. That said Andrew Johnson, President of the United States, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, in disregard of the Constitution and the laws of the United States duly enacted, as commander-in-chief of the army of the United States, did bring before himself then and there William H. Emory, a major general by brevet in the army of the United States, actually in command of the department of Washington and the military forces thereof, and did then and there, as such commander-in-chief, declare to and instruct said Emory that part of a law of the United States, passed March second, eighteen hundred and sixty-seven, entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes," especially the second section thereof, which provides, among other things, that "all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the army, and in case of his inability through the next in rank," was unconstitutional, and in contravention of the commission of said Emory, and which said provision of law had been theretofore duly and legally promulgated by General Order for the government and direction of the army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory in his official capacity as commander of the department of Washington to violate the provisions of said act, and to take and receive, act upon, and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the army of the United States, according to the provisions of said act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of the act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

The question was put, Will the House agree thereto ?

And it was decided in the affirmative,	{	Yeas.....	108
		Nays.. ..	41
		Not voting.....	40

The yeas and nays being desired by one-fifth of the members present,
Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. George V. Lawrence	Mr. Hiram Price
Oakes Ames	Ignatius Donnelly	William Lawrence	Green B. Raum
Samuel M. Arnell	John F. Driggs	William S. Lincoln	William H. Robertson
Delos R. Ashley	Benjamin Eggleston	Benjamin F. Loan	Philetus Sawyer
James M. Ashley	Thomas D. Eliot	John A. Logan	Robert C. Schenck
Alexander H. Bailey	Orange Ferriss	John Lynch	Glenni W. Scofield
Fernando C. Beaman	Thomas W. Ferry	Rufus Mallory	John P. C. Shanks
John Beatty	William C. Fields	James M. Marvin	Worthington C. Smith
Jacob Benton	James A. Garfield	Horace Maynard	H. H. Starkweather
John A. Bingham	Joseph J. Gravely	Dennis McCarthy	Thaddeus Stevens
Austin Blair	George A. Halsey	Joseph W. McClurg	John Taffe
George S. Boutwell	Abner C. Harding	Ulysses Mercur	Caleb N. Taylor
Henry P. H. Bromwell	John Hill	George F. Miller	Francis Thomas
John M. Broomall	Samuel Hooper	William Moore	John Trimble
Ralph P. Buckland	Benjamin F. Hopkins	Daniel J. Morrell	Row'd E. Trowbridge
Benjamin F. Butler	Chester D. Hubbard	James Mullins	Ginery Twichell
Henry L. Cake	Calvin T. Hulburd	Leonard Myers	Charles Upson
John C. Churchill	Morton C. Hunter	Carman A. Newcomb	Henry Van Aernam
Sidney Clarke	Ebon C. Ingersoll	David A. Nunn	Robert T. Van Horn
Amasa Cobb	Thomas A. Jenckes	Charles O'Neill	Hamilton Ward
John Coburn	Norman B. Judd	Godlove S. Orth	William B. Washburn
Burton C. Cook	George W. Julian	Halbert E. Paine	Martin Welker
Thomas Cornell	William D. Kelley	Sidney Perham	Thomas Williams
John Covode	William H. Kelsey	John A. Peters	James F. Wilson
Shelby M. Cullom	John H. Ketchum	Frederick A. Pike	John T. Wilson
Henry L. Dawes	William H. Koontz	Daniel Polsley	Stephen F. Wilson
Nathan F. Dixon	Addison H. Lafia	Theodore M. Pomeroy	William Windom.

Those who voted in the negative are—

Mr. George M. Adams	Mr. J. Lawrence Getz	Mr. Thomas L. Jones	Mr. Lewis W. Ross
Stevenson Archer	Adam J. Glossbrenner	Michael C. Kerr	Charles Sitgreaves
Samuel B. Axtell	J. S. Golladay	J. Proctor Knott	Thomas E. Stewart
William H. Barnum	Asa P. Grover	Samuel S. Marshall	Frederick Stone
James B. Beck	Charles Haight	James R. McCormick	Stephen Taber
Benjamin M. Boyer	William S. Holman	George W. Morgan	Lawrence S. Trimble
James Brooks	Julius Hotchkiss	William Mungen	Daniel M. Van Auker
Samuel F. Cary	Richard D. Hubbard	William E. Niblack	Philadelph Van Trump
John W. Chanler	James M. Humphrey	John V. L. Pruyn	Fernando Wood
Charles A. Eldridge	James A. Johnson	Samuel J. Randall	George W. Woodward.
John Fox			

Those not voting are—

Mr. George W. Anderson	Mr. Jacob H. Ela	Mr. James K. Moorhead	Mr. Rufus P. Spalding
John Baker	John F. Farnsworth	John Morrissey	Aaron F. Stevens
John D. Baldwin	Darwin A. Finney	John A. Nicholson	William B. Stokes
Nathaniel P. Banks	John A. Griswold	Charles E. Phelps	Burt Van Horn
Demas Barnes	Isaac R. Hawkins	William A. Pile	Charles H. Van Wyck
John F. Benjamin	William Higby	Tobias A. Plants	Cadwal'r C. Washburn
James G. Blaine	Asahel W. Hubbard	Luke P. Poland	Ellihu B. Washburne
Albert G. Burr	Bethuel M. Kitchen	William E. Robinson	Henry D. Washburn
Reader W. Clarke	William Loughridge	Lewis Selye	William Williams
Ephraim R. Eckley	Hiram McCullough	Samuel Shellabarger	Fred'k E. Woodbridge.

So the ninth article was agreed to.

The remainder of the report of the committee to report articles of impeachment was then agreed to.

Subsequently Mr. Boutwell moved a reconsideration of the several votes on the said articles and report; which motion was passed over.

The House then proceeded, in further execution of the resolution of the House of Tuesday last, to the election, by ballot, of seven managers to conduct the said impeachment.

The Speaker having appointed Mr. Poland, Mr. Spalding, Mr. Jenckes, and Mr. Blair, tellers;

And nominations having been made, as follows, viz :

By Mr. Poland: Mr. John A. Bingham, Mr. George S. Boutwell, Mr. Benjamin F. Butler, Mr. James F. Wilson, Mr. Thaddeus Stevens, Mr. John A. Logan, and Mr. Thomas Williams;

And Mr. Kerr having been excused from voting,

The tellers reported that—

Mr. Bingham received.....	114 votes.
Mr. Boutwell received.....	113 "
Mr. James F. Wilson received.....	112 "

Mr. Benjamin F. Butler received	108 votes.
Mr. Thomas Williams received	107 "
Mr. Logan received	106 "
Mr. Thaddeus Stevens received	105 "
Mr. Jenckes received	22 "
Mr. Scofield received	3 "
Mr. Poland received	2 "
Mr. Orth received	2 "
Mr. Peters received	1 vote.
Mr. Churchill received	1 "
Mr. Blair received	1 "
Mr. Benjamin received	1 "
Mr. Upson received	1 "

That the whole number of votes given was 118; and necessary to a choice, 60.

Whereupon

The Speaker declared Mr. Bingham, Mr. Boutwell, Mr. James F. Wilson, Mr. Benjamin F. Butler, Mr. Thomas Williams, Mr. Logan, and Mr. Thaddeus Stevens duly elected managers to conduct the impeachment against Andrew Johnson, President of the United States, on the part of the House.

Mr. Boutwell, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Printing, viz :

Resolved, That one thousand copies of the articles of impeachment against Andrew Johnson, President of the United States, adopted by the House, be printed for the use of the House.

Mr. Boutwell submitted the following resolutions; which were read, considered, and under the operation of the previous question agreed to, viz :

Resolved, That the articles agreed to by this house, to be exhibited in the name of themselves and of all the people of the United States, against Andrew Johnson, President of the United States, in maintenance of their impeachment against him of high crimes and misdemeanors in office, be carried to the Senate by the managers appointed to conduct said impeachment.

Resolved, That a message be sent to the Senate to inform them that this house have appointed managers to conduct the impeachment against the President of the United States, and have directed the said managers to carry to the Senate the articles agreed upon by this house, to be exhibited in maintenance of their impeachment against said Andrew Johnson, and that the Clerk of the House do go with said message.

Mr. Boutwell moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Schenck moved that the rules be suspended so that the business of Monday may be transacted to-morrow.

And the question being put,

It was decided in the affirmative,	Yeas	97
	Nays	32
	Not voting	60

Two-thirds voting in favor thereof.

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. John A. Bingham	Mr. Amasa Cobb	Mr. John F. Farnsworth
Oakes Ames	James G. Blaine	John Coburn	Orange Ferriss
Samuel M. Arnell	Austin Blair	Burton C. Cook	Thomas W. Ferry
Delos R. Ashley	George S. Boutwell	Shelby M. Cullom	William C. Fields
James M. Ashley	John M. Broomall	Nathan F. Dixon	James A. Garfield
Alexander H. Bailey	Ralph P. Buckland	Grenville M. Dodge	Joseph J. Gravelly
John D. Baldwin	Benjamin F. Butler	Ignatius Donnelly	John A. Griswold
Nathaniel P. Banks	Henry L. Calk	John F. Driggs	George A. Halsey
Fernando C. Beaman	John C. Churchill	Ephraim R. Eckley	Abner C. Harding
John Beatty	Reader W. Clarke	Thomas D. Eliot	John Hill

Appendix D.2
Articles of Impeachment against President Richard M. Nixon

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^d CONGRESS
SECOND SESSION

VOLUME 120—PART 22

AUGUST 16, 1974 TO AUGUST 22, 1974

(PAGES 28675 TO 30170)

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UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1974



Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3044, FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns, with the House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none, and appoints the following conferees: Messrs. HAYS, THOMPSON of New Jersey, DENT, BRADEN, JONES of Tennessee, MOLLOHAN, MATHIS of Georgia, DICKINSON, DEVINE, WARE, and FRENZEL.

PRIVILEGED REPORT ON IMPEACHMENT

Mr. RODINO, from the Committee on the Judiciary, pursuant to H. Res. 803, submitted the following privileged report (Report No. 93-1305), which was referred to the House Calendar and ordered to be printed:

[93D CONGRESS, 2D SESSION, HOUSE OF REPRESENTATIVES, REPORT NO. 93-1305]

REPORT ON THE IMPEACHMENT OF RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES

Mr. RODINO, from the Committee on the Judiciary, submitted the following report together with supplemental, additional, separate, dissenting, minority, individual, and concurring views:

The Committee on the Judiciary, to whom was referred the consideration of recommendations concerning the exercise of the constitutional power to impeach Richard M. Nixon, President of the United States, having considered the same, reports thereon pursuant to H. Res. 803 as follows and recommends that the House exercise its constitutional power to impeach Richard M. Nixon, President of the United States, and that articles of impeachment be exhibited to the Senate as follows:

RESOLUTION

Impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors.

Resolved, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all of the people of the United States of America, against Richard M. Nixon, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article I

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

On June 17, 1972, and prior thereto, agents of the Committee for the Re-election of the President committed unlawful entry of the headquarters of the Democratic National Committee in Washington, District of Columbia, for the purpose of securing political intelligence. Subsequent thereto, Richard M. Nixon, using the powers of his high office, engaged personally and through his subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such unlawful entry; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

The means used to implement this course of conduct or plan included one or more of the following:

(1) making or causing to be made false or misleading statements to lawfully authorized investigative officers and employees of the United States;

(2) withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;

(3) approving, condoning, acquiescing in, and counseling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the United States and false or misleading testimony in duly instituted judicial and congressional proceedings;

(4) interfering or endeavoring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of Investigation, the Office of Watergate Special Prosecution Force, and Congressional Committees;

(5) approving, condoning, and acquiescing in, the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participated in such unlawful entry and other illegal activities;

(6) endeavoring to misuse the Central Intelligence Agency, an agency of the United States;

(7) disseminating information received from officers to the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;

(8) making false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the executive branch of the United States and personnel of the Committee for the Re-election of the President, and that there was

no involvement of such personnel in such misconduct; or

(9) endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

Article II

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposes of these agencies.

This conduct has included one or more of the following:

(1) He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes not authorized by law, and to cause, in violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner.

(2) He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; he did direct, authorize, or permit the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance.

(3) He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.

(4) He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavored to impede and frustrate lawful inquiries by duly constituted executive, judicial, and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities, including those relating to the confirmation of

Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.

(5) In disregard of the rule of law, he knowingly misused the executive power by interfering with agencies of the executive branch, including the Federal Bureau of Investigation, the Criminal Division, and the Office of Watergate Special Prosecution Force, of the Department of Justice, and the Central Intelligence Agency, in violation of his duty to take care that the laws be faithfully executed.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

Article III

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has failed without lawful cause or excuse to produce papers and things as directed by duly authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives on April 11, 1974, May 15, 1974, May 30, 1974, and June 24, 1974, and willfully disobeyed such subpoenas. The subpoenaed papers and things were deemed necessary by the Committee in order to resolve by direct evidence fundamental, factual questions relating to Presidential direction, knowledge, or approval of actions demonstrated by other evidence to be substantial grounds for impeachment of the President. In refusing to produce these papers and things, Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

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COMMITTEE CONSIDERATION

The Constitution provides in Article I, Section 2, Clause 5, that "the House of Representatives shall have the sole power of impeachment." Article II, Section 4 provides, "The President, Vice President and all civil officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Resolutions to impeach President Richard M. Nixon were introduced by members of the House in the last session of Congress and referred to the Committee on the Judiciary. On November 15, 1973, the House adopted H. Res. 702 to provide additional funds for the Committee for purposes of considering these resolutions. On December 20, 1973, special counsel was employed to assist the Committee in its inquiry.

On February 6, 1974, the Committee recommended that the House explicitly authorize the Committee's investigation to determine whether the House should exercise its constitutional power to impeach President Nixon.

On February 6, 1974, the House of Representatives, by a vote of 410 to 4, adopted H. Res. 803. That resolution authorized and directed the Committee on the Judiciary "to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The Committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper."

As part of the resolution the Committee was granted the power of subpoena for its investigation. In its report to the House on H. Res. 803, the Committee had stated:

"The Committee's investigative authority is intended to be fully coextensive with the power of the House in an impeachment investigation—with respect to the persons who may be required to respond, the methods by

which response may be required, and the types of information and materials required to be furnished and produced."

On February 21, 1974, the Committee received a report from its impeachment inquiry staff entitled, "Constitutional Grounds for Presidential Impeachment." The report reviewed the historical origins of impeachment, the intentions of the framers of the Constitution, and the American impeachment cases. The report also addressed the question whether grounds for impeachment, "high crimes and misdemeanors," must be crimes under the ordinary criminal statutes. The report concluded as follows:

"Impeachment is a constitutional remedy addressed to serious offenses against the system of government. The purpose of impeachment under the Constitution is indicated by the limited scope of the remedy (removal from office and possible disqualification from future office) and by the stated grounds for impeachment (treason, bribery and other high crimes and misdemeanors). It is not controlling whether treason and bribery are criminal. More important, they are constitutional wrongs that subvert the structure of government, or undermine the integrity of office and even the Constitution itself, and thus are 'high' offenses in the sense that word was used in English impeachments.

"The framers of our Constitution consciously adopted a particular phrase from the English practice to help define the constitutional grounds for removal. The content of the phrase 'high Crimes and Misdemeanors' for the framers is to be related to what the framers knew, on the whole, about the English practice—the broad sweep of English constitutional history and the vital role impeachment had played in the limitation of royal prerogative and the control of abuses of ministerial and judicial power.

"Impeachment was not a remote subject for the framers. Even as they labored in Philadelphia, the impeachment trial of Warren Hastings, Governor-General of India, was pending in London, a fact to which George Mason made explicit reference in the Convention. Whatever may be said on the merits of Hastings' conduct, the charges against him exemplified the central aspect of impeachment—the parliamentary effort to reach grave abuses of governmental power.

"The framers understood quite clearly that the constitutional system they were creating must include some ultimate check on the conduct of the executive, particularly as they came to reject the suggested plural executive. While insisting that balance between the executive and legislative branches be maintained so that the executive would not become the creature of the legislature, dismissible at its will, the framers also recognized that some means would be needed to deal with excesses by the executive. Impeachment was familiar to them. They understood its essential constitutional functions and perceived its adaptability to the American context.

"While it may be argued that some articles of impeachment have charged conduct that constituted crime and thus that criminality is an essential ingredient, or that some have charged conduct that was not criminal and thus that criminality is not essential, the fact remains that in the English practice and in several of the American impeachments the criminality issue was not raised at all. The emphasis has been on the significant effects of the conduct—undermining the integrity of office, disregard of constitutional duties and oath of office, arrogation of power, abuse of the governmental process, adverse impact on the system of government. Clearly, these effects can be brought about in ways

Appendix D.3
Articles of Impeachment against President Willian J. Clinton

105TH CONGRESS
2D SESSION

H. RES. 611

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 1998

Received

RESOLUTION

Impeaching William Jefferson Clinton, President of the
United States, for high crimes and misdemeanors.

1 *Resolved*, That William Jefferson Clinton, President
2 of the United States, is impeached for high crimes and
3 misdemeanors, and that the following articles of impeach-
4 ment be exhibited to the United States Senate:

5 Articles of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of
8 America, against William Jefferson Clinton, President of
9 the United States of America, in maintenance and support
10 of its impeachment against him for high crimes and mis-
11 demeanors.

ARTICLE I

1
2 In his conduct while President of the United States,
3 William Jefferson Clinton, in violation of his constitutional
4 oath faithfully to execute the office of President of the
5 United States and, to the best of his ability, preserve, pro-
6 tect, and defend the Constitution of the United States,
7 and in violation of his constitutional duty to take care that
8 the laws be faithfully executed, has willfully corrupted and
9 manipulated the judicial process of the United States for
10 his personal gain and exoneration, impeding the adminis-
11 tration of justice, in that:

12 On August 17, 1998, William Jefferson Clinton swore
13 to tell the truth, the whole truth, and nothing but the
14 truth before a Federal grand jury of the United States.
15 Contrary to that oath, William Jefferson Clinton willfully
16 provided perjurious, false and misleading testimony to the
17 grand jury concerning one or more of the following: (1)
18 the nature and details of his relationship with a subordi-
19 nate Government employee; (2) prior perjurious, false and
20 misleading testimony he gave in a Federal civil rights ac-
21 tion brought against him; (3) prior false and misleading
22 statements he allowed his attorney to make to a Federal
23 judge in that civil rights action; and (4) his corrupt efforts
24 to influence the testimony of witnesses and to impede the
25 discovery of evidence in that civil rights action.

1 In doing this, William Jefferson Clinton has under-
2 mined the integrity of his office, has brought disrepute
3 on the Presidency, has betrayed his trust as President,
4 and has acted in a manner subversive of the rule of law
5 and justice, to the manifest injury of the people of the
6 United States.

7 Wherefore, William Jefferson Clinton, by such con-
8 duct, warrants impeachment and trial, and removal from
9 office and disqualification to hold and enjoy any office of
10 honor, trust, or profit under the United States.

11 ARTICLE II

12 In his conduct while President of the United States,
13 William Jefferson Clinton, in violation of his constitutional
14 oath faithfully to execute the office of President of the
15 United States and, to the best of his ability, preserve, pro-
16 tect, and defend the Constitution of the United States,
17 and in violation of his constitutional duty to take care that
18 the laws be faithfully executed, has prevented, obstructed,
19 and impeded the administration of justice, and has to that
20 end engaged personally, and through his subordinates and
21 agents, in a course of conduct or scheme designed to delay,
22 impede, cover up, and conceal the existence of evidence
23 and testimony related to a Federal civil rights action
24 brought against him in a duly instituted judicial proceed-
25 ing.

1 The means used to implement this course of conduct
2 or scheme included one or more of the following acts:

3 (1) On or about December 17, 1997, William
4 Jefferson Clinton corruptly encouraged a witness in
5 a Federal civil rights action brought against him to
6 execute a sworn affidavit in that proceeding that he
7 knew to be perjurious, false and misleading.

8 (2) On or about December 17, 1997, William
9 Jefferson Clinton corruptly encouraged a witness in
10 a Federal civil rights action brought against him to
11 give perjurious, false and misleading testimony if
12 and when called to testify personally in that proceed-
13 ing.

14 (3) On or about December 28, 1997, William
15 Jefferson Clinton corruptly engaged in, encouraged,
16 or supported a scheme to conceal evidence that had
17 been subpoenaed in a Federal civil rights action
18 brought against him.

19 (4) Beginning on or about December 7, 1997,
20 and continuing through and including January 14,
21 1998, William Jefferson Clinton intensified and suc-
22 ceeded in an effort to secure job assistance to a wit-
23 ness in a Federal civil rights action brought against
24 him in order to corruptly prevent the truthful testi-
25 mony of that witness in that proceeding at a time

1 when the truthful testimony of that witness would
2 have been harmful to him.

3 (5) On January 17, 1998, at his deposition in
4 a Federal civil rights action brought against him,
5 William Jefferson Clinton corruptly allowed his at-
6 torney to make false and misleading statements to
7 a Federal judge characterizing an affidavit, in order
8 to prevent questioning deemed relevant by the judge.
9 Such false and misleading statements were subse-
10 quently acknowledged by his attorney in a commu-
11 nication to that judge.

12 (6) On or about January 18 and January 20-
13 21, 1998, William Jefferson Clinton related a false
14 and misleading account of events relevant to a Fed-
15 eral civil rights action brought against him to a po-
16 tential witness in that proceeding, in order to cor-
17 ruptly influence the testimony of that witness.

18 (7) On or about January 21, 23, and 26, 1998,
19 William Jefferson Clinton made false and misleading
20 statements to potential witnesses in a Federal grand
21 jury proceeding in order to corruptly influence the
22 testimony of those witnesses. The false and mislead-
23 ing statements made by William Jefferson Clinton
24 were repeated by the witnesses to the grand jury,

1 causing the grand jury to receive false and mislead-
2 ing information.

3 In all of this, William Jefferson Clinton has under-
4 mined the integrity of his office, has brought disrepute
5 on the Presidency, has betrayed his trust as President,
6 and has acted in a manner subversive of the rule of law
7 and justice, to the manifest injury of the people of the
8 United States.

9 Wherefore, William Jefferson Clinton, by such con-
10 duct, warrants impeachment and trial, and removal from
11 office and disqualification to hold and enjoy any office of
12 honor, trust, or profit under the United States.

Passed the House of Representatives December 19,
1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

Attest:

ROBIN H. CARLE,
Clerk.

Appendix D.4
Articles of Impeachment against Judge Harry E. Claiborne

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS
SECOND SESSION

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UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1986

just before Christmas last year. Under this raid, some \$13 billion in Government securities held by the Social Security trust funds were disinvested in order for the Government to meet its obligations caused by the temporary failure of Congress to raise the public debt.

It was a dangerous and unwarranted action. It showed a fundamental disregard of the fiduciary responsibility which the Treasury Secretary has over Social Security.

This raid caused great apprehension and anger among millions of seniors who felt that Social Security trust funds were for one thing and one thing only—to pay benefits.

H.R. 5050 is necessary legislation because it removes Social Security administratively and fiscally from the world of politics. Social Security should be an independent agency—and the trust funds which provide income for 36 million seniors—should be free from mishandling and diversion by anyone.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of America's senior citizens and their right to have their investment in the Social Security trust fund returned to the authority of an independent agency. For far too many years Social Security funds have been held captive to the political whims of this Congress, and our senior citizens have lived with the constant threat of Government meddling with their retirement income.

As recently as last November, the Treasury Department was using funds reserved for the Social Security trust fund to pay the Government's debts, and forcing the sale of the trust fund's long-term investments. Although these funds have been restored by the Congress, I do not feel that we should be allowed to evade our responsibility to provide this Nation with a sound fiscal plan by borrowing money from our Nation's senior citizens.

The bill before us today will reestablish Social Security as an independent agency outside of the unified budget process and protect its funds from future raids by the Treasury Department. It will also remove Social Security from the political arena and reestablish it as an actuarially sound trust fund for both present and future retirees. Americans who have contributed and who continue to contribute to the fund deserve no less from this distinguished body.

I urge my colleagues to support this measure and vote today for its passage.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.R. 5050, legislation to establish the Social Security Administration as an independent agency and to prevent any further disinvestment of the Social Security trust funds. As a member of the Social Security Subcommittee and an original cosponsor of the legislation to establish this independent agency, I am greatly encouraged by the seemingly unanimous support of this body to depoliticize and place on secure managerial foundations the Social Security agency. H.R. 5050 goes even further and places on an even sounder financial base the Social Security trust funds by preventing the Secretary of the Treasury from again ignoring the responsibility of Congress to raise the debt ceiling, as he did last fall, by disinvesting the trust funds in order to raise the debt ceiling without congressional approval.

The idea to separate the Social Security Administration out from the gargantuan Department of Health and Human Services is an idea which Congress should have acted upon long ago. The Social Security Program, plagued by the politicization of its principal function, made inefficient by the unfathomable and burdensome bureaucratic maze caused by incorporation into HHS, approaching managerial nightmare due to sheer size of the program—all evidenced by the revolving door in the Office of the Commissioner which has witnessed no less than 10 commissioners in the last 13 years—is in great need of the immeasurable benefits which status as an independent agency has to offer.

My chairman and ranking member of the Social Security Subcommittee, Mr. JONES and Mr. ARCHER, have explained in detail what these benefits are, but allow me to make a few points. First, by appointing a Social Security Board of three members, with staggered 6-year terms, which appoints a Commissioner for a 5-year term, stable authority will be preserved. By separating the Social Security Administration from the Department of Health and Human Services, the program's efficiency will increase and the SSA's position as an object of political bickering over deficit reduction will be greatly reduced. In addition, the separation will clarify the Social Security Administration's independence in terms of being a program that pays for itself and in no circumstance borrows funds from other Federal programs. Most important, it will bring a level of certainty about the program to those millions of honest American retirees who depend upon the monthly Social Security checks which their years of hard work have earned.

In regards to the portion of the bill which prevents disinvestment of the Social Security trust funds, I rise in strong support. My colleagues might recall the actions taken by the Secretary of the Treasury, James A. Baker III in September, October, and November of 1985. Faced by a debt ceiling which was reached by a Congress which had spent more money than it had budgeted Secretary Baker disinvested the Social Security trust funds by ordering the cancellation of 28 billion dollars' worth of long-term bonds held by the trust funds. He took this action so that Congress' failure to pass a debt limit extension would not prevent the U.S. Treasury from honoring Social Security benefit checks. Secretary Baker justified his failure of not ensuring that the Social Security trust funds were not fully invested by arguing that his duty to ensure that Social Security beneficiaries received their monthly checks superceded his duty to fully invest the Social Security trust funds.

While Secretary Baker's actions may have been well intended, I question the Secretary's decision to try to work around the failure of Congress to pass an extension of the debt limit, and thus stretch out the activities of the Federal Government beyond that which Congress had allowed for when it limited the public debt to \$1.82 trillion. His actions did not allow Congress to take the blame for its exceeding its own debt limit by spending far beyond what the citizens are willing to pay for through already overburdensome taxes. Instead, Secretary Baker took the extraordinary action of disinvesting the Social Security trust

funds and thus focused criticism on the actions of the U.S. Treasury, instead of where it should belong: On the unwillingness of Congress to deal responsibly with the deficit. More important than allowing Congress to escape blame for its fiscal irresponsibility, the tinkering with the trust funds greatly deteriorated the thin confidence which retirees have in the program. For those retirees who depend upon their monthly Social Security check to pay for the most basic amenities of food, clothing, and shelter, the disinvestment nightmare of last fall was totally unnecessary if this legislation was in place and thus caused Congress to face its responsibility in light of the ever-nearing debt ceiling. No trust fund must be used to circumvent the debt ceiling.

H.R. 5050 deserves strong support from this body. H.R. 5050 will safeguard the Social Security Administration and its trust fund from the type of political tinkering which only threatens its financial stability. Let us bring a level of confidence back to the system and pass this important piece of legislation.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 5050, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVILEGES OF THE HOUSE—IMPEACHMENT OF JUDGE HARRY E. CLAIBORNE

Mr. RODINO. Mr. Speaker, I rise to a question of the privileges of the House, and I call up a privileged resolution (H. Res. 461) impeaching Harry E. Claiborne, judge of the U.S. District Court for the District of Nevada, of high crimes and misdemeanors.

The Clerk read the resolution, as follows:

H. RES. 461

Resolved, That Harry E. Claiborne, Judge of the United States District Court for the District of Nevada, is impeached of high crimes and misdemeanors.

COMMITTEE AMENDMENT IN THE NATURE OF A
SUBSTITUTE

The SPEAKER pro tempore [Mr. NATCHER]. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert in lieu thereof the following:

That Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, be impeached for misbehavior, and for high crimes and misdemeanors; that the evidence heretofore taken by a subcommittee of the Committee on the Judiciary of the House of Representatives sustains articles of impeachment, which are hereinafter set out; and that the articles be adopted by the House of Representatives and exhibited to the Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Judge Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, in maintenance and support of its impeachment against him for misbehavior and for high crimes and misdemeanors.

ARTICLE I

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1980, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1979, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of \$80,227.04 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE II

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1981, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individ-

ual Income Tax Return for the calendar year 1980, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of \$54,251 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE III

That Judge Harry E. Claiborne having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes in office in a manner and form as follows:

On August 10, 1984, in the United States District Court for the District of Nevada, Judge Harry E. Claiborne was found guilty by a twelve-person jury of making and subscribing a false income tax return for the calendar years 1979 and 1980 in violation of section 7206(1) of title 26, United States Code.

Thereafter, a judgement of conviction was entered against Judge Harry E. Claiborne for each of the violations of section 7206(1) of title 26, United States Code, and a sentence of two years imprisonment for each violation was imposed, to be served concurrently, together with a fine of \$5000 for each violation.

Wherefore, Judge Harry F. Claiborne was and is guilty of misbehavior and was and is guilty of high crimes.

ARTICLE IV

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of misdemeanors in office in a manner and form as follows:

Judge Harry E. Claiborne took the oath for the office of judge of the United States and is required to discharge and perform all the duties incumbent on him and to uphold and obey the Constitution and laws of the United States.

Judge Harry E. Claiborne, by virtue of his office, is required to uphold the integrity of the judiciary and to perform the duties of his office impartially.

Judge Harry E. Claiborne, by willfully and knowingly falsifying his income on his Federal tax returns for 1979 and 1980, has betrayed the trust of the people of the United States and reduced confidence in the integrity and impartiality of the judiciary, thereby bringing disrepute on the Federal courts and the administration of justice by the courts.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is

guilty of misdemeanors and, by such conduct, warrants impeachment and trial and removal from office.

□ 1710

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. RODINO] is recognized for 1 hour.

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today this House must decide whether to exercise its constitutional power to impeach Judge Harry E. Claiborne. In carrying out this duty, our decision must be guided by both the clear purpose of the constitutional impeachment provision as well as by the history of its application over 200 years of the Republic.

Impeachment is always a serious and solemn matter for Members of this body—as it must be. For, this unique constitutional remedy is expressly reserved for those serious offenses by public officials that subvert the structure of government and undermine the integrity of high office by a betrayal of the public trust.

Unlike some passages of the Constitution that charted entirely new directions in government practice and procedure for the infant Nation, impeachment was a familiar subject upon which the framers could project almost 500 years of English experience. The English experience, at a minimum, had taught two things: first, that criminal conduct by a high official could never be tolerated in government; and second, that conduct not specifically criminal, but nonetheless harmful, to the integrity of high office must also be brought within the reach of the remedy.

With the formal ratification of the articles, the new Republic was soon faced with applying the remedy in the concrete. In February of 1803, President Thomas Jefferson sent to the House of Representatives a message offering evidence of the misconduct of a U.S. district judge. Over the next 180 years, 10 of the 13 impeachments voted by the House have involved members of the Federal judiciary, 4 of which progressed to a Senate trial and conviction and removal from office. In this century, all five impeachments, including the most recent in 1936, have been directed at Federal judges.

But while the power of impeachment has been exercised infrequently, it has, as the Founding Fathers intended, played a special and essential role in maintaining the integrity of the Federal judiciary. As Members of this body have recognized in prior judicial impeachments, the judges of our Federal courts of law occupy a unique position of trust and responsibility in our system of government: They are the only members of any branch that hold their office for life; they are purposely insulated from the immediate

Mr. MORRISON of Connecticut. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I rise in support of House Resolution 461, a privileged resolution providing for the impeachment of U.S. District Court Judge Harry E. Claiborne.

The facts in this matter are as clear as they are regrettable. Judge Claiborne was convicted in August 1984 by a jury in the U.S. district court in Nevada of filing false income tax returns in 1979 and 1980 and for failing to report more than \$106,000 of income which he derived from legal work he had performed prior to being appointed to the Federal bench. Judge Claiborne was subsequently sentenced to a 2-year prison term and a \$10,000 fine. The Ninth U.S. Circuit Court of Appeals in San Francisco reviewed Judge Claiborne's conviction and upheld the verdict. The U.S. Supreme Court denied certiorari. In short, Judge Claiborne has been found guilty of a felony and he has exhausted all of his judicial appeals.

It is regrettable that under these circumstances Judge Claiborne has refused to voluntarily resign his office and has continued to draw his salary. In this instance, the House has no choice but to impeach Judge Claiborne pursuant to the process set forth in article I of the Constitution.

Appointment to the Federal bench represents perhaps the highest honor which can come to any lawyer. It is all the more tragic when that trust and confidence is betrayed. I am hopeful that the House will pass this resolution and that the Senate will act promptly to dispose of this matter.

Mr. KASTENMEIER. Mr. Speaker, I yield 1½ minutes, for the purposes of debate only, to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. Mr. Speaker, the issue before the House today is very simple. What in the world do we do with a Federal judge who has been convicted of two major felonies, who has had the best lawyers he could have—three at the trial—who has gone through a very lengthy and exhaustive trial, and who has gone through exhaustive direct appeals and whose conviction has been upheld?

We have no choice. What we do with that Federal judge is what we are going to do in a moment, and that is vote articles of impeachment.

It is a public scandal. What do we think the American people would say if they knew that a Federal judge was still a Federal judge after he had been indicted and convicted of two major felonies, and that he was sitting in the penitentiary drawing his pay, your tax dollars and their tax dollars?

This is the very type case that our Founding Fathers envisioned as crying out for impeachment.

There is no other remedy. The buck stops here. There is no other way to remove him from office. There is no other way to stop him from drawing taxpayers' dollars.

The evidence is very clear. I have read a great portion of the transcript, as have a number of my colleagues.

The evidence is overwhelming. A jury of 12 found beyond a reasonable doubt that this judge was guilty, and, frankly, to do that they had to find that he lied on the witness stand. They had to find that he had no credibility. They had to find that what he told that jury was a falsehood, an out-and-out lie, and that he was guilty beyond a reasonable doubt of two major felonies.

Mr. Speaker, our duty today is very clear, and I am sure we are going to do that and file the articles of impeachment.

The SPEAKER pro tempore. The Chair will inform the gentleman from Wisconsin [Mr. KASTENMEIER] that he has 30 seconds remaining.

Mr. KASTENMEIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, on July 16, 1986, the Committee on the Judiciary filed a report, House Report 99-688, on the impeachment of Judge Harry E. Claiborne. Unfortunately, the report contains some typographical and other printing errors. Rather than subjecting the taxpayers to the expense of seeking another print for this report, I am submitting a list of corrections to that report. Hopefully these clarifications—none of them which are of critical importance—will be useful:

a. Page 7, the fifth line of the ninth full paragraph should read "thirty-four" instead of "thirty-two".

b. Page 10, on the last line (before the footnote), "Tr." should appear before "475-489".

c. Page 18, the fourth line of the fourth full paragraph should read "return" instead of "returns".

d. Page 18, the ninth line of the last paragraph should read "1979" instead of "1977".

e. Page 20, on the second line of Count V, delete "the".

f. Page 24, the first line of the third full paragraph should read "Article I" instead of "Article 1."

g. Page 30, after item 43(h), insert "i. Transcript of Jury Instructions, Aug. 9, 1984, pp. 1-22," and redesignate the original "i." to be "j."

h. Page 31, Government's exhibit 34 should read "9/29/78" instead of "9/29/70".

i. Page 31, second line from the last, "2-A" should read "1-A".

j. Page 31, the pages listed for Government's exhibit 47 and Defendant's exhibits 47, 3, 41, 1-A, and 4 should be under "Admitted", not "identified".

k. Page 32, the pages listed for Defense and Government's exhibits should be under "Admitted", not "identified".

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, the Constitution of the United States provides this body with a most serious responsibility, a responsibility to ensure public confidence in Government officials and the very integrity of government itself. Article I, section 2 of the Constitution provides the House of Representatives with "the sole power of impeachment".

Regrettably, we are today faced with a situation that calls on us to exercise that grave responsibility.

U.S. District Court Judge Harry E. Claiborne has been convicted by a jury of failing to report some \$106,000 in income on his Federal tax returns. The Ninth U.S. Circuit Court of Appeals upheld that verdict, and the Supreme Court has subsequently refused to hear the case. He is the first Federal judge to have been convicted of an offense committed while on the bench. On May 16, Judge Claiborne became the first sitting Federal judge to go to prison. He was sentenced to 2 years in prison and fined \$10,000.

Incredibly, and despite his conviction, Judge Claiborne refuses to resign his office. Not only does he expect to return to the Federal bench when he gets out of prison, but he continues to draw a fat check from the Federal Government—amounting to \$78,200 a year—while he is serving his prison term.

Mr. Speaker, this situation makes a mockery of our judicial system. It is an insult to the hard-working men and women of the Nation whose tax dollars will pay for his incarceration as well as his \$78,200 annual salary.

Public confidence in our judicial system will surely suffer unless we take action to rid the judiciary of Judge Claiborne.

He must be removed. Since he will not resign, we must exercise our constitutional responsibilities and vote this impeachment resolution.

Law-abiding, tax-paying Americans demand it.

Mrs. VUCANOVICH. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Nevada.

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, today is one of those rare and not so glorious moments in the history of the House of Representatives—today we must cast a vote for or against the impeachment of a convicted Federal judge. Quite honestly, I never anticipated having to cast such a vote while serving in this Chamber. But truth—and the incontrovertible facts make my decision quite simple to make.

Harry Claiborne, a sitting Federal judge, was convicted and began serving his prison sentence in May while continuing to receive his \$78,700 annual salary. He has been asked to resign, but has consistently refused to do so. This is the most contemptible form of dishonesty by anyone who has taken an oath of public office.

The framers of our Constitution sought to protect the independence of our judicial system by appointing for life and a judge remains a judge until death, resignation, or impeachment. For this very reason, impeachment is never taken lightly.

Judge Claiborne has elected to lock horns with our Constitution and force justice aside. His arrogant insistence on burdening the House and the Senate, and in fact the American people, is a callous disregard of our system of government, and seriously undermines the integrity of our judiciary. We must not let one man play havoc with the intent

and spirit of the hallmark of human rights—our Constitution.

What is at issue is not whether or not Judge Claiborne is guilty of falsifying his tax returns—a jury has already ruled that the charges are true—what is to be decided is whether or not he should be impeached because he was convicted by a jury.

Judge Claiborne had his day in court and has exhausted his direct appeals of the tax conviction. He has benefited from all the protections afforded anyone else so charged, and was found guilty.

Judge Claiborne's refusal to resign after being convicted mocks our system of justice and violates the public trust. The American people deserve the highest standards of integrity from judges. It is clear that the Constitution was never intended to protect convicted felons.

And now, after being convicted, refusing to resign so he can continue receiving a paycheck while in prison, Judge Claiborne left Congress with no alternative.

I will vote for restoration of faith in our system—I will vote my conscience—I will vote to stop paying a convicted felon a salary of our tax dollars—in short, I will vote to impeach. I urge my colleagues to join me and vote for the impeachment of Judge Harry Claiborne.

Mr. REID. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Nevada.

[Mr. REID addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. TALLON. Mr. Speaker, I rise today in strong support of House Resolution 461, to impeach Harry Claiborne, judge of the U.S. District Court for the District of Nevada. The facts are not in dispute. Harry Claiborne, a Federal district judge for the District of Nevada, was convicted of two felony counts of making and filing false statements on his 1979 and 1980 Federal income tax returns. He was found guilty beyond a reasonable doubt by jury of his peers. All of his direct appeals have been exhausted, and he is currently serving a 2-year sentence in a Federal penitentiary.

We are not here to discuss Judge Claiborne's guilt or innocence, for that has been determined. What is at hand here today, is his fitness as an arbitrator of our judicial system. Although he has not acted in an official capacity since 1983, Judge Claiborne has consistently and adamantly refused to resign his position and continues to collect a \$78,100 per year salary. Every day Judge Claiborne sits in jail the taxpayers are fleeced another \$215. This is an outrage. No public official should draw taxpayers' dollars while being incarcerated. The idea that a Federal judge could betray such a public trust makes a mockery of our system of justice. I believe we should proceed as quickly as possible to get this felon off the bench.

Democracy is about the people who determine and make up its institutions. Conversely, the strength and integrity of its institutions is drawn from the people. A convicted felon who continues to hold public office degrades our

democratic institutions and reflects poorly on those of us who allow it to occur.

Mr. FRENZEL. Mr. Speaker, I rise in strong support of House Resolution 461, a resolution to impeach Judge Harry Claiborne. I do so with great regret that such a resolution is needed.

Judge Claiborne has done a disservice to himself and to the Federal judiciary. By refusing to resign despite his conviction and prison sentence for tax evasion, he has turned the constitutional protection of judicial tenure into a personal license for outrageous behavior. Because he cannot summon the dignity to resign from his post, Mr. Claiborne has left Congress with no other recourse than to take the distasteful step of impeachment.

Mr. Speaker, I join my colleagues in condemning Judge Claiborne's actions, and in supporting his impeachment.

Mr. REID. Mr. Speaker, the House of Representatives has initiated the historic impeachment process of Federal Judge Harry Claiborne. The Claiborne impeachment, like the 13 previous impeachments of Federal officials, unequivocally demonstrates one fact: After 200 years, through numerous wars, civil turmoil, and technological advancement, the processes outlined in the Constitution still function smoothly.

The case of a Federal judge is unique. While any other official can be dismissed from office, Federal judges are appointed for life and can only be removed from office by impeachment. Eleven of the 14 House impeachments have involved Federal judges.

Impeachment can be a time-consuming and involved process, but it is the necessary complement to the appointment for life of Federal judges. Federal judges are appointed for life to protect them from public and political pressures when presiding on crucial legal questions. This lifetime appointment has only one caveat: Judges are appointed for lifetime "during good behavior." Under our system, Federal judges have the protection they deserve, but are denied carte blanche to do as they please.

Our Founding Fathers knew how important the process of impeachment would be. Although they did not outline every last detail, they went out of their way to include provisions in the Constitution creating a general structure for the impeachment process. According to the Constitution, the House of Representatives has "the sole power of impeachment," the equivalent of an indictment. The Senate is granted "the sole power to try all impeachments," the power to acquit or convict. The Constitution stipulates that a Federal official can be impeached for "Treason, Bribery, or other high Crimes and Misdemeanors." A person who is impeached is subject to the laws of the land just like any other citizen.

With every passing year, Americans become increasingly aware of the finesse of our Founding Fathers in drafting the Constitution. Countries throughout the world draft several new constitutions every century, often looking to ours as a model of success. They look to ours because our forefathers carefully crafted a Constitution that was flexible enough so that it would work as well in 1986 as it did in 1787.

Mr. KASTENMEIER. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KASTENMEIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 24, as follows:

[Roll No. 234]

YEAS—406

Ackerman	Combest	Gaydos
Alexander	Conte	Gejdenson
Anderson	Cooper	Gekas
Andrews	Coughlin	Gephardt
Annuzio	Courter	Gibbons
Anthony	Coyne	Gilman
Applegate	Craig	Gingrich
Archer	Crane	Glickman
Armey	Crockett	Gonzalez
Aspin	Daniel	Gordon
Atkins	Dannemeyer	Gradison
AuCoin	Darden	Gray (IL)
Badham	Daschle	Green
Barnard	Daub	Gregg
Bartlett	Davis	Guarini
Barton	de la Garza	Gunderson
Bateman	DeLay	Hall (OH)
Bates	Dellums	Hall, Ralph
Bedell	Derrick	Hamilton
Bellenson	DeWine	Hammerschmidt
Bennett	Dickinson	Hansen
Bentley	Dicks	Hatcher
Bereuter	Dingell	Hawkins
Berman	DioGuardi	Hayes
Bevill	Dixon	Hefner
Blaggi	Donnelly	Hendon
Billrakis	Dorgan (ND)	Henry
Bliley	Dornan (CA)	Hertel
Boehlert	Dowdy	Hiler
Boggs	Downey	Hillis
Boland	Dreier	Hopkins
Bonior (MI)	Duncan	Horton
Bonker	Durbin	Howard
Borski	Dwyer	Hoyer
Bosco	Dymally	Hubbard
Boucher	Dyson	Hughes
Boulter	Early	Hunter
Boxer	Eckart (OH)	Hutto
Brooks	Eckert (NY)	Hyde
Broomfield	Edwards (CA)	Ireland
Brown (CA)	Edwards (OK)	Jacobs
Brown (CO)	Emerson	Jeffords
Bruce	English	Jenkins
Bryant	Erdreich	Johnson
Burton (CA)	Evans (IA)	Jones (NC)
Burton (IN)	Evans (IL)	Jones (OK)
Bustamante	Fascell	Kanjorski
Byron	Fawell	Kaptur
Callahan	Fazio	Kasich
Campbell	Feighan	Kastenmeier
Carper	Fiedler	Kennelly
Carr	Fields	Kildee
Chandler	Fish	Kindness
Chapman	Flippo	Kleczka
Chappell	Florio	Kolbe
Chapple	Foglietta	Kolter
Cheney	Foley	Kostmayer
Clay	Ford (MI)	Kramer
Clinger	Frank	LaFalce
Coats	Franklin	Lagomarsino
Cobey	Frenzel	Lantos
Coble	Frost	Latta
Coelho	Fuqua	Leach (IA)
Coleman (TX)	Gallo	Leath (TX)
Collins	Garcia	Lehman (FL)

Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinar
Molloy
Monahan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oaker
Oberstar
Obey

Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slatery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
(OR)
Smith, Robert
(NH)

Smith, Robert
(OR)
Snowe
Snyder
Solarez
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tausin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—24

Akaka
Barnes
Boner (TN)
Breau
Carney
Coleman (MO)
Conyers
Edgar

Ford (TN)
Fowler
Goodling
Gray (PA)
Grotberg
Hartnett
Holt
Huckaby

□ 1840

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROVIDING CERTAIN AUTHORITIES AND PROCEDURES RELATING TO THE IMPEACHMENT OF HARRY E. CLAIBORNE

Mr. RODINO. Mr. Speaker, I offer three privileged resolutions (H. Res. 501, H. Res. 502, and H. Res. 503), and ask unanimous consent that they be considered en bloc.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read the resolutions, as follows:

H. Res. 501.

Resolved, That Peter W. Rodino, Jr., Robert W. Kastenmeier, William J. Hughes, Romano L. Mazzoli, Dan Glickman, Hamilton Fish, Jr., Henry J. Hyde, Thomas N. Kindness, Michael DeWine, Members of the House of Representatives, are hereby appointed managers to conduct the impeachment trial against Harry E. Claiborne, judge of the United States District Court for the District of Nevada. These managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to try the impeachment of Harry E. Claiborne of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against the judge which have been agreed upon by the House of Representatives. These managers shall demand that the Senate take order for the appearance of Harry E. Claiborne to answer such impeachment, and demand his conviction and appropriate judgment thereon.

H. Res. 502.

Resolved, That a message be sent to the Senate to inform the Senate that—

(1) the House of Representatives has impeached for high crimes and misdemeanors Harry E. Claiborne, judge of the United States District Court for the District of Nevada;

(2) the House of Representatives adopted articles of impeachment against Harry E. Claiborne, which the managers on the part of the House of Representatives have been directed to carry to the Senate; and

(3) Peter W. Rodino, Jr., Robert W. Kastenmeier, William J. Hughes, Romano L. Mazzoli, Dan Glickman, Hamilton Fish, Jr., Henry J. Hyde, Thomas N. Kindness, Michael DeWine, Members of the House of Representatives, have been appointed such managers.

H. Res. 503

Resolved, That the managers on the part of the House of Representatives in the matter of the impeachment of Harry E. Claiborne, judge of the United States Dis-

trict Court for the District of Nevada, are hereby authorized to do the following in the preparation and conduct of the impeachment trial:

(1) To employ legal, clerical, and other necessary assistants and to incur such expenses as may be necessary. Expenses under this paragraph shall be paid out of the contingent fund of the House of Representatives on vouchers approved by the managers.

(2) To send for persons and papers, and to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

The total expenditures under this resolution shall not exceed \$50,000.

□ 1850

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. FRENZEL. Mr. Speaker, I reserve the right to object.

Mr. Speaker I am not going to explain these resolutions. I only wish to bring to the attention the fact that the last resolution just read provides for a direct dip into the contingency funds of the House for \$50,000 for the Committee on the Judiciary for the costs on conducting this trial from start to finish.

Mr. Speaker, there is precedence for this kind of resolution. It is also true that the committee has incurred expenses for which it could not plan. There have been extra costs. The committee has been put through some extra detail.

Nevertheless, I believe that to bring to the floor of the House a \$50,000 extra shot for this committee dishonors the process by which we allocate funds between our committees for their use and, indeed, butchers the process under which we normally perform that allocation.

Further, I believe that each committee has responsibility to accept for itself extra costs when it incurs them, however unforeseen they may be.

Against this, of course, there was the perhaps not fully expected GRAMM-RUDMAN cut early in the year. Be that as it may, I strongly disapprove of the continuing precedent of using a resolution under a privileged status that follows a resolution for impeachment to give money to a committee which did not have to prove up the use of those funds in the normal way.

I have used this reservation to express my disapproval because I believe it is unnecessary for the House to spend more time voting, and at this moment, I think it is unnecessary for the House to spend more time listening.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Appendix D.5
Articles of Impeachment against Judge Samuel B. Kent

111TH CONGRESS
1ST SESSION

H. RES. 520

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2009

Received

RESOLUTION

Impeaching Samuel B. Kent, judge of the United States
District Court for the Southern District of Texas, for
high crimes and misdemeanors.

1 *Resolved*, That Samuel B. Kent, a judge of the United
2 States District Court for the Southern District of Texas,
3 is impeached for high crimes and misdemeanors, and that
4 the following articles of impeachment be exhibited to the
5 Senate:

6 Articles of impeachment exhibited by the House of
7 Representatives of the United States of America in the
8 name of itself and all of the people of the United States
9 of America, against Samuel B. Kent, a judge of the United
10 States District Court for the Southern District of Texas,
11 in maintenance and support of its impeachment against
12 him for high crimes and misdemeanors.

ARTICLE I

1

2 Incident to his position as a United States district
3 court judge, Samuel B. Kent has engaged in conduct with
4 respect to employees associated with the court that is in-
5 compatible with the trust and confidence placed in him
6 as a judge, as follows:

7 (1) Judge Kent is a United States District
8 Judge in the Southern District of Texas. From 1990
9 to 2008, he was assigned to the Galveston Division
10 of the Southern District, and his chambers and
11 courtroom were located in the United States Post
12 Office and Courthouse in Galveston, Texas.

13 (2) Cathy McBroom was an employee of the Of-
14 fice of the Clerk of Court for the Southern District
15 of Texas, and served as a Deputy Clerk in the Gal-
16 veston Division assigned to Judge Kent's courtroom.

17 (3) On one or more occasions between 2003
18 and 2007, Judge Kent sexually assaulted Cathy
19 McBroom, by touching her private areas directly and
20 through her clothing against her will and by at-
21 tempting to cause her to engage in a sexual act with
22 him.

23 Wherefore, Judge Samuel B. Kent is guilty of high
24 crimes and misdemeanors and should be removed from of-
25 fice.

ARTICLE II

1

2 Incident to his position as a United States district
3 court judge, Samuel B. Kent has engaged in conduct with
4 respect to employees associated with the court that is in-
5 compatible with the trust and confidence placed in him
6 as a judge, as follows:

7 (1) Judge Kent is a United States District
8 Judge in the Southern District of Texas. From 1990
9 to 2008, he was assigned to the Galveston Division
10 of the Southern District, and his chambers and
11 courtroom were located in the United States Post
12 Office and Courthouse in Galveston, Texas.

13 (2) Donna Wilkerson was an employee of the
14 United States District Court for the Southern Dis-
15 trict of Texas.

16 (3) On one or more occasions between 2001
17 and 2007, Judge Kent sexually assaulted Donna
18 Wilkerson, by touching her in her private areas
19 against her will and by attempting to cause her to
20 engage in a sexual act with him.

21 Wherefore, Judge Samuel B. Kent is guilty of high
22 crimes and misdemeanors and should be removed from of-
23 fice.

ARTICLE III

Samuel B. Kent corruptly obstructed, influenced, or impeded an official proceeding as follows:

(1) On or about May 21, 2007, Cathy McBroom filed a judicial misconduct complaint with the United States Court of Appeals for the Fifth Circuit. In response, the Fifth Circuit appointed a Special Investigative Committee (hereinafter in this article referred to as "the Committee") to investigate Cathy McBroom's complaint.

(2) On or about June 8, 2007, at Judge Kent's request and upon notice from the Committee, Judge Kent appeared before the Committee.

(3) As part of its investigation, the Committee sought to learn from Judge Kent and others whether he had engaged in unwanted sexual contact with Cathy McBroom and individuals other than Cathy McBroom.

(4) On or about June 8, 2007, Judge Kent made false statements to the Committee regarding his unwanted sexual contact with Donna Wilkerson as follows:

(A) Judge Kent falsely stated to the Committee that the extent of his unwanted sexual contact with Donna Wilkerson was one kiss,

1 when in fact and as he knew he had engaged
2 in repeated sexual contact with Donna
3 Wilkerson without her permission.

4 (B) Judge Kent falsely stated to the Com-
5 mittee that when told by Donna Wilkerson his
6 advances were unwelcome no further contact oc-
7 curred, when in fact and as he knew, Judge
8 Kent continued such advances even after she
9 asked him to stop.

10 (5) Judge Kent was indicted and pled guilty
11 and was sentenced to imprisonment for the felony of
12 obstruction of justice in violation of section
13 1512(c)(2) of title 18, United States Code, on the
14 basis of false statements made to the Committee.
15 The sentencing judge described his conduct as “a
16 stain on the justice system itself”.

17 Wherefore, Judge Samuel B. Kent is guilty of high
18 crimes and misdemeanors and should be removed from of-
19 fice.

20 ARTICLE IV

21 Judge Samuel B. Kent made material false and mis-
22 leading statements about the nature and extent of his non-
23 consensual sexual contact with Cathy McBroom and
24 Donna Wilkerson to agents of the Federal Bureau of In-
25 vestigation on or about November 30, 2007, and to agents

1 of the Federal Bureau of Investigation and representatives
2 of the Department of Justice on or about August 11,
3 2008.

4 Wherefore, Judge Samuel B. Kent is guilty of high
5 crimes and misdemeanors and should be removed from of-
6 fice.

Attest: NANCY PELOSI,
Speaker of the House of Representatives.

Attest: LORRAINE C. MILLER,
Clerk.