APPENDIX TO

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

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CREW is a party (and is providing representation to other parties) in active litigation involving President Trump and the administration. More details can be found at https://www.citizensforethics.org/. Barry Berke and Kramer Levin are outside pro bono counsel to CREW. The authors have no other relevant interests to disclose.
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Appendix A.1
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


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, 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.

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.

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.”

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

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

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

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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.


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.


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

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


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


(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.\footnote{CNN, Transcript: State of The Union July 24, 2016, Jul. 24, 2016, available at http://transcripts.cnn.com/TRANSCRIPTS/1607/24/sotu.01.html.}

**July 25, 2016:** The FBI confirms that it has opened an investigation into the hacking of the DNC.\footnote{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.}

**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.”\footnote{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.}

**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 Erdogan 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.\footnote{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.}


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

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

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

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.”

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.

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

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

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November 18, 2016: President-elect Trump names Flynn his intended White House national security adviser and Senator Jeff Sessions as his pick for Attorney General.\(^{44}\)

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.”\(^{50}\)

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\(^{50}\) 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.”

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.

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. On the same day, Michael Flynn has five phone calls with Russia’s ambassador to


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

2017

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

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. 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.


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.

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

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.”

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.

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


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.”

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.

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 . . .”

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.”

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


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


72 Sari Horwitz & Adam Entous, Flynn in FBI Interview Denied Discussing Sanctions with Russian
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-

74 Matt Apuzzo & Emmarie Huetteman, Sally Yates Tells Senators She Warned Trump about Michael

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.”

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

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.  

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

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.”  

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.”

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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.”

**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.

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

**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......” 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”.

**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.

**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.


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

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


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

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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...

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.”

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!”

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.

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. 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.”

95 https://twitter.com/realdonaldtrump/status/837491607171629057.
96 https://twitter.com/realdonaldtrump/status/837492425283219458.
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-bharara-was-concerned-about-contact-from?utm_term=yqonGl3ym#.udl5qn0XDG.
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. 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.”

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.”

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.

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. 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.

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.”

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\(^{108}\) [https://twitter.com/realDonaldTrump/status/843779892776964097](https://twitter.com/realDonaldTrump/status/843779892776964097).


\(^{110}\) Id.


also asks Comey to make public the fact that he was not personally under investigation by the FBI.\footnote{Comey, June 8 2017 Statement for the Record, App. A.2.}

**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!”\footnote{https://twitter.com/realDonaldTrump/status/847766558520856578.}

**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.\footnote{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.} CNN later reports that the FBI relied at least in part on the Steele Dossier to obtain the warrant.\footnote{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.}

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.”\footnote{Comey, June 8 2017 Statement for the Record, App. A.2.}

**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."\footnote{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.}

**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.\footnote{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.\(^\text{120}\)

**April 28, 2017:** The Senate Select Committee on Intelligence requests documents from former National Security Adviser Flynn.\(^\text{121}\)

**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…”\(^\text{122}\)

**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.\(^\text{123}\) Director Comey refuses to inform top Trump aides about what he is planning to say.\(^\text{124}\)

**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.\(^\text{125}\) Deputy FBI Director McCabe later testifies that he is unaware of any request that Director Comey made for additional resources for the Russia investigation.\(^\text{126}\)

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.\(^\text{127}\)

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\(^\text{127}\) 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."  

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.”

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. 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.” 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. As a result of Comey’s termination, Deputy FBI Director Andrew McCabe becomes Acting FBI Director.

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.”

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


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 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]
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

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

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

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.


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

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


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


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

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


**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.\footnote{Comey, \textit{June 8 2017 Statement for the Record}, \textit{App. A.2}.} 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.\footnote{Politico Staff, \textit{Full Text: James Comey Testimony Transcript on Trump and Russia}, \textit{Politico}, Jun. 8, 2017, available at \url{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.

COMEY: Correct.

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

COMEY: 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?

COMEY: 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.

COMEY: 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]\textsuperscript{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

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.
168 https://twitter.com/realDonaldTrump/status/873120139222306817.
170 https://twitter.com/realDonaldTrump/status/873879934040780801.
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.\textsuperscript{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”\textsuperscript{174}; (2) “You are witnessing the single greatest WITCH HUNT in American political history - led by some very bad and conflicted people! #MAGA”\textsuperscript{175}; (3) “Why is that Hillary Clintons [sic] family and Dems [sic] dealings with Russia are not looked at, but my non-dealings are?”\textsuperscript{176}; (4) “Crooked H destroyed phones w/ hammer, 'bleached' emails, & had husband meet w/AG days before she was cleared- & they talk about obstruction?”\textsuperscript{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!”\textsuperscript{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”\textsuperscript{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!”\textsuperscript{180}; (4) “I am being investigated for firing the FBI Director by the man who told me to fire the FBI Director! Witch Hunt”.\textsuperscript{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,..”\textsuperscript{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


\textsuperscript{174} https://twitter.com/realdonaldtrump/status/875305788708974592.

\textsuperscript{175} https://twitter.com/realdonaldtrump/status/875321478849363968.

\textsuperscript{176} https://twitter.com/realdonaldtrump/status/875438639823675392.

\textsuperscript{177} https://twitter.com/realdonaldtrump/status/875441788110110727.

\textsuperscript{178} https://twitter.com/realdonaldtrump/status/875682853585129472.

\textsuperscript{179} https://twitter.com/realdonaldtrump/status/875690204564258816.

\textsuperscript{180} https://twitter.com/realdonaldtrump/status/875698062030778368.

\textsuperscript{181} https://twitter.com/realdonaldtrump/status/875701471999864833.

\textsuperscript{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


¹⁸⁴ [https://twitter.com/realDonaldTrump/status/877932907137966080](https://twitter.com/realDonaldTrump/status/877932907137966080).

¹⁸⁵ [https://twitter.com/realDonaldTrump/status/877932956458795008](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.\footnote{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.}


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.’”\footnote{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.} This statement is in fact two tweets that Trump sent on June 22.

\textbf{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.\footnote{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.}


\begin{quote}
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.
\end{quote}
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.\textsuperscript{191}

The \textit{Washington Post} later reports that President Trump personally dictated this misleading statement.\textsuperscript{192}

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

\begin{quote}
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.\textsuperscript{193}
\end{quote}

\textbf{July 10, 2017:} According to \textit{Politico}, portions of former FBI Director Comey’s memos about meetings with Trump have been “retroactively classified.”\textsuperscript{194}

\begin{flushright}
\textsuperscript{194} Kyle Cheney & Austin Wright, \textit{Comey Friend: Flynn Memo Was Not Classified}, \textit{Politico}, Jul 10, 2017,
\end{flushright}
Also on July 10, President Trump tweets, “James Comey leaked CLASSIFIED INFORMATION to the media. That is so illegal!” This contradicts Comey’s June 8 testimony that the memos he leaked were unclassified.

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. 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.”

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.

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


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


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


\(^{201}\) *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.


**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

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

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

**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.  

**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.”

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Also on July 26, 2017, President Trump tweets, “Why didn’t A.G. Sessions replace Acting Director Andrew McCabe, a Comey friend who was in charge of Clinton investigation but got…. "big dollars ($700,000) for his wife’s political run from Hillary Clinton and her representatives. Drain the Swamp!" 

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.

August 1, 2017: Christopher Wray is confirmed as Director of the FBI.

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.

On the same day, two bipartisan groups of senators introduce legislation that would make it more difficult for President Trump to terminate Special Counsel Mueller. Senators Lindsey Graham, Cory Booker, Sheldon Whitehouse, and Richard Blumenthal’s Special Counsel Independence Protection Act would require the Attorney General to file an action in the United States District Court for the District of Columbia to remove the special counsel. Senators Thom Tillis and Chris Coons’s Special Counsel Integrity Act would allow the special counsel to challenge his or her removal after the fact. In both cases, the termination would only be valid

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216 https://twitter.com/realDonaldTrump/status/890207082926022656.
217 https://twitter.com/realDonaldTrump/status/890208319566229504.
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.”

**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.

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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


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 election\(^{233}\)) 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 Steel 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.\(^{237}\)

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2. [Katrina Manson, Russian Lobbyist Testifies to Mueller Grand Jury, Financial Times](https://amp.ft.com/content/eb36aed6-8d87-11e7-a352-e46f43c5825d), Aug. 30, 2017, available at [https://amp.ft.com/content/eb36aed6-8d87-11e7-a352-e46f43c5825d](https://amp.ft.com/content/eb36aed6-8d87-11e7-a352-e46f43c5825d).


8. [Brian Ross, Matthew Mosk, & Rhonda Schwartz, Glenn Simpson, Key Figure Behind Million-Dollar](http://hosted.ap.org/dynamic/stories/U/US_TRUMP_RUSSIA_PROBE?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT).
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.

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at Trump Tower.\textsuperscript{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."\textsuperscript{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.\textsuperscript{246}

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

\textbf{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.”\textsuperscript{248}

\textbf{September 13, 2017:} \textit{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.\textsuperscript{249}

\textbf{September 15, 2017:} The \textit{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.\textsuperscript{250}


**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

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

-----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.

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

-----Original Message-----
From: Rob Goldstone

-------End of message-------
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
Sent: Monday, June 06, 2016 3:37 PM
To: Donald Trump Jr.
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

-----Original Message-----
From: Rob Goldstone |
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


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

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.
§1501  TITLE 18—CRIMES AND CRIMINAL PROCEDURE

Sec. 1531. Destruction of corporate audit records.

1532. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.

AMENDMENTS

§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.

(1950—Act Aug. 2, 1950, ch. 761, §2, 64 Stat. 837, added item 1523.)

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 651 of Title 28.

SHORT TITLE OF 2002 AMENDMENT

SHORT TITLE OF 1982 AMENDMENT
Pub. L. 97–291, §1, Oct. 12, 1982, 96 Stat. 1248, provided: "That this Act [enacting sections 1512 to 1615, 3579, and 3766 of this title, amending sections 2231, 2232, 2233 and 3785 of Title 18, Criminal Law and Procedure, and enacting provisions set out as notes under sections 752 of this title] may be cited as the ‘Victim and Witness Protection Act of 1982.’"

§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 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.


HISTORICAL AND REVISION NOTES


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 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)(ii), substituted "or juror" for "juror or witness" after "officer" in section catchline.

Pub. L. 97-291, §4(c)(ii), (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", 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 1983 AMENDMENT


§ 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.


HISTORICAL AND REVISION NOTES


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
committing magistrate, or any grand jury" 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.


HISTORICAL AND REVISION NOTES


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

1994—Pub. L. 105-322 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.


HISTORICAL AND REVISION NOTES

AMENDMENTS
2004—Pub. L. 108-458 substituted “be fined under this title, imprisoned not more than 5 years, or both” for “be fined under this title or imprisoned not more than 5 years, or both”.

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 inflicted 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. 94-438 struck out “section 1988 of this title” after “Antitrust Civil Process Act”, inserted “withholds, misrepresents” after “willfully”, “covers up” after “conceals”, “answers to written interrogatory, or oral testimony”, after “any documentary material”, and “or attempts to do so or solicits another to do so” after “such demand!”.


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

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

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 recognizance, bail, or judgment, in the name of any other person privy or consenting to the same—

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


HISTORICAL AND REVISION NOTES

REFERENCES
The Antitrust Civil Process Act, referred to in text, is Pub. L. 67-664, 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
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 inflicted 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. 94-438 struck out “section 1988 of this title” after “Antitrust Civil Process Act”, inserted “withholds, misrepresents” after “willfully”, “covers up” after “conceals”, “answers to written interrogatory, or oral testimony”, after “any documentary material”, and “or attempts to do so or solicits another to do so” after “such demand!”.


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

§ 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.


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—
§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).

(b) 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 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
   (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 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 probation, supervised release, 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—

1So 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.


AMENDMENTS


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"


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


1994—Subsec. (a)(3)(B). 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"


1994—Subsec. (a)(3)(C). Pub. L. 103-322, §60018, amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "(C) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and"


1994—Subsec. (a)(3)(C). Pub. L. 103-322, §60018, amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "(B) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and"

CHANGE OF NAME

Words "magistrate judge" and "United States magistrate judge" substituted for "magistrate" and "United States magistrate", respectively, in subsec. (a)(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

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 904(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE

Section 8 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 sections 901 and 3579 of this title] shall take effect on the date of the enactment of this Act [Oct. 12, 1992]."

"(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, 1993.

"(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, 1993."

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES

Section 3 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 uncertain 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 [sic] appeals are over; many times that property is damaged or lost, which is particularly stressful for the elderly or poor.

“(8) 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


“(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 be 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 appearance 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-
Title 18—CRIMES AND CRIMINAL PROCEDURE

§ 1513

Renate 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.


§ 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 10 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.

(A) 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.

(5) 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.


AMENDMENTS


Subsec. (b). Pub. L. 110-177, §206(3)(B), substituted "30 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.", Subsec. (c)(2). Pub. L. 110-177, §208(4), redesignated subsec. (e) relating to conspiracy to commit any offense under this section as (c).

Subsec. (g). Pub. L. 110-177, §304, added subsec. (g).


Subsec. (e). Pub. L. 107-273, §3001(b), added subsec. (e) relating to conspiracy to commit any offense under this section.


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).


Subsec. (b). Pub. L. 103-322, §33016(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 (o).

Subsec. (c). Pub. L. 103-322, §60017(1), redesignated subsec. (b) as (c).

EFFECTIVE DATE

Section effective Oct. 12, 1982, see section 8(a) of Pub. L. 97-291, set out as a note under section 1615 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,
CHAPTER 19—CONSPIRACY

CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD UNITED STATES

If two or more persons conspire either to commit an 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.

AMENDMENTS
1994—Pub. L. 103-332 substituted “fined under this title” for “fined not more than $10,000”.

CONSPIRACY TO IMPIDE 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
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.


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. 7311(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
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/or 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.

§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 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
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 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.

§600.10 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.
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

[Signature]
Roo J. Roseinsr
Acting Attorney General
U.S. Congress, House,
JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES:
BEING THE
SECOND SESSION OF THE FORTIETH CONGRESS;
BEGIN 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. Laffin: 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 Congress to remit duties on all articles used in building vessels.

By Mr. Griswold: The remonstrance of cigar manufacturers of the fifteenth congressional district of New York, against placing stamps on cigars.

By Mr. Mercier: 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?

<table>
<thead>
<tr>
<th>Yeas</th>
<th>127</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nays</td>
<td>42</td>
</tr>
<tr>
<td>Not voting</td>
<td>20</td>
</tr>
</tbody>
</table>
HOUSE OF REPRESENTATIVES.

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. Philoetus Sawyer
George W. Anderson Benjamin Eggleston Andrew Johnson Glenn W. Scofield
James M. Ashley John P. Farnsworth Rufus Maltby Rufus P. Spalding
Alexander H. Bailey William C. Fields James M. Marvin H. H. Starkweather
John D. Baldwin Joseph J. Gavely James M. Van Buren Theodore Stevens
Nathaniel P. Banks James A. Garfield horace matard William B. Stokes
Eredno C. Beamam John A. Gisweld Dennis McCarthy John Taffe
John Boatty George A. Halcy Joseph W. McClurg Caleb N. Taylor
Jacob Benton Abner C. Harding Ulysses Mercer Francis Thomas
John A. Bingham John A. Grisweld George F. Miller John Trimble
James G. Blaine William Higby William Moore Row B. Trowbridge
Austen Blair John Bill James Molliss George L. Price
George S. Boutwell Samuel Hooper Leonard Myers David R. Ramsdell
Henry P. H. Bromwell Benjamin P. Hopkins Carman A. Newcomb John B. Ramsey
John M. Brownell Chester D. Hubbard David A. Nunn
Benjamin P. Butler Calvin T. Hulbard Charles O'Neill
Henry L. Cake Morton C. Hunter Gilbert B. Page
John E. Churchill Eben C. Ingersoll Sidney Perham
Reader W. Clarke Thomas A. Jeukses John A. Peters
Sidney Clarke Norman B. Judd Frederick A. Pike
Amos Cobb George W. Julian Tobias A. Plants
John Coburn William D. Kelley
Burton C. Cook William H. Kelsey
Thomas Cornell John H. Ketchum
John Covode Bethuel M. Kitchen
John W. Crown Bethuel M. Kitchen
John W. Cleaves Bethuel M. Kitchen
Henry L. Davises Bethuel M. Kitchen
Nathan P. Dixon William H. Koontz
Those who voted in the negative are—

Mr. George M. Adams Mr. John Fox Mr. Michael C. Kerr Mr. Lewis W. Ross
Stevenson Arches Mr. John Fox J. Lawrence Geitz J. Proctor Knott Charles Sigourney
Samuel B. Axtell Mr. John Fox Adam J. Glossbrenner Thomas E. Stewart
William H. Bernard J. S. Goladay Frederick Stone
James E. Beck A. N. Grover
Benjamin M. Boyer Charles Haight
James Brooks William S. Holman
Joseph Brooks Julius Hotchkiss
Charles A. Edridge James M. Humphrey

Those not voting are—

Mr. John Baker Mr. Darwin A. Farnie Mr. James K. Moorhead Mr. Lewis Selby
Deancy Barnes Jesse R. Hawkins John M. Moore Samuel Shellabarger
John Paul Benjamin Asahel W. Hubbard John Morris
Ephraim R. Eckley Richard D. Hubbard William A. Pile
Jacob H. Ela Hiram McCulloch William E. Robinson

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 Consti-
tution 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 au-
thority in substance as follows, that is to say:

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

Str: 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
Oakes Ames
George W. Anderson
Samuel M. Arnett
Delos B. Ashley
James M. Ashley
Alexander H. Bailey
John D. Baldwin
Nathaniel P. Banks
Fernando G. Beaneman
Joseph B. Benton
John A. Bingham
James G. Blaine
Austin Blair
George B. Boutwell
Henry P. R. Brewster
John M. Bromwell
Ralph F. Buckland
Benjamin F. Butler
Henry L. Cake
John C. Churchill
Roderick Clarke
Sidney Clarke
Abram Cobb
John Coeburn
Burton C. Cook
Thomas Correll
Shelby M. Cullom
Henry L. Dawes
Nathan P. Dixson
Mr. Grenville M. Dodge
Ignatius Donnelly
John F. Driggs
Benjamin Eggleston
Thomas D. Elliot
John F. Farnsworth
Orange Ferris
Thomas W. Ferry
William C. Fields
James A. Gerfield
Joseph J. Gravely
John A. Griswold
George A. Halsey
Asa C. Harding
William Higby
John Hill
Samuel Hooper
Benjamin P. Hopkins
Chester D. Hubbard
Calvin T. Hubbard
Morton C. Hunter
Elton C. Ingersoll
Thomas A. Jenkes
Norman B. Judi
George W. Julian
William D. Kelley
William H. Kelley
John H. Ketcham
Nathan M. Kitchen
William H. Knottz
Addison H. Lattin
Mr. George V. Lawrence
Mr. Phileas Sawyer
William Lawrence
William S. Lincoln
Benjamin F. Lyon
John A. Logan
John Lynch
Rufus Mullery
James M. Marvin
Horace Maynard
Dennis McCarthy
Joseph W. McGlory
Ulysses Mercur
George F. Miller
William Moore
Daniel J. Morell
Leonard Myers
Oman A. Nowcomb
David A. Nunn
Charles O'Neill
Grootlove S. Orph
Hubert E. Paine
Sidney Peham
John A. Peters
Frederick A. Pike
Tobias A. Plants
Leake F. Poland
Daniel Polley
Theodore M. Pomeroy
Hiram Price
Green B. Raum
William H. Robertson

Those who voted in the negative are:

Mr. George M. Adams
Stevenson Archer
Samuel B. Axcell
William H. Barlow
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 Gets
Adam J. Glassbrenner
J. S. Golladay
Asa P. Grover
Charles Height
William S. Holman
Julia Hotchkiss
James M. Humphrey
James A. Johnson

Mr. Thomas L. Jones
J. Proctor Kent
Samuel S. Marshall
James B. McCormick
George W. Morgan
William Mungin
William E. Niblock
John A. Nicholson
John W. L. Pruyse
Samuel J. Randall

Mr. Lewis W. Ross
Charles Sigourney
Samuel S. Marshall
Frederick Stone
Stephen Taber
Lawrence S. Trimble
Daniel M. Van Antson
Philadelphia Van Trump
Fernando Wood
George W. Woodward.

Those not voting are:

Mr. John Baker
Donas Barnes
John P. Benjamin
John Covode
Edwin R. Eckley
Jacob H. Ena
Mr. Darwin A. Finney
Isaac B. Hawkins
Ashbel W. Hubbard
Richard D. Hubbard
Michael C. Kerr
William Loughbridge

Mr. Hiram McCullough
James K. Moerhead
John Murrey
James Mullin
Charles E. Phelps
William A. Pike

Mr. William E. Robinson
Lewis Seyle
Samuel Shellabarger
Aaron F. Stevens
Henry D. Washburn
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 Brevoet 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.

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. Arnett
Delos E. Ashley
Alexander M. Ashley
John D. Baldwin
Nathaniel P. Banks
Fernando C. Beamann
John Beatty
Jacob Benton
John A. Bingham
James G. Bingham
Austin Blair
George S. Boutwell
Henry P. Bowdoin
John M. Brownall
Ralph P. Buckland
Benjamin F. Butler
Henry L. Cake
John C. Cherrill
Reuel W. Clarke
Sidney Clarke
Aman Cobb
John Coburn
Burton C. Cook
Thomas Cornell
John Cowen
Shelby M. Culpan
Henry L. Dawes

Mr. Nathan F. Dixon
Granville M. Dodge
Ignatius Donnelly
John P. Driggs
Benjamin E. Eggleston
Thomas D. Ethel
John F. Farnsworth
Orange Ferris
Thomas W. Perry
William C. Field
James A. Garfield
Joseph J. Gravel
John A. Griswold
George A. Halsey
Abner C. Harding
William Higby
John Hill
Benjamin F. Hopkins
Chester D. Hubbard
Calvin T. Hubbard
Norton C. Haster
Eben C. Ingersoll
Thomas A. Jenckes
Norman B. Judoll
George W. Julian
William B. Kelley
William H. Kelsey
John H. Ketcham
Benuel M. Kimpton
William H. Koontz
Addison H. Latun
Mr. George V. Lawrence
William Lawrence
William S. Lincoln
Benjamin F. Loan
John A. Logan
William Longbridge
John Lynch
Rufus Mallory
James M. Marvin
Horace Maynard
Daniel McCarthy
Joseph W. McClurg
Ulysses S. Grant
George F. Miller
William Moore
George W. Morgan
Daniel J. Morrell
James O. Mullins
Leonard Myers
Coraan A. Newcomb
David A. Nora
Charles O'Neill
Godlove & Orth
Abbott B. Palmer
Sidney Perham
John A. Peters
Frederick A. Pike
Thomas A. Piatt
Lake P. Pollock
Daniel Polley
Theodore M. Pomeroy
Mr. Hiram Price
Green B. Raum
William H. Robertson
John Q. Adams
Robert C. Schenck
Glenen W. Scottfield
John P. C. Shanks
Worington C. Smith
Reues P. Spalding
H. H. Starkweather
John Taffe
Caleb N. Taylor
Francis Thomas
John Trumbull
R. W. Trowbridge
Ginny Twichell
Charles Upton
Henry Van Arnum
Burt V. Horn
Robert T. Van Horn
Charles H. Van Wyck
Hamilton Ward
Elliott V. Washburn
William B. Washburn
Martin Welker
Thomas Williams
James F. Wilson
John T. Wilson
Stephen F. Wilson
William Windom
Fredrick E. Woodbridge.

Those who voted in the negative are—

Mr. George M. Adams
Stevenson Archer
Samuel B. Axtell
William H. Barlow
James E. Beck
Benjamin M. Boyer
James Brooks
Albert C. Burr
Samuel P. Cary
John W. Chandler
Charles A. Eldridge

Mr. John Fox
J. Lawrence Gutz
Adam J. Gleason
J. S. Golladay
Asa P. Grover
Charles Haight
William S. Holman
Julius Horlick
Richard D. Hubbard
James M. Humphrey

Mr. James A. Johnson
Thomas L. Jones
Michael C. Kerr
J. Proctor Knott
Samuel S. Marshall
James R. McCordick
William E. Niblick
John A. Nicholson
John V. C. Pruyn
Samuel J. Randall

Mr. Lewis W. Boys
Charles Stilgeaves
Thomas E. Stewart
Frederick Stone
Stephen Taber
Lawrence S. Trumbull
Daniel M. Van Auken
Philadelphia Van Trump
Fernando Wood
George W. Woodward.
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 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 to define and punish certain conspiracies," approved July thirty-first, eighteen hundred and sixty-eight, 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 question not voting are—

Those not voting are—

Mr. John Baker
Demas Barnes
John P. Benjamin
Ephraim R. Eckley
Jacob H. Ely
Darwin A. Finney

Mr. Isaac R. Hawkins
Samuel Hooper
Asahel W. Hubbard
Hiram McCullough
James K. Moorhead
John Merriscy

Mr. William Mungen
Charles E. Phelps
William A. Pile
William E. Robinson
Lewis Seyo
Samuel Shubalburg

Mr. Aaron P. Stevens
Thaddeus Stevens
William B. Stokes
Cadwallader Washburn
Henry D. Washburn
William Williams.

So the third article was agreed to.

The fourth article was then read as follows, viz:

Mr. George M. Adams
Stevenson Archer
Samuel H. Axtell
William H. Barham
James B. Beck
Benjamin M. Bogy
James Brooks
Albert G. Burr
Samuel P. Cary
John W. Chandler

Mr. Charles E. Eldridge
John Fox
J. Lawrence Getz
Adam J. Glessbrenner
J. S. Gollday
Asa P. Grover
William S. Holman
Julius Holschies
Richard D. Hubbard
James A. Johnson

Mr. Thomas L. Jones
Michael C. Kerr
J. Proctor Knapp
Samuel S. Marshall
James R. McCormick
George W. Morgan
William Mungen
William E. Niblock
John A. Nicholson
John V. L. Pryn

Mr. Theodore M. Pomeroy
Hiram Price
Green B. Raun
William H. Robertson
Philetas Sawyer
Robert C. Sellenck
Grenville Smith
John P. C. Shanks
Worthington C. Smith
H. H. Starkweather
John Taffe
Caleb X. Taylor
Francis Thomas
John Trimble
Rowe D. Truebridge
Ginny Twichell
Charles Upson
Henry Van Aernam
Bart Van Horn
Robert T. Van Horn
Charles H. Van Wyck
Hamiton Ward
William B. Washburn
Martin Wecker
Thomas Williams
James F. Wilson
John T. Wilson
Stephen F. Wilson
William Windsor.

Those who voted in the affirmative are—

Mr. Nathan P. Dixon
Grenville M. Dodge
Ignatius Donahue
John P. Driggs
Benjamin Eggleston
Thomas D. Elliot
John P. Fairbanks
Orange Ferry
William W. Perry
William C. Fields
James A. Garfield
Joseph J. Gravelcy
John A. Griswold
Charles Haight
George A. Halsey
Abner C. Harding
John Hill
Samuel Hooper
Benjamin F. Hopkins
Chester D. Hubbard
Calvin T. Hubbard
Morton C. Hunter
Eben C. Ingersoll
Thomas A. Jenckes
Norman B. Judah
George W. Julian
William D. Kelley
William H. Kelvey
John H. Ketchum

Mr. Sethuel M. Kitchen
William H. Kountz
Addison H. Laffitt
George V. Lawrence
William Lawrence
William S. Lincoln
Benjamin B. Loan
John A. Logan
John Lynch
 Rufus Mallory
James M. Marvin
Horace Maynard
Dennis McCarthy
Joseph W. McClurg
Ulysses Merry
George F. Miller
William Moore
Daniel J. Morell
James Mullins
Leonard Myers
David A. Snow
Charles O'Neail
Godlove S. Orth
Hartford Paine
Sidney Perham
John A. Peters
Frederick A. Pike
Tobias A. Plants
Daniel Fobley

Those who voted in the negative are—

Mr. Charles E. Eldridge
John Fox
J. Lawrence Getz
Adam J. Glessbrenner
J. S. Gollday
Asa P. Grover
William S. Holman
Julius Holschies
Richard D. Hubbard
James A. Johnson

Mr. Thomas L. Jones
Michael C. Kerr
J. Proctor Knapp
Samuel S. Marshall
James R. McCormick
George W. Morgan
William Mungen
William E. Niblock
John A. Nicholson
John V. L. Pryn

Mr. Samuel J. Randall
Lewis W. Ross
Charles Sicklaves
Frederick Stone
Stephen Taber
Lawrence S. Trumble
Daniel M. Van Aukcn
Philadelphi Van Trump
Fernando Wood
George W. Woodward.
Mar. 2, 1868.] HOUSE OF REPRESENTATIVES. 445

Those not voting are—

<table>
<thead>
<tr>
<th>Mr. John Baker</th>
<th>Mr. William Higby</th>
<th>Mr. Charles E. Phelps</th>
<th>Mr. Thaddeus Stevens</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dennis Barnes</td>
<td>Amsden W. Hubbard</td>
<td>Andrew W. Paine</td>
<td>William A. Phelps</td>
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<tr>
<td>John F. Benjamin</td>
<td>James M. Humphrey</td>
<td>Luke P. Poland</td>
<td>John A. Logan</td>
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<tr>
<td>Benjamin M. Butler</td>
<td>William Laughbridge</td>
<td>William E. Robinson</td>
<td>Lewis Selvy</td>
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<tr>
<td>Abraham R. Eckley</td>
<td>Hiram McCollough</td>
<td>Samuel Shellabarger</td>
<td>Samuel Sherrill</td>
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<td>Jacob H. Eli</td>
<td>James K. Moorhead</td>
<td>Rufus P. Spaulding</td>
<td>Aaron F. Stevens</td>
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<tr>
<td>Darwin A. Finney</td>
<td>John Morrissey</td>
<td>Carman A. Newcomb</td>
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<td>Isaac R. Hawkins</td>
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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.  

<table>
<thead>
<tr>
<th>Yea</th>
<th>Nays</th>
<th>Not voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>127</td>
<td>42</td>
<td>20</td>
</tr>
</tbody>
</table>

The yeas and nays being desired by one-fifth of the members present, Those who voted in the affirmative are—

<table>
<thead>
<tr>
<th>Mr. William B. Allison</th>
<th>Mr. Grenville M. Dodge</th>
<th>Mr. William Lawrence</th>
<th>Mr. Philistus Sawyer</th>
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<tbody>
<tr>
<td>Oakes Ames</td>
<td>Ignatius Donnelly</td>
<td>William S. Lincoln</td>
<td>Robert C. Schenck</td>
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<td>George W. Anderson</td>
<td>John F. Briggs</td>
<td>Benjamin F. Loan</td>
<td>Glenn W. Scofield</td>
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<td>Samuel M. Arnold</td>
<td>Benjamin Ruggles</td>
<td>William Laughbridge</td>
<td>John B. Sanford</td>
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<td>Deles R. Ashley</td>
<td>Thomas D. Elliot</td>
<td>John Lynch</td>
<td>Worthington C. Smith</td>
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<td>John F. Fariswirth</td>
<td>Rufus Malory</td>
<td>Rufus P. Spalding</td>
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<td>James M. Marvin</td>
<td>H. H. Starkweather</td>
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<td>Farnum C. Beaman</td>
<td>Joseph J. Gravely</td>
<td>Joseph W. McClung</td>
<td>John Taffee</td>
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<td>John Beauty</td>
<td>John A. Griswold</td>
<td>Ulysses Mericru</td>
<td>Caleb N. Taylor</td>
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<td>Jacob Benton</td>
<td>Joseph A. Halley</td>
<td>George F. Miller</td>
<td>Francis Thomas</td>
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<td>Abner C. Harding</td>
<td>William Moore</td>
<td>John Trimble</td>
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<td>Daniel J. Morell</td>
<td>Rowland E. Trowbridge</td>
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<td>Austin Blair</td>
<td>John H.</td>
<td>James Mullins</td>
<td>Ginery Twitchell</td>
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<td>Godlove S. Orth</td>
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<td>Eliza C. Ingersoll</td>
<td>Halbert E. Pamc</td>
<td>Hamilton Ward</td>
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<td>Sidney Perham</td>
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<td>Norman B. Jewell</td>
<td>John A. Peters</td>
<td>Elisha B. Washburne</td>
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<td>Sidney Clarke</td>
<td>George W. Julian</td>
<td>Frederick A. Pike</td>
<td>William B. Washburn</td>
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<td>Amano Cobb</td>
<td>William D. Kelley</td>
<td>Tobias A. Plants</td>
<td>Martin Walker</td>
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<td>Burton C. Cook</td>
<td>Bethuel M. Kitchen</td>
<td>Daniel Polksey</td>
<td>James P. Wilson</td>
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<td>Thomas Cornell</td>
<td>William H. Koatz</td>
<td>Theodore M. Pomeroy</td>
<td>John T. Wilson</td>
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<td>John Covode</td>
<td>Addison H. Ledfild</td>
<td>Hiram Price</td>
<td>Stephen P. Wilson</td>
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<td>Shelby M. Collon</td>
<td>George V. Lawrence</td>
<td>Griss H. Rawson</td>
<td>William Windom</td>
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<td>Henry L. Cowles</td>
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<td>William H. Robertson</td>
<td>Fred E. Woodbridge</td>
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</table>

Those who voted in the negative are—

<table>
<thead>
<tr>
<th>Mr. George M. Adams</th>
<th>Mr. Benjamin M. Boyer</th>
<th>Mr. Charles A. Eldridge</th>
<th>Mr. Asa P. Grover</th>
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<tr>
<td>Stevenson Archer</td>
<td>James Brooks</td>
<td>John Fox</td>
<td>Charles Haight</td>
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<td>Samuel B. Axtell</td>
<td>Albert G. Burr</td>
<td>J. Lawrence Gatz</td>
<td>William H. Stokes</td>
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<td>William H. Barlow</td>
<td>Samuel F. Cary</td>
<td>Adam J. Glessbrenner</td>
<td>William S. Holman</td>
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<tr>
<td>James B. Beck</td>
<td>John W. Chawner</td>
<td>J. S. Golightly</td>
<td>Julius Houghkies</td>
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</tbody>
</table>

| Mr. Nathaniel Fisher | Mr. James M. Humphrey | Mr. James W. Holman | | |
|---------------------|----------------------|-------------------| | | | | |
Mr. James A. Johnson
Mr. George W. Morgan
Mr. Lewis W. Rose
Mr. Lawrence S. Trimble
Mr. Thomas L. Jones
Mr. William Mungen
Mr. Charles Biggs
Mr. David V. Van Anda
Mr. Michael C. Kerr
Mr. William P. Niblick
Mr. Thomas F. Stewart
Mr. Philadelph Van Tramp
J. Proctor Knott
John A. Nicholson
Frederick Stone
Fernando Wood
Samuel S. Marshall
John V. L. Pryce
Stephen Taber
George W. Woodward
James R. McCormick
Samuel P. Randall

Those not voting are—

Mr. John Baker
Mr. Darwin A. Finney
Mr. James K. Moorhead
Mr. Lewis Selya
Demas Barnes
Isaac R. Hawkins
John Morrissey
Samuel Shellabarger
John F. Benjamin
Richard D. Hubbard
Charles E. Phelps
Aaron F. Stevens
Ephraim H. Eekley
Aubert W. Hubbard
William A. Pile
Henry D. Washburn
Jacob H. Eli
Hiram McCollough
William E. Robinson
William W. 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 his 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. Philadelph Sawyer
Ookes Ames
Ignatius Donnelly
Benjamin F. Loan
Charles A. Sawyer
George W. Anderson
Benjamin F. Griggs
John A. Logan
John H. Van Horn
Samuel M. Arnold
Thomas D. Elliot
William Leaughbridge
John P. Van Auken
Delos R. Ashley
John F. Parroworth
William Lincoln
Lawrence Selya
James M. Ashley
Orange Perrius
Thomas W. Perry
James A. Allison
William C. Fields
John A. Griswold
George F. A. Bingham
Joseph J. Gravelly
George A. Halsey
James G. Blake
Abner C. Harding
Aubert C. Harding
Austin Blair
William Highy
George S. Benton
John Hill
Henry L. Cabot
Samuel Hooper
John C. Churchill
Benjamin F. Hopkins
John G. Slayton
Reader W. Clarke
Chester D. Hubbard
Sidney Clarke
Calvin T. Hulburd
Horace I. Slayton
Amasa C. Cob
Morton C. Hunter
John C. Cock
Ebun C. Iger
Reader W. Clarke
Thomas D. Elliot
Thomas A. Jenkes
John T. Spear
A. H. Churchill
Norman B. Judd
Arbor P. Tenney
John G. Slayton
Robert E. Towerbridge
Henry A. P. Washburn
Aubert C. Harding
Elisha B. Washburn
James W. Washburn
Benjamin F. Hopkins
Robert C. Washburn
Benjamin F. Loan
John A. Logan
William Lincoln
John H. Van Horn
William Leaughbridge
William Lincoln
James A. Allison
John A. Griswold
George A. Halsey
William Highy
John Hill
Samuel Hooper
Benjamin F. Hopkins
Chester D. Hubbard
Calvin T. Hulburd
Morton C. Hunter
Ebun C. Iger
Thomas A. Jenkes
Norman B. Judd
George W. Julian
William D. Kelley
William H. Kelsey
John H. Kettlesham
Bethuel M. Kitchen
William H. Kountz
Addison H. Laffin
George V. Lawrence

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. Arnot
Albert G. Burr
Alfred L. Green
William H. Barber
Samuel F. Cary
Adam J. Glossbrenner
Samuel L. Jones
John W. Chanler
J. S. Gollihdy
James R. McCormick
Nathan D. Judson
William H. Robins
Stephen Taber
George W. Woodward
James B. Beck
Mr. James A. Johnson
Mr. George W. Morgan
Mr. Lewis W. Ross
Mr. Lawrence S. Trimble

Mr. James L. Jones
Mr. William M. Mungen
Mr. Charles Stigler
Daniel M. Van Trump

Mr. Michael C. Kerr
Mr. William P. Nolan
Mr. Thomas E. Stewart
Philadelphia Van Aken

J. Proctor Knott
Mr. John A. Nicholson
Frederick Stone
Fernando Wood

Samuel S. Marshall
Mr. John V. L. Prayn
Stephen Taber
George W. Woodward.

James H. McCormick
Mr. James J. Randall

Those not voting are—

Mr. John Baker
Mr. Darwin A. Finney
Mr. James K. Moorhead
Mr. Lewis Selye

Demes Barnes
Mr. Isaac R. Hawkins
Mr. John Morrissey
Samuel Shellabarger

John F. Benjamin
Mr. Richard D. Hubbard
Mr. William A. Pile
Aaron P. Stevens

Ephraim R. Eckley
Mr. Hiram McCullough
Mr. William E. Robinson
Henry D. Washburn

Jacob H. Elia

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 the high misdemeanors of offense.

The question was put, Will the House agree thereto?

Yeas

And it was decided in the affirmative, viz:

<table>
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<tr>
<th>Mr. William B. Allison</th>
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<td>Oakes Ames</td>
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<td>George W. Anderson</td>
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<td>Samuel M. Arnold</td>
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<td>Delos E. Ashley</td>
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<td>James M. Ashley</td>
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<td>Alexander H. Bailey</td>
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<td>John D. Baldwin</td>
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<td>Nathaniel P. Banks</td>
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<td>Fernando C. Beaman</td>
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<td>John Bratty</td>
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<td>Jacob Benton</td>
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<td>John A. Bingham</td>
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<td>James G. Bidsen</td>
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<td>Austin Blair</td>
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<td>George S. Boutwell</td>
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<td>Henry D. H. Browne</td>
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<td>John M. Broomall</td>
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<td>Ralph P. Burtland</td>
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<td>Benjamin F. Butler</td>
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<td>Henry L. C. Cole</td>
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<td>John C. Churchill</td>
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<td>Burton C. Cook</td>
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<td>Thomas Cornell</td>
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<td>John Covedo</td>
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<td>Shelby M. Cullom</td>
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<td>Henry L. Dawes</td>
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<tr>
<td>Michael C. Dixon</td>
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Mr. Grenville M. Dodge
Mr. John F. Driggs
Mr. William Lawrence
Mr. William S. Lincoln

Ignotius Donnelly
Benjamin Eggstetter
John A. Logan

Thomas D. Elliot
Orange F. Reus
William Longbridge

John F. Farnsworth
William W. Perry
John Lynch

James A. Garfinkel
Joseph J. Gravelly
 Rufus Mallory

George A. Halsey
Abner C. Harding
James M. Marvin

William Bigby
John Hill
Horace Maynard

Samuel Hooper
Benjamin F. Hopkins
George W. Meade

Chester D. Hubbard
Calvin T. Hubbard
Abner J. McCreary

Morton C. Hunter
Eben C. Ingersoll
Charles A. McNees

Norman B. Jud 

William W. Julian
William D. Kelley
Willard C. Peck

William H. Kelsey
William H. Kelley
Harbert E. Payne

John H. Ketcham
Bethuel M. Kitchen
Sidney Perham

William H. Knowl
Addison A. Latkin

William H. Knowl
Addison A. Latkin

Those who voted in the affirmative are—

Mr. William M. Adams
Mr. George W. Morgan
Mr. Lewis W. Ross

Eben J. Ade
Mr. John Fox
Mr. J. Lawrence Getz

Mr. Charles Stigler

Mr. Michael C. Kerr

J. Proctor Knott

Mr. Samuel S. Marshall

Mr. James E. McCormick

Mr. George W. Morgan

Mr. William Mungen

Mr. William E. Robinson

Mr. John V. L. Prayn

Mr. James L. Jones

Mr. Lawrrence S. Trimble

Mr. Daniel M. Van Trump

Mr. John F. Smchel

Glenn W. Scofield

John P. C. Shanks

Worthington C. Smith

Rufus P. Spalding

H. H. Starkweather

Thaddeus Stevens

William B. Stokes

John Taft

Caleb N. Taylor

Francis Thomas

John Trounle

Rowd E. Trowbridge

Ginry Twichell

Charles Upson

Henry Van Arnum

Bart Van Horn

Robert T. Van Horn

Charles H. Van Wyck

Hamilton Ward

Caldwall C. Washburn

Ellinah B. Washburne

William B. Washburn

Martha Walker

Thomas Williams

James F. Wilson

John T. Wilson

Stephen F. Wilson

William Windsom

Fred E. Woodbridge.

Mr. Philadelphia Sawyer

Mr. John F. Smchel

Glenn W. Scofield

John P. C. Shanks

Worthington C. Smith

Rufus P. Spalding

H. H. Starkweather

Thaddeus Stevens

William B. Stokes

John Taft

Caleb N. Taylor

Francis Thomas

John Trounle

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Henry Van Arnum

Bart Van Horn

Robert T. Van Horn

Charles H. Van Wyck

Hamilton Ward

Caldwall C. Washburn

Ellinah B. Washburne

William B. Washburn

Martha Walker

Thomas Williams

James F. Wilson

John T. Wilson

Stephen F. Wilson

William Windsom

Fred E. Woodbridge.

Mr. Lewis W. Ross

Mr. Charles Stigler

Mr. John F. Smchel

Glenn W. Scofield

John P. C. Shanks

Worthington C. Smith

Rufus P. Spalding

H. H. Starkweather

Thaddeus Stevens

William B. Stokes

John Taft

Caleb N. Taylor

Francis Thomas

John Trounle

Rowd E. Trowbridge

Ginry Twichell

Charles Upson

Henry Van Arnum

Bart Van Horn

Robert T. Van Horn

Charles H. Van Wyck

Hamilton Ward

Caldwall C. Washburn

Ellinah B. Washburne

William B. Washburn

Martha Walker

Thomas Williams

James F. Wilson

John T. Wilson

Stephen F. Wilson

William Windsom

Fred E. Woodbridge.
Those not voting are—

Mr. John Baker
Domas Barnes
John P. Benjamin
Epkrath B. Eckley
Jacob H. Ela

Mr. Durwin A. Finley
Isaac R. Hawkins
Amos W. Hubbard
Richard D. Hubbed
Hiram McCollough

Mr. James E. Moorhead
John Morrissey
Charles E. Phelps
William A. Pike
William E. Robinson

Mr. Lewis Solon
Samuel Shellabarger
Aaron F. Stevens
Henry D. Washburn
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 MANSON,
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?

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
Oakas Anea
George W. Anderson
Samuel M. Arnold
Dobr R. Axtrey
James M. Ashley
Alexander H. Bailey
John D. Baldwin
Nathaniel P. Banks
Fenando C. Benjamin
John Boothy
Jacob Benton
John A. Bingham
James C. Blaine
Austin Blair
George S. Benton
Henry P. H. Bremwell
John M. Brownell
Ralph P. Buckland
Benjamin F. Bnder
Henry L. Cake
John G. Churchill
Reader W. Clarke
Sidney Clarke
Amsa Cobb

Mr. John Colburn
Burton C. Cook
Thomas Cornell
John Covode
Shelby M. Collum
Henry L. Dawes
Nathan F. Dixon
Greeneville M. Dodg
Ignatius Donnelly
John F. Driggs
Benja Taft Eggleston
Thomas D. Elliot
John F. Fernsworth
Orange Periss
Thomas W. Perry
William C. Fife
James A. Garfield
Joseph J. Gravelly
John A. Griswold
George A. Halsey
Abner C. Hardin
William Higby
John Hill
Samuel Hooper
Benjamin F. Hopkins

Mr. Chester D. Hubbard
Calvins T. Hulbring
Morton C. Hauer
Eton C. Ingersoll
Thomas A. Jeniex
Norman E. Judd
George W. Julian
William D. Kelley
William H. Kelchey
John H. Ketchum
Bethuel W. Kitchen
William H. Kountz
Addison H. Laffin
George V. Lawrence
William J. Lincoln
Benjamin F. Loom
John A. Logan
William Longyear
John Lynch
Rufus Mallory
James M. Marvin
Herbert Mayo
Dennis McCarthy
Joseph W. McClurg

Mr. Ulises Mercer
George P. Miller
William Moore
Daniel J. Morrool
James Mullins
Leonard Myers
Carinna A. Newcomb
David A. Nunn
Charles Ornell
Godlove S. Orth
Halford E. Pahoe
Sidney Perham
John A. Peters
Frederick A. Pike
Tobias A. Products
Luke P. Poland
Daniel Polson
Theodore F. Pomeroy
Hiram Price
Green B. RAW
William H. Robertson
Philetus Sawyer
Robert C. Schenck
Glenal W. Scofield
John P. C. Shank.
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 Cadwall C. Washburn Stephen E. Wilson
William B. Stokes Charles Upon William B. Washburn William Windson
John Taffe Henry Van Aernam Elihu B. Washburn Fred'r E. Woodbridge.
Caleb N. Taylor Bart Van Horn

Those who voted in the negative are—

Mr. George M. Adams Mr. John Fox Mr. Michael C. Kerr Mr. Lewis W. Ross
Swenson Archer J. Lawrence Gerts J. Proctor Knott Charles Sigourney
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. Nicklow Daniel M. Van Auken
Albert G. Burr Julius Hotchkiss John A. Nichols Philadelph Van Trump
Samuel P. Cary James M. Humphrey John V. L. Pruyse Fernando Wood
John W. Chandler James A. Johnson Samuel J. Randall George W. Woodward
Charles A. Eldridge Thomas L. Jones

Those not voting are—

Mr. John Baker Mr. Darwin A. Finney Mr. James K. Moorhead Mr. Lewis Salye
Denus Barnes J. Lawrence Gerts John Morrissey Samuel Shollabarger
John F. Benjamin Isaac R. Hawkins Charles E. Phelps Aaron F. Stevens
Ephraim R. Eckley Asa W. Hubbard William A. Pile Henry D. Washburn
Jacob H. Ela Richard D. Hubbard William E. Robinson Henry W. 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-seven," 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?

Yeas ........................................ 108
Nays ......................................... 41
Not voting ................................. 40

And it was decided in the affirmative.
The yeas and nays being desired by one-fifth of the members present, Those who voted in the affirmative are—

<table>
<thead>
<tr>
<th>Those who voted in the negative are—</th>
</tr>
</thead>
</table>

Mr. William B. Allison Mr. Grenville M. Dodge Mr. George V. Lawrence Mr. Hiram Price
Oakes Ames Samuel M. Arnett William S. Lincoln William H. Robertson
Delos R. Ashley Ignatius Dennelly John P. Driggs Philebus Sawyer
James M. Ashley Benjamin Eggleston Thomas D. Eliot Robert C. Schenck
Alexander H. Balch Orange Parries Thomas W. Ferry Glenn W. Scottof
Fernando C. Beanann William C. Fields John Lynch John P. C. Shank
John Beatty James A. Garfield James M. Marvin Worthington C. Smith
Jacob Benton Joseph J. Gravelly Horace Maynard H. H. Starkweather
John A. Bingham George A. Halsey Dennis McCarthy Thaddeus Stevens
Austin Blair Abner C. Harding Joseph W. McClurg John Taffe
George S. Boutwell John Hill Caleb N. Taylor
Henry P. H. Browne Benjamin F. Hopkins George F. Miller Francis Thomas
John M. Brooke Benjamin F. Butler Daniel J. Morell John Trimble
Ralph P. Buckland Henry L. Cake Rowell E. Towbridge
Benjamin F. Butler Henry L. Cake Gilbery Twichell
John C. Churchill Sidney Clarke Henry Van Aeran
Sidney Clarke Amos Cobb Robert T. Van Horn
Norman B. Judd Ebenezer Hubbard Hamilton Ward
Sidney Clarke John A. Logan William B. Washburn
Abner C. Harding George S. Boutwell Martin Walker
John H. Ketcham James A. Johnson Thomas Williams
William H. Koontz Addison H. Laffin James F. Wilson
Nathan P. Dixon

Mr. George M. Adams Mr. J. Lawrence Geitz Mr. Thomas L. Jones Mr. Lewis W. Ross
Stevenson Archer Adam J. Groshbrunner J. S. Golladay Charles Sitgreaves
Samuel B. Axtell Amy P. Grover John A. Proctor Thomas E. Stewart
William H. Barnum Charles J. Hatch Samuel S. Marshall
James E. Beck William S. Holman James E. McCormick
Benjamin M. Boyer Julius Hatzakis George W. Morgan
James Brooks Richard D. Hubbard William Maugan
Richard D. Hubbard James M. Humphrey William E. Nichols
John W. Chandler James A. Johnson John V. L. Pruyne
Charles A. Eldridge

Mr. George W. Anderson Mr. Jacob H. Ela Mr. James K. Moorehead Mr. Rufus P. Spaulding
Mr. Jacob H. Ela Adam J. Groshbrunner John A. Nimh, Jr. Horace Osborn
Darwin A. Finney James E. McCormick
John A. Griswold George W. Morgan
Jane R. Hawkins William Maugan
William Higby William E. Nichols
Asahel W. Hittib In the
Bethuel M. Kitchen James L. Humphrey
William Longbridge Hiram McCullough William E. Nichols
Hiram McCullough

Mr. James K. Moorehead John S. Perry
Mr. Rufus P. Spaulding

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 "

[Mar. 2, 1868]
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. Schofield 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,

\[
\begin{align*}
\text{Yeas} & : & 97 \\
\text{Nays} & : & 32 \\
\text{Not voting} & : & 60
\end{align*}
\]

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
Oakes Ames
Samuel M. Arnold
Delos R. Ashley
James M. Ashley
Alexander H. Bailey
John D. Baldwin
Nathaniel P. Banks
Fernando C. Bean
John Beatty
Mr. John A. Bingham
James G. Blaine
Austen Blair
George B. Boutwell
John M. Broome
Ralph F. Buckland
Benjamin F. Butler
Henry L. Cacock
John C. Churchill
Reader W. Clarke
Mr. Amasa Cobb
John Cochrane
Barton C. Cook
Seymour M. Cullom
Nathan P. Dixon
Granville M. Dodge
Ignatius Donnelly
John C. Driggs
Ephraim R. Eckley
Thomas D. Eliot
Mr. John F. Fairbanks
Orange Ferris
Thomas W. Ferry
William C. Fields
James A. Garfield
Joseph J. Gravelle
John A. Griswold
George A. Hill
Abner C. Harding
John Hill
Appendix D.2
Articles of Impeachment against President Richard M. Nixon
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.

APPONTMENT OF CONFERENCE 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 provisions of law relating to the financing and conduct of such campaigns, with the House amendments thereto, insist on the House amendments and refer 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 agents the following conferees: Messrs. Hays, Thompson of New Jersey, Dent, Brademas, Jones of Tennessee, Mollahan, 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 concurrence 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:

ARTICLES

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 conspiring 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 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 mislead 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 persons to frustrate the purpose of the House in its attempts to avoid criminal liability;

8. Making false or misleading public statements regarding the Watergate investigation that caused the people of the United States to believe that a thorough and complete investigation has been made and that the President bears no responsibility for allegations of misconduct on the part of personnel of the executive branch of the United States against the President and persons serving under the President.

9. Making false or misleading public statements purporting to be unclassified information, in violation of the provisions of the Federal Bureau of Investigation Act, as amended, to the effect that such persons have violated their oaths of office or to the effect that such persons are guilty of false or misleading testimony.

10. 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 the executive powers of the President in violation of the due and proper administration of justice and the due and proper administration of the executive branch and the purposes of said agencies.

The Committee 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 has used the power of the President, authorized under the Act of June 2, 1934, to order or permit to conduct or to continue electronic surveillance or other investigations for purposes not authorized under law.

3. He has, acting personally and through his subordinates and agents, endeavored to direct or authorize such agencies of the United States as have, acting personally and through his subordinates and agents, endeavored to prevent, obstruct, or delay the enforcement of laws, or any other lawful function of his office; he did direct, authorize, or permit such persons to act in any way which they obtained thereby for purposes unrelated to national security, the enforcement of laws, or the lawful function of his office; and he did direct the use of certain records made by the Federal Bureau of Investigation with respect to electronic surveillance or any other lawful function of his office, in violation of the provisions of the Act of June 2, 1934.

4. He has, acting personally and through his subordinates and agents, endeavored to direct or authorize such agencies of the United States as have, acting personally and through his subordinates and agents, endeavored to prevent, obstruct, or delay the enforcement of laws, or any other lawful function of his office; and he did direct the use of certain records made by the Federal Bureau of Investigation with respect to electronic surveillance or any other lawful function of his office, in violation of the provisions of the Act of June 2, 1934.
Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in at the Democratic National Committee Headquarters and the campaign financing practices of the Committee to Re-elect the President.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subordinate 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 the President of the United States and to the best of his ability, preserve, protect, and defend the Constitution of the United States, and to the best of his knowledge, discharge his duties with due care that the laws be faithfully executed, has failed without lawful cause or excuse to produce papers 'high things done by the President' authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives on April 11, 1974, May 14, 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 the power to control the judicial process necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives. It has been held that Richard M. Nixon has acted in a manner contrary to his trust as President and subordinate 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.

May 27, 1974

Committee Consideration.

The Organization of the White House and its Relationship to the Committee to the Committee for the Re-Election of the President.

ARTICLE I

Constitutional Plan.

Adoption of a Political Intelligence Plan.

Inclusion of the Use of Electronic Surveillance.

Implementation of the Political Intelligence Plan.

President Nixon's Response to the Arrests.

Containment—July 1, 1972, to Election.

President Nixon's Favored Treatment of Defendants and Prospective Defendants.

Deception and Obstruction.

The President's Interference with the Department of Justice.

Constitutional Considerations.
Appendix D.3
Articles of Impeachment against President William J. Clinton
105TH CONGRESS
2D SESSION

H. RES. 611

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 1998

Resolved,

That William Jefferson Clinton, President of the
United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of
Representatives of the United States of America in the
name of itself and of the people of the United States of
America, against William Jefferson Clinton, President of
the United States of America, in maintenance and support
of its impeachment against him for high crimes and mis-
demeanors.
ARTICLE I

In his conduct while President of the United States, William Jefferson Clinton, 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 willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.
In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE II

In his conduct while President of the United States, William Jefferson Clinton, 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, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.
The means used to implement this course of conduct or scheme included one or more of the following acts:

(1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.

(2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

(3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

(4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time
when the truthful testimony of that witness would have been harmful to him.

(5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

(6) On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

(7) On or about January 21, 23, and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury,
causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.


NEWT GINGRICH,
Speaker of the House of Representatives.

Attest: ROBIN H. CARLE,
Clerk.
Appendix D.4
Articles of Impeachment against Judge Harry E. Claiborne
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's debts, and focusing criticism on the actuarially sound 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 disinvestment with the trust funds greatly deteriorated the 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 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.

GENE R AL 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. CLAI B ORNE

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.
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 forth, 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 $89,227.04 whereas, as he then and there well knew and believed, the amount of $60,000 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.

Therefore, 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 I

That 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 $89,227.04 wherein the return reporting 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 of the United States District Court for the District of Nevada.

Therefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of high crimes and misdemeanors 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 year 1980 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.

Therefore, 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:

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 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 pressures of private life.
Mr. MORRISON of Connecticut. I yield to the gentleman from Minneso­
	a.

Mr. VENTO. Mr. Speaker, I rise in support of House Resolution 461, a privileged resolu­

tion providing for the impeachment of U.S. District Court Judge Harry E. Claiborne.

This is a fact. And it is my very clear. I have to file a report that Judge 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 who pay their taxes to 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 re­
sponsibilities and vote this impeachment reso­


tution.

Law-abiding, tax-paying Americans demand it.

Mrs. VUCANOVICH. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentlewoman 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 honor—truth—and the incontournable 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 he has consistently refused to do so. This is the most contemptible form of dishonor­
esty 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 re­
mains a judge until death, resignation, or im­

peachment. For this very reason, impeach­
ment 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 Ameri­
can people, is a callous disregard of our system of government, and seriously under­
mines 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 should be dismissed. 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 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 nearly $215 a day. 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 a false statement on his 1979 and 1980 Federal income tax returns. He was found guilty beyond a reasonable doubt of a tax fraud. All of his prior 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 arbiter 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 be allowed to pay a convicted felon their salary 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 out of 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 two centuries of numerous acts, 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 and any other citizen.

With every passing year, Americans become increasingly aware of the fineness of our Founding Fathers in drafting the Constitution. Countries throughout the world draft 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.
GENERAL LEAVE  July 22, 1986

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 AUTHORITY 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 in the Clerk's hands.

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, Henry J. Hyde, Thomas N. Manton, James T. Walsh, and Jane Harman, as managers on the part of the House of Representatives, are hereby appointed 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, Henry J. Hyde, Thomas N. Manton, James T. Walsh, and Jane Harman, as managers on the part 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 District 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 from 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.

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 which it considers, 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 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
RESOLUTION

Impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors.

Resolved, That Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, 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 all of the people of the United States of America, against Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, in maintenance and support of its impeachment against him for high crimes and misdemeanors.
ARTICLE I

Incident to his position as a United States district court judge, Samuel B. Kent has engaged in conduct with respect to employees associated with the court that is incompatible with the trust and confidence placed in him as a judge, as follows:

(1) Judge Kent is a United States District Judge in the Southern District of Texas. From 1990 to 2008, he was assigned to the Galveston Division of the Southern District, and his chambers and courtroom were located in the United States Post Office and Courthouse in Galveston, Texas.

(2) Cathy McBroom was an employee of the Office of the Clerk of Court for the Southern District of Texas, and served as a Deputy Clerk in the Galveston Division assigned to Judge Kent's courtroom.

(3) On one or more occasions between 2003 and 2007, Judge Kent sexually assaulted Cathy McBroom, by touching her private areas directly and through her clothing against her will and by attempting to cause her to engage in a sexual act with him.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

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ARTICLE II

Incident to his position as a United States district court judge, Samuel B. Kent has engaged in conduct with respect to employees associated with the court that is incompatible with the trust and confidence placed in him as a judge, as follows:

(1) Judge Kent is a United States District Judge in the Southern District of Texas. From 1990 to 2008, he was assigned to the Galveston Division of the Southern District, and his chambers and courtroom were located in the United States Post Office and Courthouse in Galveston, Texas.

(2) Donna Wilkerson was an employee of the United States District Court for the Southern District of Texas.

(3) On one or more occasions between 2001 and 2007, Judge Kent sexually assaulted Donna Wilkerson, by touching her in her private areas against her will and by attempting to cause her to engage in a sexual act with him.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.
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,
when in fact and as he knew he had engaged in repeated sexual contact with Donna Wilkerson without her permission.

(B) Judge Kent falsely stated to the Committee that when told by Donna Wilkerson his advances were unwelcome no further contact occurred, when in fact and as he knew, Judge Kent continued such advances even after she asked him to stop.

(5) Judge Kent was indicted and pled guilty and was sentenced to imprisonment for the felony of obstruction of justice in violation of section 1512(c)(2) of title 18, United States Code, on the basis of false statements made to the Committee. The sentencing judge described his conduct as “a stain on the justice system itself”.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE IV

Judge Samuel B. Kent made material false and misleading statements about the nature and extent of his non-consensual sexual contact with Cathy McBroom and Donna Wilkerson to agents of the Federal Bureau of Investigation on or about November 30, 2007, and to agents
of the Federal Bureau of Investigation and representatives of the Department of Justice on or about August 11, 2008.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

Attest: 

NANCY PELOSI,
Speaker of the House of Representatives.

Attest: 

LORRAINE C. MILLER,
Clerk.