

APPENDIX TO

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

2ND EDITION

AUGUST 22, 2018

**BARRY H. BERKE, NOAH BOOKBINDER, AND
NORMAN L. EISEN***

* **Barry H. Berke** is co-chair of the litigation department at Kramer Levin Naftalis & Frankel LLP (Kramer Levin) and a fellow of the American College of Trial Lawyers. He has represented public officials, professionals and other clients in matters involving all aspects of white-collar crime, including obstruction of justice. **Noah Bookbinder** is the Executive Director of Citizens for Responsibility and Ethics in Washington (CREW). Previously, Noah has served as Chief Counsel for Criminal Justice for the United States Senate Judiciary Committee and as a corruption prosecutor in the United States Department of Justice's Public Integrity Section. **Ambassador (ret.) Norman L. Eisen**, a senior fellow at the Brookings Institution, was the chief White House ethics lawyer from 2009 to 2011 and before that, defended obstruction and other criminal cases for almost two decades in a D.C. law firm specializing in white-collar matters. He is the chair and co-founder of CREW.

We are grateful to Sam Koch, Conor Shaw, Michelle Ben-David, Gabe Lezra, and Shaked Sivan for their invaluable assistance in preparing this report.

The Brookings Institution is a nonprofit organization devoted to independent research and policy solutions. Its mission is to conduct high-quality, independent research and, based on that research, to provide innovative, practical recommendations for policymakers and the public. The conclusions and recommendations of any Brookings publication are solely those of its author(s), and do not reflect the views of the Institution, its management, or its other scholars.

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, although this paper solely reflects the views of the authors. The authors have no other relevant interests to disclose.

Table of Contents

A. Facts

A.1 Factual Chronology	4
A.2 James Comey's June 8, 2017 Statement for the Record	132
A.3 Donald Trump Jr.'s Email Exchange with Rob Goldstone	140

B. Applicable Federal Statutes

B.1 18 U.S.C. § 1503	146
B.2 18 U.S.C. § 1505	149
B.3 18 U.S.C. § 1512	152
B.4 18 U.S.C. § 371	157

C. The Authority of the Special Counsel

C.1 Department of Justice Regulations, 28 C.F.R. § 600.1-600.10	159
C.2 Deputy Attorney General Rosenstein's Order No. 3915-2017	163

D. Articles of Impeachment

D.1 Against President Andrew Johnson	165
D.2 Against President Richard M. Nixon	180
D.3 Against President William J. Clinton	184
D.4 Against Judge Harry E. Claiborne	191
D.5 Against Judge Samuel B. Kent	198

Appendix A.1

Factual Chronology

Factual Chronology

This document lists in chronological order facts relating to the Russia investigation, including possible efforts to obstruct it. Some facts are directly relevant to evidence of obstruction, including corrupt intent; other facts provide important context—including background on individuals and subject known to be under investigation as well as key developments in the status of congressional and law enforcement investigations.

The items in this chronology are drawn from public sources, including legal filings, newspaper articles, congressional testimony, social media posts, and interview transcripts that were available at the date of publication.

1984 - 2013

1984: David Bogatin, a former pilot in the Soviet Army, buys five luxury condos in Trump Tower for \$6 million. Donald J. Trump, the tower's owner and the president of a family real estate business that he took over from his father, personally attends the deal's closing. The condos are later seized by the government after Bogatin flees the country following his implication in Russian mob activity.¹

1986: Donald J. Trump meets Soviet Ambassador Yuri Dubinin at a luncheon and, according to Trump, talks about the possibility of a luxury hotel across from the Kremlin.²

July 1987: Trump travels to Moscow with his then-wife Ivana on a trip seemingly encouraged by the Soviet tourism agency.³ During the trip, Trump visits several potential developments sites in Moscow.⁴ In the ensuing decades, the Trump organizations would make several attempts to develop property in Moscow.⁵

1990-1992: Trump and his businesses face enormous financial difficulties.⁶ By 1990, Trump and his businesses reportedly amass \$3.4 billion in debt, nearly \$1 billion of which Trump is personally liable for.⁷ Several Trump development properties declare bankruptcy, including the

¹ Craig Unger, Trump's Russian Laundromat, *The New Republic*, Jul. 13, 2017, available at <https://newrepublic.com/article/143586/trumps-russian-laundromat-trump-tower-luxury-high-rises-dirty-money-international-crime-syndicate>.

² Paula Span, When Trump hoped to meet Gorbachev in Manhattan, *Washington Post*, Dec. 3, 1998, available at https://www.washingtonpost.com/lifestyle/style/from-the-archives-when-trump-hoped-to-meet-gorbachev-in-manhattan/2017/07/10/3f570b42-658c-11e7-a1d7-9a32c91c6f40_story.html.

³ *Id.*

⁴ *Id.*

⁵ Megan Twohey and Steve Eder, For Trump, Three Decades of Chasing Deals in Russia, *New York Times*, Jan. 16, 2017, available at <https://www.nytimes.com/2017/01/16/us/politics/donald-trump-russia-business.html>.

⁶ Diana B. Henriques and M.A. Farber, An Empire at Risk - Trump's Atlantic City; Debt Forcing Trump to Play for Higher Stakes, *New York Times*, Jun. 7, 1990, available at <https://www.nytimes.com/1990/06/07/business/empire-risk-trump-s-atlantic-city-debt-forcing-trump-play-for-higher-stakes.html>.

⁷ Russ Buettner and Charles V. Bagli, Donald Trump's Business Decisions in '80s Nearly Led Him to Ruin, *New York Times*, Oct. 3, 2016, available at <https://www.nytimes.com/2016/10/04/nyregion/donald->

Trump Taj Mahal casino in Atlantic City, New Jersey; Trump Castle in Atlantic City, New Jersey; the Trump Plaza and Casino in Atlantic City, New Jersey; and the Plaza Hotel in New York, New York.⁸ Following these bankruptcies, Trump reportedly has difficulty securing loans from U.S. banks.⁹

November 1996: Trump announces plans to build two Trump-branded luxury residential buildings in Moscow.¹⁰ Neither building is constructed, and it is not clear that negotiations between Trump and Russian authorities ever took place.¹¹

1998: The Russian government defaults on \$40 billion in debt, leading to a financial panic.¹²

Late 1990s: Approximately 65 units in Trump World Tower in New York are purchased by Russian buyers looking for real estate investments.¹³

Mid-2000s: Renewed efforts to explore building a Trump Tower in Moscow fail to move forward.¹⁴

2001: Trump strikes a deal with Michael and Gil Dezer to add Trump's brand to six buildings in Sunny Isles, Florida. Over the ensuing 16 years, Russian nationals would buy nearly \$100 million in property from these six buildings and another Trump property in southern Florida.¹⁵

June 2006: During a season finale of "The Apprentice," Donald Trump announces the Trump SoHo, a new luxury housing development to be built in New York. Their partners on the project include Felix Sater and Tefvik Arif of Bayrock Group, a Brooklyn-based real estate firm.¹⁶ Sater and Arif, both immigrants from the Soviet Union, have been alleged to have deep connections

trump-taxes-debt.html?_r=0.

⁸ Linda Qiu, [Yep, Donald Trump's companies have declared bankruptcy...more than four times](https://www.politifact.com/truth-o-meter/statements/2016/jun/21/hillary-clinton/yep-donald-trumps-companies-have-declared-bankrupt/), *Politifact*, Jun. 21, 2016, available at <https://www.politifact.com/truth-o-meter/statements/2016/jun/21/hillary-clinton/yep-donald-trumps-companies-have-declared-bankrupt/>.

⁹ See Luke Harding, Stephanie Kirchgaessner, Nick Hopkins, and David Smith, [Deutsche Bank examined Donald Trump's account for Russia links](https://www.theguardian.com/us-news/2017/feb/16/deutsche-bank-examined-trump-account-for-russia-links), *Guardian*, Feb. 16, 2017, available at <https://www.theguardian.com/us-news/2017/feb/16/deutsche-bank-examined-trump-account-for-russia-links>; William D. Cohan, [What Exactly Is Donald Trump's Deal?](https://www.theatlantic.com/magazine/archive/2013/04/whats-the-deal-with-donald-trump/309261/), *Atlantic*, Apr. 2013, available at <https://www.theatlantic.com/magazine/archive/2013/04/whats-the-deal-with-donald-trump/309261/>.

¹⁰ Jeff Grocott, [Trump Lays Bet on New Moscow Skyline](http://old.themoscowtimes.com/news/article/tmt/316249.html), *The Moscow Times*, Nov. 12, 1996, available at <http://old.themoscowtimes.com/news/article/tmt/316249.html>.

¹¹ *Id.*; [Twohey](#) and Steve Eder, *New York Times*, Jan. 16, 2017.

¹² Andrew Kramer, [Investors Welcome Russia's Return to Foreign Bond Market](https://www.nytimes.com/2010/04/23/business/global/23ruble.html), *New York Times*, April 22, 2010, available at <https://www.nytimes.com/2010/04/23/business/global/23ruble.html>.

¹³ Oren Dorell, [Why does Donald Trump like Russians? Maybe because they love his condos](https://www.usatoday.com/story/news/world/2016/12/15/donald-trump-russia-wealthy-condo-buyers/95464922/), *USA Today*, Dec. 15, 2016, available at <https://www.usatoday.com/story/news/world/2016/12/15/donald-trump-russia-wealthy-condo-buyers/95464922/>.

¹⁴ [Twohey](#) and Steve Eder, *New York Times*, Jan. 16, 2017.

¹⁵ Nathan Layne, Ned Parker, Svetlana Reiter, Stephen Grey and Ryan McNeill, [Russian elite invested nearly \\$100 million in Trump buildings](https://www.reuters.com/investigates/special-report/usa-trump-property/#graphic-florida), *Reuters*, Mar. 17, 2017, available at <https://www.reuters.com/investigates/special-report/usa-trump-property/#graphic-florida>.

¹⁶ Jesse Eisinger, Justin Elliott, Andrea Bernstein, and Ilya Marritz, [Ivanka and Donald Trump Jr. Were Close to Being Charged with Felony Fraud](https://www.propublica.org/article/ivanka-donald-trump-jr-close-to-being-charged-felony-fraud), *ProPublica*, Oct. 4, 2017, available at <https://www.propublica.org/article/ivanka-donald-trump-jr-close-to-being-charged-felony-fraud>.

with organized crime and Russian oligarchs.¹⁷ The Trump Organization had previously hired Bayrock to find a location for a Trump-branded tower in Moscow in 2005.¹⁸

June 2008: At a real estate conference, Donald Trump Jr. states that the Trump organization would like to develop property in Moscow, St. Petersburg, and Sochi.¹⁹

July 15, 2008: Dmitry Rybolovlev, a Russian billionaire oligarch, purchases the Maison de l'Amitie, a Palm Beach mansion, from Donald Trump for \$95 million. Trump had purchased the property for \$41 million four years prior.²⁰

September 2008: In an interview, Donald Trump Jr. says that Russian investors make up a “disproportionate cross-section” of a lot of the Trump Organization’s assets:

And in terms of high-end product influx into the US, Russians make up a pretty disproportionate cross-section of a lot of our assets; say in Dubai, and certainly with our project in SoHo and anywhere in New York. We see a lot of money pouring in from Russia. There’s indeed a lot of money coming for new-builds and resale reflecting a trend in the Russian economy and, of course, the weak dollar versus the ruble.²¹

May 2009: Alexandre Ventura Nogueira, a leading broker for the Trump Ocean Club development in Panama since 2006, is arrested on fraud charges by the Panamanian government. Under investigation for international money laundering, Nogueira flees the country in 2012. In a 2017 interview, Nogueira tells Reuters that he learned after the Ocean Club project’s conclusion that some of the development’s partners and investors were criminals with connections to the “Russian mafia.”²²

2009-2010: The Trump SoHo development is marketed heavily in Russian-language magazines and real-estate publications.²³

2010: For about a year, Felix Sater works for the Trump Organization as a “Senior Advisor to Donald Trump” and is given a Trump Organization email address, as well as an office in Trump Tower.²⁴

¹⁷ Charles V. Bagli, Real Estate Executive With Hand in Trump Projects Rose From Tangled Past, *New York Times*, Dec. 17, 2007, available at <https://www.nytimes.com/2007/12/17/nyregion/17trump.html>; Unger, *The New Republic*, Jul. 13, 2017.

¹⁸ Twohey and Steve Eder, *New York Times*, Jan. 16, 2017.

¹⁹ *Id.*

²⁰ Glenn Garvin, Donald Trump and the mansion that no one wanted. Then came a Russian fertilizer king, *Miami Herald*, Feb. 27, 2017, available at <https://www.miamiherald.com/news/business/article135187364.html>.

²¹ Hazel Heyer, Executive Talk: Donald Trump Jr. bullish on Russia and few emerging markets, *eTurboNews*, Sept. 15, 2008, available at <https://www.eturbonews.com/9788/executive-talk-donald-trump-jr-bullish-russia-and-few-emerging-ma>.

²² Ned Parker, Stephen Grey, Stefanie Eschenbacher, Roman Anin, Brad Brooks, and Christine Murray, Ivanka and the fugitive from Panama, *Reuters*, Nov. 17, 2017, available at <https://www.reuters.com/investigates/special-report/usa-trump-panama/>.

²³ Philip Bump, Here’s how Trump Soho was marketed to Russians, *Washington Post*, Apr. 2, 2018, available at <https://www.washingtonpost.com/news/politics/wp/2018/04/12/heres-how-trump-soho-was-marketed-to-russians/>.

²⁴ Richard Behar, Donald Trump And The Felon: Inside His Business Dealing With A Mob-Connected Hustler, *Forbes*, Oct. 25, 2016, available at

2010: Alexander Shnaider, the Canadian developer behind the Trump International Hotel and Tower in Toronto, sells his company's share in a Ukrainian steelmaker to the Russian state-owned bank Vnesheconombank, or VEB, for \$850 million. At the time, VEB was chaired by Vladimir Putin. Shnaider reportedly uses part of the windfall to finance the Toronto project.²⁵ According to a *Financial Times* investigation, to set up the deal, Shnaider, who has a history of doing business in the former Soviet Union and whose father-in-law reportedly "[has] links to powerful political figures in the former Soviet Union," paid a \$100 million "commission" to middlemen representing Kremlin interests.²⁶

2011-2012: The Trump Organization develops plans to license the Trump brand to a property in Batumi, Georgia.²⁷

May 2012: The Trump Organization partners with developers in Baku, Azerbaijan to build the Trump Tower Baku, a luxury hotel and high-end residential development. The project's local partners are close relatives of Ziya Mammadov, one of Azerbaijan's wealthiest and most notoriously corrupt oligarchs. Mammadov also has political connections to the Iranian Revolutionary Guard and is suspected of having been involved in extensive money-laundering operations. Contractors on the project are reportedly paid in cash. As of the present, the project remains uncompleted.²⁸

2013: During a visit to Trump National Golf Club Charlotte, Eric Trump reportedly tells golf writer James Dodson that the Trump Organization had funded recent purchases with money from Russian sources: "We have pretty much all the money we need from investors in Russia."²⁹

2013: Viktor Khrapunov and Leila Khrapunova, the former mayor of the Kazakh city of Almaty and his wife, purchase and quickly resell three condos at the Trump SoHo development. Investigators later accuse the couple of using the purchases to launder money stolen from the Kazakh government.³⁰

<https://www.forbes.com/sites/richardbehar/2016/10/03/donald-trump-and-the-felon-inside-his-business-dealings-with-a-mob-connected-hustler/#33720a582282..>

²⁵ Rob Barry, Christopher S. Stewart, and Brett Forrest, Russian State-Run Bank Financed Deal Involving Trump Hotel Partner, *Wall Street Journal*, May 17, 2017, available at <https://www.wsj.com/articles/russian-state-run-bank-financed-deal-involving-trump-hotel-partner-1495031708>.

²⁶ Robert Cribb, Marco Chown Oved, Jeremy Blackman, Sylvia Varnham O'Regan, Micah Maidenbergl, and Susanne Rust, How every investor lost money on Trump Tower Toronto (but Donald Trump made millions anyway), *Toronto Star*, Oct. 21, 2017, available at <https://www.thestar.com/news/world/2017/10/21/how-every-investor-lost-money-on-trump-tower-toronto-but-donald-trump-made-millions-anyway.html>; Oscar Williams-Grut, New investigation says partner in Trump's Toronto hotel raised financing after sending \$100 million to a middleman with Kremlin links, *Business Insider*, Jul. 12, 2018, available at <https://www.businessinsider.com/trump-toronto-tower-financing-linked-to-russia-2018-7>.

²⁷ Adam Davidson, Trump's Business of Corruption, *New Yorker*, Aug. 21, 2017, available at <https://www.newyorker.com/magazine/2017/08/21/trumps-business-of-corruption>.

²⁸ Adam Davidson, Donald Trump's Worst Deal, *New Yorker*, Mar. 13, 2017, available at <https://www.newyorker.com/magazine/2017/03/13/donald-trumps-worst-deal>.

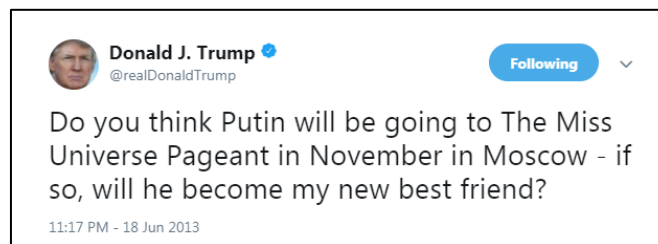
²⁹ Joe Marusak, Eric Trump said Russians financed golf courses, author insists, *Charlotte Observer*, May 14, 2017, available at <https://www.charlotteobserver.com/news/local/article150517907.html>.

³⁰ Cristina Maza, Corruption Case Begins Against Kazakh Couple That Allegedly Laundered Money Through Trump Tower, *Newsweek*, Jul. 26, 2016, available at <https://www.newsweek.com/corruption-case-begins-against-kazakh-couple-allegedly-laundered-money-1044008>.

June 2013: Russian pop star Emin Agalarov, his father Russian billionaire Aras Agalarov, and his publicist Rob Goldstone travel to Las Vegas to close a deal with Donald J. Trump. Goldstone had reached out to the Miss Universe Organization, which Trump co-owned at the time, to inquire whether Emin might cast reigning Miss Universe Olivia Culpo in a music video.³¹ As part of the deal, Emin Agalarov and Goldstone suggested that the Agalarovs host the Miss Universe Pageant in Moscow; with Trump's support, this arrangement was approved by the Miss Universe board of directors.³²

Donald Trump's ties to Russia run deep. In 2013, Trump helped bring the Miss Universe Pageant to Moscow.

June 18, 2013: Trump tweets,



33

November 8-10, 2013: Trump travels to Moscow to attend the Miss Universe pageant.³⁴ Trump's bodyguard, Keith Schiller, later testifies that on Trump's first day in Moscow, someone offered to send five women to Trump's hotel room at the Ritz-Carlton, which Schiller says he rejected.³⁵ One salacious and unverified detail in intelligence reports later gathered by former British intelligence operative Christopher Steele alleges that President Trump consorted with prostitutes during this trip; however, President Trump has publicly refuted this story.³⁶ Russian President Vladimir Putin does not attend the pageant, but Trump boasted about meeting important people at the event and likely met a number of wealthy prospective business partners.³⁷

³¹ Jeffrey Toobin, *Trump's Miss Universe Gambit*, *New Yorker*, Feb. 26, 2018, available at <https://www.newyorker.com/magazine/2018/02/26/trumps-miss-universe-gambit>.

³² *Id.*

³³ <https://twitter.com/realdonaldtrump/status/347191326112112640>.

³⁴ Toobin, *New Yorker*, Feb. 26, 2018.

³⁵ *Id.*

³⁶ Ken Bensinger, Miriam Elder, and Mark Schoofs, *These Reports Allege Trump Has Deep Ties to Russia*, *BuzzFeed News*, Jan. 10, 2017, available at https://www.buzzfeed.com/kenbensinger/these-reports-allege-trump-has-deep-ties-to-russia?utm_term=.urx58BvNO#.em60edvNQ; Steele Dossier, available at <https://www.documentcloud.org/documents/3259984-Trump-Intelligence-Allegations.html>.

³⁷ Toobin, *New Yorker*, Feb. 26, 2018.

2014

2014: According to a federal indictment filed on February 16, 2018, beginning as early as 2014, Internet Research Agency LLC conducts operations to interfere with the U.S. political system, including the 2016 presidential election.³⁸ These efforts are financed by Yevgeniy Viktorovich Prigozhin and companies he controls, including Concord Management and Consulting LLC and Concord Catering.³⁹ 13 individuals allegedly worked at Internet Research Agency to carry out its interference operations.⁴⁰

Russian efforts to interfere in the 2016 election begin as early as 2014.

June 4-26, 2014: Two Russians associated with the Internet Research Agency travel to the United States, including stops in Nevada, Colorado, Michigan, and six other states) to gather intelligence for the Agency's efforts to interfere with the 2016 election.⁴¹

November 26-30, 2014: Another co-conspirator working for Internet Research Agency travels to Atlanta, Georgia.⁴²

2015

“In or around” 2015: Internet Research Service and its agents begin to purchase social media advertisements as part of their efforts to influence American politics.⁴³

March 2015: Mariia Butina, a Russian national who founded and ran Right to Bear Arms, an organization to promote the gun rights movement in Russia, emails a “U.S. Person” in which she mentions a project to build relationships with an American political party through a gun rights organization.⁴⁴ Butina reportedly received financial support from Russian oligarch Konstantin Nikolaev when she launched the group sometime between 2012 and 2104.⁴⁵

³⁸ Indictment, U.S. v. Internet Research Agency, No. 18-cr-32 (D.D.C. Feb. 16, 2018) (henceforth Russian Interference Indictment) at ¶¶ 1-2, available at <https://www.justice.gov/file/1035477/download>.

³⁹ *Id.* at ¶ 3.

⁴⁰ *Id.* at ¶ 2.

⁴¹ *Id.* at ¶ 30.c.

⁴² *Id.* at ¶ 30.d.

⁴³ *Id.* at ¶ 35.

⁴⁴ Rosalind S. Helderman, Tom Jackman, and Devlin Barrett, Maria Butina, Russian gun-rights advocate who sought to build ties with NRA, charged with acting as a covert Russian agent, *Washington Post*, Jul. 16, 2018, available at <https://www.lawfareblog.com/document-justice-department-releases-carter-page-fisa-application>; Affidavit in Support of an Application for a Criminal Complaint, *In the Matter of an Application for A Criminal Complaint for Mariia Butina, a/k/a Maria Butina* (D.D.C. Jul. 14, 2018) (henceforth “Butina Affidavit”), available at <https://www.justice.gov/opa/press-release/file/1080766/download>.

⁴⁵ Rosalind S. Helderman, Russian billionaire with U.S. investments backed alleged agent Maria Butina, according to a person familiar with her Senate testimony, *Washington Post*, Jul. 22, 2017, available at https://www.washingtonpost.com/politics/russian-billionaire-with-us-investments-backed-alleged-agent-maria-butina-according-to-a-person-familiar-with-her-senate-testimony/2018/07/22/dcaa7f48-8c58-11e8-a345-a1bf7847b375_story.html.

June 16, 2015: Donald J. Trump announces his candidacy for president.⁴⁶

June 2015: Lt. General (Ret.) Michael Flynn travels to Egypt and Israel on behalf of X-Co Dynamics Inc./Iron Bridge Group to explore a U.S.-Russia partnership to build and operate nuclear plants in the Middle East.⁴⁷

July 2015: George Papadopoulos, a self-described oil, gas and policy consultant,⁴⁸ contacts Candidate Trump's campaign manager Corey Lewandowski to express a reported "early and intense interest in joining Trump's presidential bid."⁴⁹

July 26, 2015: In a memo dated July 26, 2015, Orbis Business Intelligence (Orbis), an investigative research firm founded by former British Secret Intelligence Service officers Christopher Steele and Christopher Burrows,⁵⁰ explains that Russia has an "extensive programme of state-sponsored offensive cyber operations."⁵¹

Late summer, 2015: Lt. General (Ret.) Flynn first meets with candidate Donald Trump.⁵²

August 2015: George Papadopoulos contacts deputy Trump campaign manager Michael Glassner, explaining that "[t]he reason for my message is because I have been in touch with Mr. Corey Lewandowski since early last month about obtaining an advisory role to Mr. Trump on matters of energy security and U.S. policy in the Eastern Mediterranean."⁵³ Papadopoulos corresponds for months with both Lewandowski and Glassner, who initially tell him that no positions are available.⁵⁴

Also in August 2015, alleged Russian agent Mariia Butina helps arrange a meeting between a Russian official and a U.S. congressman during a Congressional Delegation trip to Moscow.⁵⁵

⁴⁶ Jose A. DelReal, Donald Trump Announces Presidential Bid, *Washington Post*, Jun 16, 2015, available at https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/donald-trump-to-announce-his-presidential-plans-today/?utm_term=.094ea71896f7.

⁴⁷ Jeff Stein, Michael Flynn, Russia, and a Grand Scheme to Build Nuclear Power Plants in Saudi Arabia and the Arab World, *Newsweek*, Jun. 9, 2017, available at <http://www.newsweek.com/2017/06/23/flynn-russia-nuclear-energy-middle-east-iran-saudi-arabia-qatar-israel-donald-623396.html>.

⁴⁸ Jeremy Herb and Marshall Cohen, Who is George Papadopoulos?, *CNN*, Oct. 20, 2017, available at <https://www.cnn.com/2017/10/30/politics/who-is-george-papadopoulos/index.html>.

⁴⁹ Rosalind S. Helderman and Tom Hamburger, 'You should do it': Trump officials encouraged George Papadopoulos's foreign outreach, documents show, *The Washington Post*, Mar. 23, 2018, available at https://www.washingtonpost.com/politics/you-should-do-it-trump-officials-encouraged-george-papadopoulos-foreign-outreach-documents-show/2018/03/23/2dae8c8e-2d38-11e8-8688-e053ba58f1e4_story.html?utm_term=.c2eb4efe224c.

⁵⁰ *Id.*; Tom Hamburger and Rosalind S. Helderman, Hero or hired gun? How a British former spy became a flash point in the Russia investigation, *Washington Post*, Feb. 6, 2017, available at https://www.washingtonpost.com/politics/hero-or-hired-gun-how-a-british-former-spy-became-a-flash-point-in-the-russia-investigation/2018/02/06/94ea5158-0795-11e8-8777-2a059f168dd2_story.html?utm_term=.cda24d7fddfb.

⁵¹ Steele Dossier at 4.

⁵² Dana Priest, Trump Adviser Michael T. Flynn on His Dinner with Putin and Why Russia Today Is Just Like CNN, *Washington Post*, Aug. 15, 2016, available at https://www.washingtonpost.com/news/checkpoint/wp/2016/08/15/trump-adviser-michael-t-flynn-on-his-dinner-with-putin-and-why-russia-today-is-just-like-cnn/?utm_term=.b55b6f01d9eb.

⁵³ Helderman and Hamburger, *Washington Post*, Mar. 23, 2018.

⁵⁴ *Id.*

⁵⁵ Butina Affidavit at ¶ 22.

September 2015: Opposition research firm Fusion GPS is hired by Republican opponents of Mr. Trump.⁵⁶

Also in September 2015, the FBI's Washington Field Office notifies the Democratic National Committee (DNC) that Russians had hacked at least one of its computers.⁵⁷

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.⁵⁸ Felix Sater, (a New York real estate mogul who was previously convicted of racketeering, reportedly has ties to the mafia, and was also an informant for the CIA and the FBI) proposed trying to revive the deal by emailing President Putin's lieutenant.⁵⁹

Donald Trump explores business deals in Russia months after he announces his candidacy for President.

November 2015: After repeated attempts to alert the DNC of Russian hacking, the FBI calls to inform the DNC that one of its computers is sending information to Russia.⁶⁰

The same month, Ivanka Trump, Executive Vice President of Development and Acquisition at the Trump Organization, reportedly tells Michael Cohen, Trump Organization executive vice president and special counsel to Donald Trump,⁶¹ to speak with former Olympic weightlifter Dmitry Klokov. In a subsequent email exchange between Cohen and Klokov, Klokov offers to arrange a meeting between Donald Trump and President Putin. Cohen rejects the meeting; Klokov copies Ivanka Trump into a final "brusque message." Later, Ivanka Trump's spokesperson releases a statement saying that "Ms. Trump did not know and never spoke to Dmitry Klokov." ⁶²

⁵⁶ Kim Sengupta, Former MI6 Agent Christopher Steele's Frustration as FBI Sat on Donald Trump Russia File for Months, *Independent*, Jan. 13, 2017, available at <http://www.independent.co.uk/news/world/americas/donald-trump-russia-dossier-file-investigation-hacking-christopher-steele-mi6-a7526901.html>.

⁵⁷ Jim Sciutto, How one typo helped let Russian hackers in, *CNN*, Jun. 27, 2017, available at <https://www.cnn.com/2017/06/27/politics/russia-dnc-hacking-csr/index.html>.

⁵⁸ Rosalind S. Helderman, Carol D. Leonnig, and Tom Hamburger, Top Trump Organization Executive Asked Putin Aide for Help on Business Deal, *Washington Post*, Aug. 28, 2017, available at https://www.washingtonpost.com/politics/top-trump-organization-executive-reached-out-to-putin-aide-for-help-on-business-deal/2017/08/28/095aebac-8c16-11e7-84c0-02cc069f2c37_story.html.

⁵⁹ *Id.*; Andrew Rice, The Original Russia Connection, *NY Magazine*, Aug. 3, 2017, available at <http://nymag.com/daily/intelligencer/2017/08/felix-sater-donald-trump-russia-investigation.html>; Anthony Cormier and Jason Leopold, How A Player In The Trump-Russia Scandal Led a Double Life As An American Spy, *BuzzFeed*, Mar. 12, 2018, available at <https://www.buzzfeed.com/anthonymcormier/felix-sater-trump-russia-undercover-us-spy>.

⁶⁰ Sciutto, *CNN*, Jun. 27, 2017.

⁶¹ Rosalind S. Helderman, Michael Cohen will stay Trump's personal attorney — even in the White House, *Washington Post*, Jan. 19, 2018, available at https://www.washingtonpost.com/news/post-politics/wp/2017/01/19/michael-cohen-special-counsel-to-donald-trump-will-follow-him-to-washington/?utm_term=.a0353b3319f4.

⁶² Anthony Cormier, Jason Leopold, and Emma Loop, Ivanka Trump Was In Contact With A Russian Who Offered A Trump-Putin Meeting, *Buzzfeed*, Jun. 6, 2018, available at https://www.buzzfeed.com/anthonymcormier/ivanka-trump-putin-moscow-meeting-michael-cohen-tower?utm_term=.otGqW48A0#.thmkP5G6o.

November 3, 2015: Felix Sater 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 Putin.⁶³ He writes, “Buddy our boy can become President of the USA and we can engineer it. I will get all of Putin’s team to buy in on this.”⁶⁴

“Late” 2015: British spy agencies become aware of suspicious “interactions” between individuals with connections to Trump and confirmed or possible Russian agents. British intelligence shares this information with their U.S. counterparts as part of a routine exchange of information.⁶⁵

British intelligence agencies inform their U.S. counterparts of suspicious interactions between Trump associates and possible Russian agents.

December 2015: Lt. General (Ret.) Flynn participates in a celebration of Russia Today, Russia’s state-financed television network in Moscow. Flynn receives \$45,000 in compensation for speaking at the event.⁶⁶

2016

Early-to-Mid 2016: According to court filings, Internet Research Agency LLC develops “a strategic goal to sow discord in the U.S. political system, including the 2016 U.S. presidential election” and “by early to mid-2016, [the agency and its employees’] operations include[] supporting the presidential campaign of then-candidate Donald J. Trump . . . and disparaging Hillary Clinton.”⁶⁷

Early January 2016: Carter Page, a former investment banker and self-described foreign policy expert,⁶⁸ begins working with the Trump campaign on an informal, unpaid basis.⁶⁹

⁶³ Matt Apuzzo and Maggie Haberman, Trump Associate Boasted That Moscow Business Deal ‘Will Get Donald Elected’, *New York Times*, Aug. 28, 2017, available at https://www.nytimes.com/2017/08/28/us/politics/trump-tower-putin-felix-sater.html?_r=1.

⁶⁴ Minority Views re: Report on Russian Active Measures, March 22, 2018, *House Permanent Select Committee on Intelligence Minority*, available at https://www.justsecurity.org/wp-content/uploads/2018/04/House_minority.pdf, at 51.

⁶⁵ Luke Harding, Stephanie Kirchgaessner and Nick Hopkins, British spies were first to spot Trump team’s links with Russia, *Guardian*, Apr. 13, 2017, available at <https://www.theguardian.com/uk-news/2017/apr/13/british-spies-first-to-spot-trump-team-links-russia>.

⁶⁶ Polina Devitt, Putin’s Dinner with Michael Flynn: ‘I Didn’t Even Really Talk to Him’, *Reuters*, June 4, 2017, available at <http://www.reuters.com/article/us-russia-usa-putin-idUSKBN18V0XZ>; Robert Windrem, Guess Who Came to Dinner with Flynn and Putin, *NBC News*, Apr. 18, 2017, available at <http://www.nbcnews.com/news/world/guess-who-came-dinner-flynn-putin-n742696>.

⁶⁷ Russian Interference Indictment at ¶ 6.

⁶⁸ William Cummings, Who is former Trump adviser Carter Page and why is he at the center of the Nunes memo?, *USA Today*, Feb. 6, 2018, available at <https://www.usatoday.com/story/news/politics/onpolitics/2018/02/06/who-carter-page/308512002/>.

⁶⁹ Testimony of Carter Page at 10, *U.S. House Permanent Select Committee on Intelligence*, Nov. 2, 2017, (henceforth “Page Testimony”), available at https://intelligence.house.gov/uploadedfiles/carter_page_hpsci_hearing_transcript_nov_2_2017.pdf. Note that all page citations refer to transcript pagination, not that of the pdf.

Mid-January 2016: Michael Cohen sends an email to Dmitry Peskov, the personal spokesman of President 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.”⁷⁰

February 2016: Paul Erickson, a Republican political operative from South Dakota, forms Bridges LLC with Mariia Butina, a Russian agent. Erickson later claims that Bridges LLC made monetary assistance available to Butina for her graduate studies.⁷¹

In July 2018, Butina is later indicted for charges associated with allegations that she tried to cultivate relationships with American politicians and interest groups, possibly as part of an effort to establish a back channel to American political operatives.⁷² Butina has close ties to Alexander Torshin, a deputy governor of the Russian central bank and who has been identified by media sources as the “Russian Official” who conspired with Butina and directed her directing efforts on behalf of the Russian government.⁷³ Torshin, in turn, has ties to President Putin, Russia’s security services, and organized crime.⁷⁴ Butina and Torshin reportedly worked together to set up Right to Bear Arms and claim to be the only two Russians who hold lifetime memberships to the National Rifle Association (NRA).⁷⁵

February 4, 2016: Alleged Russian agent Butina and Torshin attend the 2016 National Prayer Breakfast in Washington D.C.⁷⁶

February 10, 2016: Internet Research Service’s efforts to interfere in the election develop as an outline of themes for content is circulated internally. Individuals operating fake social media accounts are instructed “to post content that focused on ‘politics in the USA’ and to ‘use any opportunity to criticize Hillary and the rest (except Sanders and Trump—we support them).’”⁷⁷

⁷⁰ Helderman, Leonnig, and Hamburger, *Washington Post*, Aug. 28, 2017.

⁷¹ Peter Stone and Greg Gordon, *FBI investigating whether Russian money went to NRA to help Trump*, *McClatchy*, Jan. 23, 2018, available at <http://www.mcclatchydc.com/news/nation-world/national/article195231139.html>.

⁷² Indictment, *U.S. v. Butina*, No. 18-cr-218 (D.D.C. Jul. 18, 2018) (henceforth Butina Indictment); Helderman, Jackman, and Barrett, *Washington Post*, Jul. 16, 2018.

⁷³ Stone and Gordon, *McClatchy*, Jan. 23, 2018; Darren Samuelsohn, *U.S. adds second charge against Russian national linked to NRA*, *Politico*, Jul. 17, 2018, available at <https://www.politico.com/story/2018/07/17/russia-nra-foreign-agent-728305>. See also Ken Dilanian and Carol E. Lee, *Kushner failed to disclose outreach from Putin ally to Trump campaign*, *NBC News*, Nov. 18, 2017, available at <https://www.nbcnews.com/news/us-news/kushner-failed-disclose-outreach-putin-ally-trump-campaign-n822021>.

⁷⁴ *Id.*

⁷⁵ https://twitter.com/torshin_ru/status/796465054094868480; Denise Clifton and Mark Follman, *The Very Strange Case of Two Russian Gun Lovers, the NRA, and Donald Trump*, *Mother Jones*, Mar. 8, 2018, available at <https://www.motherjones.com/politics/2018/03/trump-russia-nra-connection-maria-butina-alexander-torshin-guns/> (translating Torshin’s tweet as: “Today in NRA (USA) I know only 2 people from the Russian Federation with the status of ‘Life Member’: Maria Butina and I.”).

⁷⁶ Butina Affidavit at ¶ 26.

⁷⁷ Russian Interference Indictment at ¶ 43a.

February 26, 2016: *Reuters* reports that Trump is receiving foreign policy advice from Flynn.⁷⁸

Spring, 2016: Multiple European allies pass information to U.S. intelligence agencies about contacts between the Trump campaign and Russia.⁷⁹

March 2016: The FBI interviews Carter Page, a PhD and business school graduate who lived in Russia and who claims to be an expert in Russia and energy issues,⁸⁰ about his contacts with Russian intelligence.⁸¹

The FBI interviews Carter Page about his contacts with Russian intelligence agents the same month that he is named a member of the Trump campaign's foreign policy committee.

George Papadopoulos learns that he will be a foreign policy advisor for the Campaign in "early March."⁸² Papadopoulos also claims that Trump called him personally after he joined the campaign and that Trump personally invited him to a campaign event later in the month.⁸³

According to a federal indictment obtained July 13, 2018, starting in at least March 2016, Russian military officers working for the Main Intelligence Directorate of the General Staff (GRU) begin hacking the email accounts of volunteers and employees of the campaign of eventual Democratic candidate for president, Hillary Clinton as well as the computer networks of the Democratic National Committee and the Democratic Congressional Campaign Committee. .⁸⁴

March 3, 2016: Trump names then-Senator Jeff Sessions as chairman of his campaign's national security advisory committee.⁸⁵

⁷⁸ Mark Hosenball and Steve Holland, *Trump Being Advised by Ex-U.S. Lieutenant General Who Favors Closer Russia Ties*, *Reuters*, Feb. 26, 2016, available at <http://www.reuters.com/article/us-usa-election-trump-advisor-idUSMTZSAPEC2Q6G3JRH>.

⁷⁹ Full transcript: Sally Yates and James Clapper testify on Russian election interference, *Washington Post*, May 8, 2017, available at https://www.washingtonpost.com/news/post-politics/wp/2017/05/08/full-transcript-sally-yates-and-james-clapper-testify-on-russian-election-interference/?utm_term=.cbd26a5caa7c (Henceforth "Yates and Clapper Testimony").

⁸⁰ Julia Ioffe, *Who Is Carter Page?*, *Politico Magazine*, Sept. 23, 2016, available at <https://www.politico.com/magazine/story/2016/09/the-mystery-of-trumps-man-in-moscow-214283>.

⁸¹ *Minority Memo re: Correcting the Record – the Russia Investigation*, *House Permanent Select Committee on Intelligence Minority*, Jan. 29, 2018, https://democrats-intelligence.house.gov/uploadedfiles/redacted_minority_memo_2.24.18.pdf (This memo was released to the public on Feb. 24, 2018).

⁸² Statement of the Offense, *U.S. v. Papadopoulos*, 17-cr-182 (Oct. 5, 2017), available at <https://www.justice.gov/file/1007346/download> (henceforth "Papadopoulos Stmt.")

⁸³ Josh Meyer, *Papadopoulos claimed Trump phone call and larger campaign role*, *Politico*, Nov. 17, 2017, available at <https://www.politico.com/story/2017/11/17/george-papadopoulos-trump-greece-russia-245668>.

⁸⁴ *Indictment at ¶¶ 1-2, U.S. v. Netyksho*, No. 18-cr-215 (D.D.C. Jul. 13) (henceforth "Netyksho Indictment"), available at <https://www.justice.gov/file/1080281/download>.

⁸⁵ Tom LoBianco, *Trump Taps Sessions to Lead National Security Efforts*, *CNN*, Mar. 3, 2016, available at <http://www.cnn.com/2016/03/03/politics/donald-trump-jeff-sessions-national-security/index.html>.

March 6, 2016: During a conversation with a “supervisory campaign official”, Papadopoulos learns that “a principal foreign policy focus of the campaign [is] an improved U.S. relationship with Russia.”⁸⁶

March 11, 2016: Preet Bharara, United States Attorney for the Southern District of New York and John P. Carlin, Assistant Attorney General for National Security, announces that Russian national Evgeny Buryakov has pled guilty to conspiring to act as a foreign agent of Russia in the United States without providing notice to the Attorney General (a violation of the Foreign Agents Registration Act).⁸⁷ According to the Department of Justice, Buryakov “operated under ‘non-official cover,’ meaning he entered and remained in the United States as a private citizen, posing as an employee in the Manhattan office of a Russian bank, Vnesheconombank, also known as ‘VEB.’”⁸⁸ Buryakov and his co-defendants “targeted [Carter] Page for recruitment.”⁸⁹ These facts are later used to support the Department of Justice’s application for a warrant to monitor Carter Page under the Foreign Intelligence Surveillance Act.⁹⁰

March 14, 2016: While travelling in Italy, Papadopoulos meets with Joseph Mifsud, a professor with ties to the Russian government. The professor takes great interest in Papadopoulos after Papadopoulos tells him that he has joined the Trump campaign.⁹¹

On the same day, Mariia Butina emails a “U.S. person” in an effort to “exploit a relationship” as part of her efforts on behalf of the Russian federation.⁹²

March 19, 2016: Russian military officers send a spearphishing email to Hillary Clinton’s campaign chairman, John Podesta, that included instructions to change his password by clicking a link that took him to website created by the Russian officers purporting to allow him to change his Google password. Podesta followed the instructions, and the information he provided gave Russian officers access to his email account.⁹³ Russian military officers continue using spearphishing attacks on individuals associated with the Clinton campaign in to the summer of 2016.⁹⁴

Russian military officers hack the email account of John Podesta, Hillary Clinton’s campaign chairman.

⁸⁶ Papadopoulos Stmt. at ¶ 9.

⁸⁷ Evgeny Buryakov Pleads Guilty In Manhattan Federal Court In Connection With Conspiracy To Work For Russian Intelligence, U.S. Attorney’s Office for the Southern District of New York, Mar. 11, 2016, available at <https://www.justice.gov/usao-sdny/pr/evgeny-buryakov-pleads-guilty-manhattan-federal-court-connection-conspiracy-work>.

⁸⁸ *Id.*

⁸⁹ Minority Memo re: Correcting the Record – the Russia Investigation at 3; see also Page Testimony at 45.

⁹⁰ Department of Justice, Foreign Intelligence Surveillance Court Application, Oct. 21, 2016 at 8, available at https://democrats-intelligence.house.gov/uploadedfiles/redacted_minority_memo_2.24.18.pdf.

⁹¹ Papadopoulos Stmt.; Karla Adam, Jonathan Krohn and Griff Witte, Professor at center of Russia disclosures claimed to have met with Putin, *Washington Post*, Oct. 31, 2017, https://www.washingtonpost.com/world/professor-named-in-russia-disclosures-says-he-has-clean-conscious/2017/10/31/41a7a08e-be3b-11e7-959c-fe2b598d8c00_story.html?utm_term=.eba58abbd06d.

⁹² Butina Indictment at ¶ 9.a.

⁹³ Netyksho Indictment at ¶ 21a.

⁹⁴ *Id.* at 22.

March 21, 2016: During an interview with the *Washington Post*'s editorial board, Trump is asked to share the names of the members of his foreign policy team. Trump says, "Well, I hadn't thought of doing it, but if you want I can give you some of the names... Walid Phares, who you probably know, PhD, adviser to the House of Representatives caucus, and counter-terrorism expert; Carter Page, PhD; George Papadopoulos, he's an energy and oil consultant, excellent guy; the Honorable Joe Schmitz, [former] inspector general at the Department of Defense; [retired] Lt. Gen. Keith Kellogg; and I have quite a few more."⁹⁵

Sometime after Page joins the campaign, he is invited to speak at the New Economic School, a university in Moscow.⁹⁶

Russian military officers download the contents of Podesta's email account, including over 50,000 emails.⁹⁷

March 24: At a meeting in London, Mifsud introduces Papadopoulos to a woman named Olga Polonskaya (note that some news reports have referred to her by her maiden name, Olga Vinogradova).⁹⁸ Mifsud claims that Polonskaya is a "relative of Russian President Vladimir Putin with connections to senior Russian government officials."⁹⁹ (Papadopoulos initially described Polonskaya to others in the campaign as "Putin's niece"; however, he later learned that she was in fact unrelated to the Russian President.¹⁰⁰)

Afterwards, Papadopoulos informs Sam Clovis, his "campaign supervisor" and Trump's national campaign co-chair,¹⁰¹ and several other members of the Campaign's foreign policy team about the meeting and explained that he, Mifsud, and Polonskaya had discussed arranging "a meeting between us and the Russian leadership to discuss U.S.-Russia ties under President Trump."¹⁰² In response, Clovis writes that he would "work it through the campaign," but that no commitments should be made. Clovis also adds, "Great work."¹⁰³

Papadopoulos reports progress on establishing Russian contacts to his supervisor on the Trump campaign.

⁹⁵ Post Opinions Staff, *A Transcript of Donald Trump's Meeting with the Washington Post Editorial Board*, *Washington Post*, Mar. 21, 2016, available at https://www.washingtonpost.com/blogs/post-partisan/wp/2016/03/21/a-transcript-of-donald-trumps-meeting-with-the-washington-post-editorial-board/?utm_term=.cbfba3d05334.

⁹⁶ Page Testimony at 53.

⁹⁷ Netyksho Indictment at ¶ 21a.

⁹⁸ Sharon LaFraniere, David D. Kirkpatrick, Andrew Higgins, and Michael Shwartz, *A London Meeting of an Unlikely Group: How a Trump Adviser Came to Learn of Clinton 'Dirt'*, *New York Times*, Nov. 10, 2017, available at <https://www.nytimes.com/2017/11/10/us/russia-inquiry-trump.html>.

⁹⁹ Papadopoulos Stmt. at ¶ 7.

¹⁰⁰ Ali Watkins, *Mysterious Putin 'niece' has a name*, *Politico*, Nov. 9, 2017, available at <https://www.politico.com/story/2017/11/09/putin-niece-olga-vinogradova-george-papadopoulos-russia-probe-244758> (this article refers to Polonskaya by her maiden name, Vinogradova).

¹⁰¹ Rosalind S. Helderman, *Who's who in the George Papadopoulos court documents*, *Washington Post*, Nov. 2, 2017, available at https://www.washingtonpost.com/politics/whos-who-in-the-george-papadopoulos-court-documents/2017/10/30/e131158c-bdb3-11e7-97d9-bdab5a0ab381_story.html?utm_term=.8bae65f9db63.

¹⁰² Papadopoulos Stmt. at ¶ 8.

¹⁰³ Papadopoulos Stmt. at ¶ 8.

On the same day, Clovis reportedly reacts to one proposed Russia meeting by writing in an email, “We thought we probably should not go forward with any meeting with the Russians until we have had occasion to sit with our NATO allies.”¹⁰⁴ In the same email chain, retired Navy Rear Adm. Charles Kubic, reminds the group that meeting with Russian officials could raise legal concerns, including possible violations of U.S. sanctions and the Logan Act. Kubic reportedly added, “Just want to make sure that no one on the team outruns their headlights and embarrasses the campaign.”¹⁰⁵

March 25: Russian military officers conduct another spearphishing attack aimed at additional individuals associated with the Clinton Campaign.¹⁰⁶

March 28, 2016: Paul Manafort joins the Trump campaign to manage the campaign’s delegate process and the Republican nominating convention. He is eventually promoted to campaign chairman and chief strategist on May 19, 2016.¹⁰⁷

Russian military officers steal the email credentials and thousands of emails from numerous individuals associated with the Clinton Campaign.¹⁰⁸

March 31, 2016: Trump meets in Washington D.C. with his foreign policy advisers. A picture of the meeting tweeted by Trump shows Jeff Sessions, George Papadopoulos, former Pentagon spokesperson J.D. Gordon,¹⁰⁹ and others at a table with Trump.¹¹⁰ Papadopoulos has since admitted that he told the group “in sum and substance, that he had connections that could help arrange a meeting between then-candidate Trump and President Putin.”¹¹¹

In later testimony before the House Judiciary Committee, Sessions says that he discouraged Papadopoulos from setting up this meeting: “[a]fter reading [Papadopoulos’s] account, and to the best of my recollection, I believe that I wanted to make clear to him that he was not authorized to represent the campaign with the Russian government, or any other foreign

Trump meets with his foreign policy advisers, including George Papadopoulos, in D.C. Papadopoulos tells Trump that he can help arrange a meeting with Putin.

¹⁰⁴ Tom Hamburger, Carol D. Leonnig, and Rosalind S. Helderan, Trump campaign emails show aide’s repeated efforts to set up Russia meetings, *Washington Post*, Aug. 14, 2017, available at https://www.washingtonpost.com/politics/trump-campaign-emails-show-aides-repeated-efforts-to-set-up-russia-meetings/2017/08/14/54d08da6-7dc2-11e7-83c7-5bd5460f0d7e_story.html.

¹⁰⁵ *Id.*

¹⁰⁶ Netyksho Indictment at ¶ 21.b.

¹⁰⁷ Alexander Burns and Maggie Haberman, Donald Trump Hires Paul Manafort to Lead Delegate Effort, *New York Times*, Mar. 28, 2016, available at <https://www.nytimes.com/politics/first-draft/2016/03/28/donald-trump-hires-paul-manafort-to-lead-delegate-effort/>; Maggie Haberman and Ashley Parker, Trump Aide Paul Manafort Promoted to Campaign Chairman and Chief Strategist, *New York Times*, May 19, 2016, available at <https://www.nytimes.com/2016/05/20/us/politics/paul-manafort-trump.html>.

¹⁰⁸ Netyksho Indictment at ¶ 21.c.

¹⁰⁹ J.D. Gordon Biography, *J.D. Gordon Communications*, available at <http://www.jdgordoncommunications.com/page/about.html>.

¹¹⁰ <https://twitter.com/realDonaldTrump/status/715725628465680386>; Hamburger, Leonnig, and Helderan, *Washington Post*, Aug. 17, 2017.

¹¹¹ Papadopoulos Stmt. at ¶ 9.

government, for that matter.”¹¹² (Sessions failed to recall the meeting when asked whether he was aware of any contacts between the Trump campaign and Russian during previous congressional testimony.¹¹³)

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.¹¹⁴ Also at some point in April, Paul Manafort sends an email to Trump campaign press aide Hope Hicks instructing her to disregard questions from the *Washington Post* about his relationships with Oleg Deripaska, a Russian aluminum magnate with close ties to Russian President Putin.¹¹⁵

By in and around this month, Russian military officers hack into the computer network of the DCCC.¹¹⁶

Also in April or soon afterwards, opposition research firm Fusion GPS hires Orbis to research Trump’s relationship with Russia.¹¹⁷ Orbis’s work is funded by the Clinton Campaign and the Democratic National Committee through the law firm Perkins Coie (though Steele does not become aware who is funding his work for several months).¹¹⁸ Prior to taking on the Fusion GPS matter, Orbis completed a survey of Russian interference in France, Germany, Italy, the United Kingdom, and Turkey.

The server of the Democratic National Committee (DNC) is hacked by individuals believed to be connected to the Russian government.

Early April 2016: George Papadopoulos sends multiple emails to the Trump campaign’s foreign policy team to update them about ongoing discussions with Mifsud and Polonskaya and his “outreach to Russia.”¹¹⁹ Papadopoulos also speaks to a group of Israeli researchers at the Begin-Sadat Center for Strategic Studies: according to *Jerusalem Post* coverage, “Trump, says

¹¹² Sabrina Siddiqui, *Sessions says he knew of ex-Trump aide’s Russia ties, despite testimony*, *Guardian*, Nov. 14, 2017, available at <https://www.theguardian.com/us-news/2017/nov/14/jeff-sessions-special-counsel-hillary-clinton>.

¹¹³ Nicholas Fandos, Matt Apuzzo, and Charlie Savage, *Jeff Sessions Displays Unsteady Recall on Trump-Russia Matters*, *New York Times*, Nov. 14, 2017, available at <https://www.nytimes.com/2017/11/14/us/politics/jeff-sessions-congress-russia.html>.

¹¹⁴ Jared Kushner, *Statement of Jared C. Kushner to Congressional Committees*, July 24, 2017, available at <https://assets.documentcloud.org/documents/3899512/Read-Jared-Kushner-s-statement-on-Russian.pdf>.

¹¹⁵ Tom Hamburger, Rosalind S. Helderman, Carol D. Leonnig and Adam Entous, *Manafort offered to give Russian billionaire ‘private briefings’ on 2016 campaign*, *Washington Post*, Sept. 20, 2017, available at https://www.washingtonpost.com/politics/manafort-offered-to-give-russian-billionaire-private-briefings-on-2016-campaign/2017/09/20/399bba1a-9d48-11e7-8ea1-ed975285475e_story.html?utm_term=.e90c1d14eab3.

¹¹⁶ Netyksho Indictment at ¶ 24.

¹¹⁷ Jane Mayer, *Christopher Steele, the Man Behind the Trump Dossier*, *New Yorker*, Mar 12, 2018, available at <https://www.newyorker.com/magazine/2018/03/12/christopher-steele-the-man-behind-the-trump-dossier>.

¹¹⁸ *Id.*

¹¹⁹ Papadopoulos Stmt. at ¶ 10a.

Papadopoulos, sees Russian President Vladimir Putin as a responsible actor and potential partner."¹²⁰

April 6, 2016: Russian military officers create an email account designed to appear to be that of a member of the Clinton Campaign and use it to send spearphishing emails to over 30 Clinton campaign employees.¹²¹ The spearphishing emails included a link purporting to direct recipients to a polling document that was actually a website created by the Russian military officers.¹²²

April 7, 2016: One of Manafort's daughters texts the other, reporting that Manafort and then-candidate Trump "are literally living in the same building and...they go up and down all day long hanging and plotting together."¹²³

April 11, 2016. In an email to Polonskaya in which he cc's Mifsud, Papadopoulos asks about setting up "a potential foreign policy trip to Russia."¹²⁴ The professor replies, "This is [sic] already been agreed. I am flying to Moscow on the 18th for a Valdai meeting, plus other meetings at the Duma."¹²⁵ (Mifsud does in fact end up having a Valdai meeting on April 19.¹²⁶) Polonskaya responds, "I have already alerted my personal links to our conversation and your request. ... As mentioned we are all very excited by the possibility of a good relationship with Mr. Trump. The Russian Federation would love to welcome him once his candidature would be officially announced."¹²⁷

On the same day, Paul Manafort exchanges emails with his longtime business associate Konstantin Kilimnik. Manafort writes, "I assume you have shown our friends my media coverage, right?" Kilimnik responds, "Absolutely. Every article." Manafort responds, "How do we use to get whole. Has OVD operation seen?"¹²⁸ (The *Atlantic* and the *Washington Post* have identified Russian oligarch Oleg Vladimirovich Deripaska as the individual referred to as OVD in Manafort's emails.¹²⁹ In 2006, Deripaska invested \$18.9 million into Manafort's proposed investment fund; the money went missing, and in 2011, Manafort stopped replying to Deripaska's efforts to reach him.¹³⁰)

April 12, 2016: Russian military officers use the stolen credentials of a DCCC employee to access the DCCC's computer network.¹³¹ By around this time, the Russian hackers had also installed malware on the DCC network that allowed them to monitor computer activity in real

¹²⁰ David M. Weinberg, *Know Comment: The Donald's Foreign Policy*, *The Jerusalem Post*, Apr. 7, 2016, available at <https://www.jpost.com/Opinion/Know-Comment-The-Donalds-foreign-policy-450602>.

¹²¹ Netyksho Indictment at ¶ 21.d.

¹²² *Id.*

¹²³ <https://twitter.com/kenvogel/status/1003296131059765248>.

¹²⁴ Papadopoulos Stmt. at ¶ 10b.

¹²⁵ Papadopoulos Stmt. at ¶ 10c.

¹²⁶ Valdai Club, *Valdai Club Discusses Main Trends and Scenarios of Global Energy Development*, Apr. 19, 2016, available at <http://valdaiclub.com/events/posts/articles/trends-and-scenarios-of-global-energy-development/>.

¹²⁷ Papadopoulos Stmt. at ¶ 10d.

¹²⁸ Julia Ioffe and Franklin Foer, *Did Manafort Use Trump to Curry Favor With a Putin Ally?*, *The Atlantic*, Oct. 2, 2017, available at <https://www.theatlantic.com/politics/archive/2017/10/emails-suggest-manafort-sought-approval-from-putin-ally-deripaska/541677/>.

¹²⁹ *Id.*; Hamburger, Helderman, Leonnig, and Entous, *Washington Post*, Sept. 20, 2017.

¹³⁰ Franklin Foer, *The Astonishing Tale of the Man Mueller Just Indicted*, *The Atlantic*, Jun. 6, 2018, available at <https://www.theatlantic.com/politics/archive/2018/06/the-astonishing-tale-of-the-man-mueller-calls-person-a/562217/>.

¹³¹ Netyksho Indictment at ¶ 24.a.

time, steal passwords, log employee keystrokes, take screenshots and maintain access to the DCCC network.¹³²

April 14, 2016: Russian military hackers repeatedly use malware to log the keystrokes of a DCCC employee and take screenshots of the employee's computer.¹³³ During this period the hackers were able to steal this employee's communications with coworkers and her passwords for DCCC fundraising and outreach projects, as well as her personal banking information.¹³⁴

April 15, 2018: Russian military hackers conduct target searches of DCCC computers and copy files on the Benghazi investigation, opposition research and field operation plans for the 2016 election.¹³⁵ They would later use malware to transfer those files to a leased computer based in Illinois.¹³⁶

April 18, 2016: Mifsud introduces Papadopoulos by email to Ivan Timofeev, a Russian national who claimed to have connections to the Russian Ministry of Foreign Affairs.¹³⁷ During conversations over Skype and email in the following weeks, Papadopoulos and Timofeev discuss "groundwork" for a possible meeting between members of the Trump campaign and Russian government officials."¹³⁸

On the same day, Donald Trump shakes up his campaign staff by giving Paul Manafort more authority.¹³⁹ *Politico* reports that prior to this point, Manafort and Lewandowski had been running what amounted to parallel campaign structures.¹⁴⁰

Also on the same day, Russian military hackers use malware they installed on the DCCC network to steal the credentials of a DCCC employee who was authorized to access the DNC network.¹⁴¹ They then use those credentials to hack into the DNC network and install malware on the DNC network.¹⁴²

April 19, 2016: Russian military officers register the domain "DCLeaks.com" through a service that anonymizes the registrant.¹⁴³ The Russian officers pay for the domain using a cryptocurrency service registered with the same email address linked to spearphishing attacks on the DCCC, DNC and Clinton Campaign.¹⁴⁴

April 22, 2016: Russian military officers use malware to monitor a second DCCC employee's computer activity, including capturing information about the DCCC's finances and the

¹³² *Id.* at ¶ 24.b and 24.c.

¹³³ *Id.* at ¶ 24.d.

¹³⁴ *Id.*

¹³⁵ *Id.* at ¶ 27.

¹³⁶ *Id.* at ¶ 28.

¹³⁷ Papadopoulos Stmt. at ¶ 11. Helderman, *Washington Post*, Nov. 2, 2017.

¹³⁸ Papadopoulos Stmt. at ¶¶ 11-12.

¹³⁹ Kenneth P. Vogel and Ben Schreckinger, *Trump orders new campaign hierarchy, spending plan*, *Politico*, Apr. 18, 2016, available at <https://www.politico.com/story/2016/04/donald-trump-campaign-staff-222110>.

¹⁴⁰ *Id.* See also Eli Stokols and Kenneth P. Vogel, *Donald Trump shuffles struggling campaign team*, *Politico*, Apr. 13, 2018, available at <https://www.politico.com/story/2016/04/rick-wiley-donald-trump-campaign-221909>.

¹⁴¹ Netyksho Indictment at 26.

¹⁴² *Id.*

¹⁴³ *Id.* at ¶ 35.

¹⁴⁴ *Id.*

employee's bank accounts.¹⁴⁵ The same day they access the DNC network and use open source tools and malware to compress and relay multiple gigabytes of information (including opposition research) from the DNC network to a computer they leased in Illinois.¹⁴⁶

April 25, 2016: Papadopoulos informs a “senior policy advisor” for the Trump campaign via email that “[t]he Russian government has an open invitation by Putin for Mr. Trump to meet him when he is ready []. The advantage of being in London is that these governments tend to speak a bit more openly in ‘neutral’ cities.”¹⁴⁷

April 26, 2016: At a breakfast meeting at a London hotel, Mifsud informs Papadopoulos that he met with high-level Russian government officials during a recent trip to Russia.¹⁴⁸ Papadopoulos later admits that Mifsud revealed to him that Mifsud had learned that the Russians had obtained “dirt” on then-candidate Hillary Clinton.¹⁴⁹ Papadopoulos later tells the F.B.I. that Mifsud informed him that “the Russians had emails of Clinton” and that “they have thousands of emails.”¹⁵⁰

One of Papadopoulos’s Russian contacts tells him that the Russians have obtained “dirt” on Hillary Clinton in the form of “thousands of emails.”

April 27, 2016: Papadopoulos emails a “senior policy advisor” at the Trump campaign, “Have some interesting messages coming in from Moscow about a trip when the time is right.”¹⁵¹

Papadopoulos has admitted that on the same day, he also emails a high-ranking campaign official (identified by the *Washington Post* as Campaign Manager Corey Lewandowski¹⁵²) “to discuss Russia’s interest in hosting Mr. Trump. Have been receiving a lot of calls over the last month about Putin wanting to host him and the team when the time is right.”¹⁵³

On the same day, Trump issues his first major foreign policy speech, which was edited in part by Mr. Papadopoulos.¹⁵⁴ During the speech, Trump emphasizes that it is possible to improve relations with Russia (as well as China).¹⁵⁵ Mr. Papadopoulos notifies his Russia contacts about the speech and told Mr. Timofeev that it should be taken as “the signal to meet.”¹⁵⁶

¹⁴⁵ Netyksho Indictment at ¶ 24.d and 28.a.

¹⁴⁶ *Id.* ¶ 28.b.

¹⁴⁷ Papadopoulos Stmt. at ¶ 13.

¹⁴⁸ Papadopoulos Stmt. at ¶ 14.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ Papadopoulos Stmt. at ¶ 15.

¹⁵² Bump, *Washington Post*, Oct. 30, 2017.

¹⁵³ Papadopoulos Stmt. at ¶ 15b.

¹⁵⁴ LaFraniere, Kirkpatrick, Higgins, and Schwirtz, *New York Times*, Nov. 10, 2017.

¹⁵⁵ Transcript: Donald Trump’s Foreign Policy Speech, *Federal News Service*, Apr. 27, 2016, available at <https://www.nytimes.com/2016/04/28/us/politics/transcript-trump-foreign-policy.html>.

¹⁵⁶ Sharon LaFraniere, Mark Mazzetti, and Matt Apuzzo, How the Russia Inquiry Began: A Campaign Aide, Drinks and Talk of Political Dirt, *New York Times*, Dec. 30, 2017, available at <https://www.nytimes.com/2017/12/30/us/politics/how-fbi-russia-investigation-began-george-papadopoulos.html>.

April 30, 2016: Papadopoulos emails Mifsud to thank him for his “critical help” in setting up a potential meeting between the Campaign and Russians saying that “[i]t’s history making if it happens.”¹⁵⁷

May 2016: Paul Erickson sends an email to Trump campaign advisor Rick Dearborn with the subject “Kremlin Connection.” In the email, Erickson explains that he has close ties to the National Rifle Association (NRA) and Russia and offers to set up a “back-channel meeting” between candidate Trump and President Putin.¹⁵⁸

Sometime in May, during a night of heavy drinking at Kensington Wine Rooms in London, Papadopoulos reveals to Alexander Downer, Australia’s top diplomat in Britain, that Russia has political dirt on Hillary Clinton.¹⁵⁹

Also in May, the DNC and DCCC become aware that hackers have infiltrated their computer networks and hire a security company to identify the extent of the intrusion.¹⁶⁰

Trump campaign foreign policy advisor George Papadopoulos discloses to an Australian diplomat that Russia has political dirt on Hillary Clinton

May 4, 2016: Timofeev emails Papadopoulos, “I have just talked to my colleagues from the [Russian Ministry of Foreign Affairs]. The[y] are open for cooperation. One of the options is to make a meeting for you at the North America Desk, if you are in Moscow.” Papadopoulos responds that he is “[g]lad the MFA is interested.” Papadopoulos also forwards Timofeev’s email to the High-Ranking Campaign Official (Lewandowski) and asks, “What do you think? Is this something we want to move forward with?”¹⁶¹

May 5, 2016: Papadopoulos has a phone call with the “Campaign Supervisor” (Clovis) and forwards him Tomofeev’s May 4 email.¹⁶² Papadopoulos continues to correspond with Tomofeev, Lewandowski, and Clovis about the meeting in the following weeks.

Late May 2016: Roger Stone, a one-time business partner of Paul Manafort and a consultant of Donald Trump who briefly served on the Trump campaign, meets with a man calling himself Henry Greenberg, who reportedly “offered damaging information about Hillary Clinton” for \$2 million.¹⁶³ Stone was later texted by Trump campaign communications official Michael Caputo,

¹⁵⁷ Papadopoulos Stmt. at ¶ 15c.

¹⁵⁸ Nicholas Fandos, Operative Offered Trump Campaign ‘Kremlin Connection’ Using N.R.A. Ties, *New York Times*, Dec. 3, 2017, available at <https://www.nytimes.com/2017/12/03/us/politics/trump-putin-russia-nra-campaign.html>.

¹⁵⁹ LaFraniere, Mazzetti, and Apuzzo, *New York Times*, Dec. 30, 2017.

¹⁶⁰ Netyksho Indictment at ¶ 32

¹⁶¹ Papadopoulos Stmt. at ¶ 16.

¹⁶² Papadopoulos Stmt. at ¶ 16.

¹⁶³ Tom McCarthy, Paul Manafort: how decades of serving dictators led to role as Trump’s go-to guy, *Guardian*, Oct. 30, 2017, available at <https://www.theguardian.com/us-news/2017/oct/30/paul-manafort-profile-donald-trump-dictators>; Robert Costa, Trump ends relationship with longtime political adviser Roger Stone, *Washington Post*, Aug. 8, 2015, available at <https://www.washingtonpost.com/news/post-politics/wp/2015/08/08/trump-ends-relationship-with-longtime-political-adviser-roger-stone/>.

who had arranged the meeting. Caputo asked, “[h]ow crazy is the Russian?” Stone replied, “[W]aste of time.” Caputo and Stone later claim that Greenberg is an FBI plant.¹⁶⁴

Sometime between May 19-22, 2016: During the 2016 NRA convention,¹⁶⁵ Alexander Torshin attends a private dinner also attended by Donald Trump Jr.¹⁶⁶ (Torshin attended every NRA convention between 2012 and 2016.)¹⁶⁷ Toshin and Trump Jr. speak at the dinner, but according to Trump Jr.’s attorney, the conversation concerned guns, not politics.¹⁶⁸ Email exchanges between Trump campaign officials in the preceding weeks show that Torshin had sought a meeting with a high-level Trump associate. According to his attorney, Jared Kushner rebuffed the request on the grounds that Torshin’s contacts were unverified; he wrote, “Pass on this” and “A lot of people come claiming to carry messages. Very few we are able to verify. For now I think we decline such meetings.”¹⁶⁹

May 21, 2016: Papadopoulos emails another high-ranking campaign official (identified by the *Washington Post* as Paul Manafort¹⁷⁰) to inform him that “Russia has been eager to meet Mr. Trump for quite sometime and have been reaching out to me to discuss.”¹⁷¹ Manafort reportedly forwards the email to Rick Gates and writes, “We need someone to communicate that [Trump] is not doing these trips.”¹⁷² Manafort continues, “It should be someone low level in the campaign so as not to send any signal.”¹⁷³

Between May 25 and June 1, 2016: Russian military officers hack into the DNC’s Microsoft Exchange Server and steal thousands of emails from the work accounts of DNC employees.¹⁷⁴

May 26, 2016: Mr. Trump wins the support of enough delegates to clinch the Republican presidential nomination.¹⁷⁵

Summer of 2016: Internet Research Agency promotes allegations of “voter fraud” by the Democratic party in an effort to delegitimize Hillary Clinton.¹⁷⁶

Donald Trump clinches the Republican nomination for President.

¹⁶⁴ Manuel Roig-Franzia and Rosalind S. Helderman, *Trump associate Roger Stone reveals new contact with Russian national during 2016 campaign*, *Washington Post*, Jun. 17, 2018, available at https://www.washingtonpost.com/politics/trump-associate-roger-stone-reveals-new-contact-with-russian-national-during-2016-campaign/2018/06/17/4a8123c8-6fd0-11e8-bd50-b80389a4e569_story.html.

¹⁶⁵ 2016 NRA Annual Meetings & Exhibits Full Event Schedule, *NRA*, available at <https://www.nraam.org/media/1641/daily-event-schedule.pdf>.

¹⁶⁶ Dilanian and Lee, *NBC News*, Nov. 18, 2017.

¹⁶⁷ Tim Mak, *Depth of Russian Politician’s Cultivation of NRA Ties Revealed*, *NPR*, Mar. 1, 2018, available at <https://www.npr.org/2018/03/01/590076949/depth-of-russian-politicians-cultivation-of-nra-ties-revealed>.

¹⁶⁸ Dilanian and Lee, *NBC News*, Nov. 18, 2017.

¹⁶⁹ *Id.*

¹⁷⁰ Helderman, *Washington Post*, Nov. 2, 2017.

¹⁷¹ Papadopoulos Stmt. at ¶ 19.

¹⁷² Hamburger, Leonnig, and Helderman, *Washington Post*, Aug. 14, 2017.

¹⁷³ *Id.* Bump, *Washington Post*, Oct. 30, 2017.

¹⁷⁴ Netyksho Indictment at ¶ 29.

¹⁷⁵ Ashley Parker and Alan Rappeport, *Donald Trump Has Delegate Majority for Republican Nomination*, *The A.P. Says*, *New York Times*, May 26, 2017, available at https://www.nytimes.com/2016/05/27/us/politics/donald-trump-republican-nomination.html?_r=0.

¹⁷⁶ Russian Interference Indictment at ¶ 47.

June 2016: DCCC and DNC cybersecurity vendor takes steps to exclude intruders from their computer networks.¹⁷⁷ Despite these efforts, Russian military officers are able to maintain malware on the DNC network into October 2016.¹⁷⁸

Also in or around June, Russian military officers begin researching domains used by U.S. state boards of elections, secretaries of state, and other election-related websites for vulnerabilities.¹⁷⁹

June 1, 2016: Internet Research Agency allegedly “created and purchased Facebook advertisements for their ‘March for Trump’ rally.”¹⁸⁰

June 3, 2016: Rob Goldstone, a British publicist who worked with the Miss Universe pageant in 2013 when Trump was an owner¹⁸¹, 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?”¹⁸²

In response to proposed meeting with Russians who claim to have “official documents and information that would incriminate Hillary [Clinton]”, Trump Jr. responds, “. . . if it’s what you say I love it especially later in the summer.”

June 6, 2016: Goldstone replies to Trump Jr.’s email in order to schedule a phone call between Trump Jr. and Emin Agalarov.¹⁸³ 21 minutes after Goldstone’s reply, Trump Jr. receives a call from a phone number that he later tells the House Intelligence Committee was Agalarov’s. Later that day, a second call occurs between Trump Jr. and Agalarov. Phone records show that between the two calls, Trump Jr. receives a call from a “blocked” number. (As the House Intelligence Committee’s Democratic minority later notes in a March 22, 2018 report, Corey

¹⁷⁷ Netyksho Indictment at ¶ 32.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.* at ¶ 71

¹⁸⁰ Russian Interference Indictment at ¶ 60.

¹⁸¹ Megan Twohey and Steve Eder, How a Pageant Led to a Trump Son’s Meeting With a Russian Lawyer, *New York Times*, Jul. 10, 2017, available at <https://www.nytimes.com/2017/07/10/us/politics/rob-goldstone-russia-trump.html>.

¹⁸² 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>.

¹⁸³ *Id.*

Lewandowski told the Committee in an interview that President Trump's "primary residence has a blocked [phone] line.")¹⁸⁴

June 7, 2016: Donald Trump wins the final Republicans primaries and gives a victory speech at the Trump National Golf Club in Westchester, New York. During this speech he announces his plan to give a second speech, promising that "I am going to give a major speech on probably Monday of next week and we're going to be discussing all of the things that have taken place with the Clintons. I think you're going to find it very informative and very, very interesting."¹⁸⁵ The planned speech never takes place.

June 8, 2016: Russian military officers launch the website "DCLeaks.com" and claim on the site that it was created by a group of "American hackers".¹⁸⁶ They also launch the DCLeaks Facebook and Twitter pages using the aliases "Alice Donovan," "Jason Scott," and "Richard Gingrey".¹⁸⁷

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.¹⁸⁸ 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."¹⁸⁹ Previously, Veselnitskaya had worked "hand in glove with Russia's chief legal office to thwart a Justice Department civil fraud case against a well-connected Russian firm."¹⁹⁰ 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."¹⁹¹

¹⁸⁴ *Minority Views re: Report on Russian Active Measures* at 26.

¹⁸⁵ Ryan Teague Beckwith, *Read Donald Trump's Subdued Victory Speech After Winning New Jersey*, *Time*, June. 8, 2016, available at <http://time.com/4360872/donald-trump-new-jersey-victory-speech-transcript/>.

¹⁸⁶ Netyksho Indictment at ¶ 36.

¹⁸⁷ *Id.* at ¶ 38.

¹⁸⁸ Dan Merica, *Recreating June 9: A Very Consequential Day in the 2016 Campaign*, *CNN*, Jul. 12, 2017, available at <http://www.cnn.com/2017/07/11/politics/trump-campaign-june-9/index.html>. (The fact that this meeting took place is not publicly known until it is reported by the *New York Times* on July 8, 2017.).

¹⁸⁹ Neil MacFarquhar and Andrew E. Kramer, *Natalia Veselnitskaya, Lawyer Who Met Trump Jr., Seen as Fearsome Moscow Insider*, *New York Times*, Jul 11, 2017, available at <https://www.nytimes.com/2017/07/11/world/europe/natalia-veselnitskaya-donald-trump-jr-russian-lawyer.html?mcubz=3>.

¹⁹⁰ Andrew E. Kramer and Sharon LaFraniere, *Lawyer Who Was Said to Have Dirt on Clinton Had Closer Ties to Kremlin Than She Let On*, *New York Times*, Apr. 27, 2018, available at <https://www.nytimes.com/2018/04/27/us/natalya-veselnitskaya-trump-tower-russian-prosecutor-general.html>.

¹⁹¹ Sharon LaFraniere, David D. Kirkpatrick, and Kenneth P. Vogel, *Lobbyist at Trump Campaign Meeting Has a Web of Russian Connections*, *New York Times*, Aug. 21, 2017, available at <https://www.nytimes.com/2017/08/21/us/rinat-akhmetshin-russia-trump-meeting.html?mwrsm=Email&r=0>.

Manafort's notes from this meeting, which he took on his smartphone, reportedly reference political contributions.¹⁹² In a later interview, Veselnitskaya says that she went to the meeting to show campaign officials that Democratic donors had evaded U.S. taxes and to lobby against the Magnitsky Act, which imposes travel and financial restrictions on Russian and other foreign officials suspected of human rights abuses.¹⁹³ According to Veselnitskaya, Trump Jr. said, "Looking ahead, if we come to power, we can return to this issue and think what to do about it" and "I understand our side may have messed up, but it'll take a long time to get to the bottom of it."¹⁹⁴ Veselnitskaya also claims that Trump Jr. asked for financial documents showing that the Clinton campaign had received money that allegedly evaded U.S. taxes (which she didn't have).¹⁹⁵

Donald Trump Jr., Paul Manafort, and Jared Kushner meet with Russians who have offered dirt on Clinton. According to one of the Russians who attended, Trump Jr. promised that a Trump administration would reconsider travel and financial restrictions placed on Russian officials.

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?"¹⁹⁶

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 President Putin.¹⁹⁷

June 14, 2016: The *Washington Post* reports that Russian government hackers infiltrated the Democratic National Committee (DNC)'s computer networks.¹⁹⁸ The security breach allowed the hackers to access the DNC's opposition research on Donald Trump and all of the DNC's email

¹⁹² Ken Dilanian and Carol E. Lee, *Manafort Notes from Russian Meet Refer to Political Contributions*, *NBC News*, Sept. 1, 2017, available at <https://www.nbcnews.com/news/us-news/manafort-notes-russian-meet-contain-cryptic-reference-donations-n797816>.

¹⁹³ Irina Reznik and Henry Meyer, *Trump Jr. Hinted at Review of Anti-Russia Law*, *Moscow Lawyer Says*, *Bloomberg*, Nov. 6, 2017, available at <https://www.bloomberg.com/news/articles/2017-11-06/trump-jr-said-anti-russia-law-may-be-reviewed-moscow-lawyer-says>; Alex Horton, *The Magnitsky Act, explained*, *Washington Post*, Jul. 14, 2017, available at https://www.washingtonpost.com/news/the-fix/wp/2017/07/14/the-magnitsky-act-explained/?utm_term=.0a5c52b6ecb6.

¹⁹⁴ Reznik and Meyer, Nov. 6, 2017.

¹⁹⁵ *Id.*

¹⁹⁶ <https://twitter.com/realDonaldTrump/status/741007091947556864>.

¹⁹⁷ Manu Raju and Marshall Cohen, *Exclusive: Top Trump Aide's Email Draws New Scrutiny in Russia Inquiry*, *CNN*, Aug. 24, 2017, available at <http://www.cnn.com/2017/08/23/politics/donald-trump-rick-dearborn-email-russia-investigation/index.html>.

¹⁹⁸ Ellen Nakashima, *Russian Government Hackers Penetrated DNC, Stole Opposition Research on Trump*, *Washington Post*, Jun. 14, 2017, available at https://www.washingtonpost.com/world/national-security/russian-government-hackers-penetrated-dnc-stole-opposition-research-on-trump/2016/06/14/cf006cb4-316e-11e6-8ff7-7b6c1998b7a0_story.html?utm_term=.c7b43b7f98e7.

traffic. Some of the hackers had access to the network for approximately one year.¹⁹⁹ 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.²⁰⁰ After the hack, the Dutch government alerts the U.S. government to possible Russian interference in the 2016 presidential election.²⁰¹

On the same day, Russian military officers register and launch the website “actblues.com” which mimics the domain of a political fundraising platform with a DCCC donations page. They also access the DCCC website and modify the code to redirect visitors to the new spoof domain.²⁰² Finally, on this day, Russian military officers create the Guccifer 2.0 persona and a corresponding WordPress website.²⁰³ They then write and release the first blog post on that site titled “DNC’s servers hacked by a lone hacker.”²⁰⁴ (The hackers use this website to release stolen documents from June through October 2016.²⁰⁵)

House Majority Leader Kevin McCarthy and Speaker of the House each meet with Ukrainian Prime Minister Vladimir Groysman. In a private conversation with other lawmakers after that meeting, House Majority Leader Kevin McCarthy says, “There’s two people I think Putin pays: Rohrabacher and Trump.”²⁰⁶

June to August 2016: Papadopoulos later admits that during this period, he tried to set up an off-the-record meeting between representatives of the Trump campaign and “members of [P]resident [P]utin’s office and the [Russian Ministry of Foreign Affairs.]”²⁰⁷ The meeting apparently never occurs.²⁰⁸

June 20, 2016: Donald Trump fires campaign manager Corey Lewandowski and effectively promotes Paul Manafort to run the campaign.²⁰⁹

A memo produced by Orbis on “Donald Trump’s activities in Russia and Compromising Relationship with the Kremlin” dated the same day contains several assertions based on its

¹⁹⁹ Sam Biddle and Gabrielle Bluestone, This Looks Like the DNC’s Hacked Trump Oppo File, *Gawker*, Jun. 15, 2016, available at <http://gawker.com/this-looks-like-the-dncs-hacked-trump-oppo-file-1782040426>.

²⁰⁰ Nakashima, *Washington Post*, Jun. 14, 2016.

²⁰¹ Rick Noack, The Dutch were a secret U.S. ally in war against Russian hackers, local media reveal, *Washington Post*, Jan. 26, 2018, available at https://www.washingtonpost.com/news/worldviews/wp/2018/01/26/dutch-media-reveal-country-to-be-secret-u-s-ally-in-war-against-russian-hackers/?utm_term=.3760a1d6014e; Huib Modderkolk, Dutch agencies provide crucial intel about Russia’s interference in US-elections, *de Volkskrant*, Jan. 25, 2018, available at <https://www.volkskrant.nl/media/dutch-agencies-provide-crucial-intel-about-russia-s-interference-in-us-elections~a4561913/> (translation by Lisa Negrijn).

²⁰² Netyksho Indictment at ¶ 33.b.

²⁰³ *Id.* at ¶ 40.

²⁰⁴ *Id.*

²⁰⁵ *Id.* at ¶ 43.

²⁰⁶ Adam Entous, House majority leader to colleagues in 2016: ‘I think Putin pays’ Trump, *Washington Post*, May 17, 2017, available at https://www.washingtonpost.com/world/national-security/house-majority-leader-to-colleagues-in-2016-i-think-putin-pays-trump/2017/05/17/515f6f8a-3aff-11e7-8854-21f359183e8c_story.html?utm_term=.83e6a1b2863e.

²⁰⁷ Papadopoulos Stmt. at ¶ 21.

²⁰⁸ Papadopoulos Stmt. at ¶ 21c.

²⁰⁹ Emily Flitter and Emily Stephenson, Trump Fires Campaign Manager in Shakeup for Election Push, *Reuters*, Jun. 20, 2016, available at <https://www.reuters.com/article/us-usa-election-idUSKCN0Z61L5>.

research into alleged Trump's activities in Russia and his alleged compromising relationship with the Kremlin.²¹⁰ The memo summarizes the intelligence gathered as follows:

Russian regime has been cultivating, supporting and assisting TRUMP for at least 5 years. Aim, endorsed by PUTIN, has been to encourage splits and divisions in western alliance

So far TRUMP has declined various sweetener real estate business deals offered him in Russia in order to further the Kremlin's cultivation of him. However he and his inner circle have accepted a regular flow of intelligence from the Kremlin, including on his Democratic and other political rivals

Former top Russian intelligence officer claims FSB has compromised TRUMP through his activities in Moscow sufficiently to be able to blackmail him. According to several knowledgeable sources, his conduct in Moscow has included perverted sexual acts which have been arranged/monitored by the FSB

A dossier of compromising material on Hillary CLINTON has been collated by the Russian Intelligence Services over many years and mainly comprises bugged conversations she had on various visits to Russia and intercepted phone calls rather than any embarrassing conduct. The dossier is controlled by Kremlin spokesman, PESKOV, directly on PUTIN's orders. However it has not as yet been distributed abroad, including to TRUMP. Russian intentions for its deployment still unclear²¹¹

June 22, 2016: Wikileaks (identified in the Netyksho indictment as "Organization 1"²¹²) sends a private message to the Guccifer 2.0 account instructing the hackers to "[s]end any new material [stolen from the DNC] here for us to review and it will have a much higher impact than what you are doing."²¹³

June 24, 2016: Glenn Simpson of Fusion GPS calls Michael Steele and asks him to submit the first memo Orbis had compiled on Trump's business dealings in Russia. (This memo is the first of several that are later compiled as the "Steele Dossier" and released publicly by *Buzzfeed*).²¹⁴ Soon after the call, a courier delivers a copy of the first memos in the dossier to Simpson.²¹⁵

June 27, 2016: Russian military officers, posing as Guccifer 2.0, contact a reporter with an offer to provide stolen emails from "Hillary Clinton's staff".²¹⁶ The hackers send the reporter the

²¹⁰ Steele Dossier at *1.

²¹¹ *Id.*

²¹² See Devlin Barrett and Matt Zapotosky, Mueller probe indicts 12 Russians with hacking of Democrats in 2016, *Washington Post*, Jul. 13, 2018, available at https://www.washingtonpost.com/world/national-security/rod-rosenstein-expected-to-announce-new-indictment-by-mueller/2018/07/13/bc565582-86a9-11e8-8553-a3ce89036c78_story.html.

²¹³ Netyksho Indictment at ¶ 47.a.

²¹⁴ Bensinger, Elder, and Schoofs, *BuzzFeed News*, Jan. 10, 2017; Steele Dossier.

²¹⁵ Mayer, *New Yorker*, Mar. 12, 2018.

²¹⁶ Netyksho Indictment at ¶ 45.b..

password to access a nonpublic, password-protected portion of DCLeaks.com containing the stolen emails.²¹⁷

June 2016: Trump campaign officials meet with officials from the Republican National committee and Cambridge Analytica, a London company that focuses on psychological profiling and targeting of voters.²¹⁸ Sometime between June and August 2016, the campaign hires Cambridge Analytica.²¹⁹

July to November 2016: Internet Research Agency continues its efforts to interfere with the election by encouraging U.S. minority groups not to vote in the 2016 election.²²⁰

Paul Manafort offers one of his Russian business partners “private briefings” about the campaign.

July 2016: According to a federal indictment obtained on July 13, 2018, Russian military officers hack the website of a state board of elections and steal “information related to approximately 500,000 voters, including names, addresses, partial social security numbers, dates of birth, and driver’s license numbers.”²²¹

July 5, 2016: Steele meets with an F.B.I. agent in London, who he knew from prior work on an investigation of corruption at FIFA, the governing body of soccer. Steele shares the first memo in the dossier with the agent, who he says responds with “shock and horror.”²²² (Although Steele informed GPS Fusion’s Glenn Simpson that he planned to share his intelligence with U.S. law enforcement, there is no indication that Perkins Coie or the Clinton campaign had any knowledge of or involvement in this decision.²²³)

July 6, 2016: Wikileaks sends a private message to the Guccifer 2.0 account that states, “if you have anything Hillary related we want it in the next twoo [sic] days prefable [sic] because the DNC [Democratic National Convention] is approaching and she will solidify [B]ernie [Sanders supporters behind her after.” Russian military officers responded using the Guccifer 2.0 account responded “ok . . . i see”. Wikileaks further explained that they “think trump has only a 25% chance of winning against hillary . . . so conflict between bernie and hillary is interesting”.²²⁴

July 7, 2016: Paul Manafort contacts Konstantin Kilimnik and asks that a message be sent to Oleg Deripaska, a Russian aluminum magnate who is seen as an ally of President Putin.²²⁵ Manafort appears to tell Kilimnik that he can arrange “private briefings” for Deripaska on

²¹⁷ *Id.*

²¹⁸ Kenneth P. Vogel and Darren Samuelsohn, *Trump’s secret data reversal*, *Politico*, Jun. 28, 2016, available at <https://www.politico.com/story/2016/06/donald-trump-tech-data-fundraising-224865>.

²¹⁹ See *id.*; Eliana Johnson, *Trump Campaign Turns to ‘Psychographic’ Data Firm Used by Cruz*, *National Review*, Aug. 5, 2016, available at <https://www.nationalreview.com/2016/08/trump-campaigns-data-firm-partner-cambridge-analytica-worked-cruz/>.

²²⁰ Russian Interference Indictment at ¶ 46.

²²¹ Netyksho Indictment at ¶ 72.

²²² Mayer, *New Yorker*, Mar. 12, 2018.

²²³ See *Id.*

²²⁴ Netyksho Indictment at ¶ 47.a.

²²⁵ Hamburger, Helderman, Leonnig, and Entous, *Washington Post*, Sept. 20, 2017.

campaign activities if needed.²²⁶ (No evidence has emerged that these briefings in fact took place).

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. During the trip, Page meets with Russian Deputy Prime Minister Arkady Dvorkovich.²²⁷ (When describing this meeting in later testimony, Page says, “I briefly said hello.”)²²⁸

Trump Campaign adviser Carter Page meets Russian Deputy Prime Minister Arkadiy Dvokovich in Moscow

In a memo to the campaign conveying the results of his trip, Page states that “In a private conversation, Dvorkovich expressed strong support for Mr. Trump and a desire to work together toward devising better solutions in response to the vast range of current international problems.”²²⁹ In an email to Trump campaign associate J.D. Gordon and (at the time) *Breitbart* columnist Tera Dahl,²³⁰ Page also writes, “On a related front, I’ll send you guys a readout soon regarding some incredible insights and outreach I’ve received from a few Russian legislators and senior members of the Presidential administration here.”²³¹

Page’s trip prompts the Federal Bureau of Investigation (FBI) to open an investigation into connections between Russia and the Trump campaign.²³²

July 11-12, 2016: Trump campaign officials reportedly work behind the scenes at the Republican National Convention to strip a provision of the foreign policy platform that would have called for providing weapons to Ukraine to fight Russian and Russian-backed forces.²³³ According to two Republican delegates, Trump campaign official

The Trump campaign removes an anti-Russia language from the Republican Party platform.

²²⁶ *Id.* See also Ioffe and Foer, *Atlantic*, Oct. 2, 2017.

²²⁷ Sophie Tatum and Jim Sciutto, *Carter Page met with Russian official during 2016 trip to Moscow*, CNN, Nov. 4, 2017, available at <https://www.cnn.com/2017/11/03/politics/carter-page-russian-officials-new-york-times/index.html>.

²²⁸ Page Testimony at 12.

²²⁹ *Id.* at 38.

²³⁰ Ryan Lucas, *Former Trump Campaign National Security Adviser Had Worried About Page's Moscow Trip*, NPR, Nov. 10, 2017, available at <https://www.npr.org/2017/11/10/563154605/former-trump-campaign-national-security-adviser-had-worried-about-pages-moscow-t>.

²³¹ *Id.* at 40.

²³² Scott Shane, Mark Mazzetti, and Adam Goldman, *Trump Adviser's Visit to Moscow Got the F.B.I.'s Attention*, *New York Times*, Apr. 19, 2017, available at <https://www.nytimes.com/2017/04/19/us/politics/carter-page-russia-trump.html>; Rosalind S. Helderman, *After Promising to Cooperate, ex-Trump Adviser Carter Page Turns Inquiry Back on Senate Panel*, *Washington Post*, May 5, 2017, available at https://www.washingtonpost.com/news/post-politics/wp/2017/05/05/after-promising-to-cooperate-ex-trump-adviser-carter-page-doesnt-immediately-provide-russia-details-to-senate/?utm_term=.9d49c6b4cf2c.

²³³ See Josh Rogin, *Trump campaign guts GOP's anti-Russia stance on Ukraine*, *Washington Post*, Jul. 18, 2016, available at https://www.washingtonpost.com/opinions/global-opinions/trump-campaign-guts-gops-anti-russia-stance-on-ukraine/2016/07/18/98adb3b0-4cf3-11e6-a7d8-13d06b37f256_story.html?utm_term=.1f71ad368e6e; Tim Mak, Alexa Corse, *Trump Campaign Changed*

J.D. Gordon led the efforts to make the change.²³⁴ Minutes taken for the meeting were reportedly discarded.²³⁵

July 13, 2016: Tom Barrack, a close friend of then-Candidate Trump, reportedly informs United Arab Emirates Ambassador to the United States Yousef Al Otaiba “that the Trump team had ...removed a proposed Republican platform provision inserted to ‘embarrass’ Saudi Arabia.”²³⁶

July 14, 2016: In an email to a Kremlin-linked contact, George Papadopoulos claims that top Trump campaign officials agreed to a pre-election meeting with representatives of Russian President Vladimir Putin.²³⁷

On the same day, Carter Page emails other Trump foreign policy advisers including J.D. Gordon that says, “As for the Ukraine amendment, excellent work.”²³⁸

On the same day, Russian military officers using a Guccifer 2.0 account send Wikileaks an email with instructions for accessing an encrypted archive of documents stolen from the DNC documents. This email followed failed efforts to transfer the documents in June 2016.²³⁹

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.²⁴⁰ The meeting later becomes a point of interest in Special Counsel Mueller’s investigation.²⁴¹

WikiLeaks begins publishing hacked DNC emails and associated documents.

Ukraine Platform, Lied About It, *Daily Beast*, Aug. 3, 2016, available at <https://www.thedailybeast.com/trump-campaign-changed-ukraine-platform-lied-about-it>; Katiana Krawchenko, *The GOP convention committee meetings: Here's what you need to know*, *CBS News*, Jul. 11, 2016, available at <https://www.cbsnews.com/news/gop-committee-meetings-heres-what-you-need-to-know/>.

²³⁴ Tim Mak, Alexa Corse, *Daily Beast*, Aug. 3, 2016.

²³⁵ *Id.*

²³⁶ David D. Kirkpatrick, *Who Is Behind Trump's Links to Arab Princes? A Billionaire Friend*, *New York Times*, Jun. 13, 2018, available at <https://www.nytimes.com/2018/06/13/world/middleeast/trump-tom-barrack-saudi.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region®ion=top-news&WT.nav=top-news>.

²³⁷ Greg Farrell, David Voreacos, and Henry Meyer, *Papadopoulos Claimed Trump Campaign Approved Russia Meeting*, *Bloomberg News*, Oct. 31, 2017, available at <https://www.bloomberg.com/news/articles/2017-10-31/papadopoulos-claimed-trump-campaign-approved-russia-meeting>.

²³⁸ Page Testimony at 195.

²³⁹ Netyksho Indictment at ¶ 47.b.

²⁴⁰ Adam Entous, Ellen Nakashima, and Greg Miller, *Sessions Met with Russian Envoy Twice Last Year, Encounters He Later Did Not Disclose*, *Washington Post*, Mar. 1, 2017, available at https://www.washingtonpost.com/world/national-security/sessions-spoke-twice-with-russian-ambassador-during-trumps-presidential-campaign-justice-officials-say/2017/03/01/77205eda-feac-11e6-99b4-9e613afeb09f_story.html?utm_term=.fc2cb232a6e6; Philip Bump, *What Jeff Sessions Said about Russia, and When*, *Washington Post*, Mar. 2, 2017, available at https://www.washingtonpost.com/news/politics/wp/2017/03/02/what-jeff-sessions-said-about-russia-and-when/?utm_term=.989068c772da.

²⁴¹ Mark Hosenball, *Mueller probing Russia contacts at Republican convention*, *Reuters*, Mar. 29, 2018, available at <https://www.reuters.com/article/us-usa-trump-russia-convention/mueller-probing-russia-contacts-at-republican-convention-sources-idUSKBN1H52VT>.

On the same day, Wikileaks responds to the Russian military officers posing as Guccifer 2.0 to state that Wikileaks had possession of “the 1Gb or so archive” and would make a release of the stolen documents “this week.”²⁴²

July 19, 2016: In a memo dated July 19, 2016, Christopher Steele’s Orbis writes that Carter Page held “secret meetings in Moscow with SECHIN and senior Kremlin Internal Affairs official, DIVYEKIN.”²⁴³ The memo alleges that “DIVEYKIN discusses release of Russian dossier of 'kompromat' on TRUMP's opponent, Hillary CLINTON, but also hints at Kremlin possession of such material on TRUMP.”²⁴⁴ The Department of Justice later uses this information in an application for a warrant to monitor Carter Page pursuant to the Foreign Intelligence Surveillance Act.²⁴⁵

July 21, 2016: Donald Trump officially accepts the Republican party’s nomination for president.²⁴⁶

July 22, 2016: WikiLeaks publishes a collection of the hacked DNC emails and documents.²⁴⁷

Mid-to-late July 2016: Peter W. Smith, a GOP operative with ties to the Trump campaign, contacted cybersecurity expert Matthew Tait as part of a project to find and authenticate emails supposedly from Hillary Clinton’s email server.²⁴⁸

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

²⁴² Netyksho Indictment at ¶ 47.b.

²⁴³ Steele Dossier at *9.

²⁴⁴ *Id.*

²⁴⁵ Department of Justice, Foreign Intelligence Surveillance Court Application, Oct. 21, 2016 at 8.

²⁴⁶ Stephen Collinson, *Donald Trump Accepts Presidential Nomination*, *CNN*, Jul 22, 2016, available at <http://www.cnn.com/2016/07/21/politics/republican-convention-highlights-day-four/index.html>.

²⁴⁷ Joe Uchill, *WikiLeaks Posts 20,000 DNC Emails*, *The Hill*, Jul. 22, 2017, available at <http://thehill.com/policy/cybersecurity/288883-wikileaks-posts-20000-dnc-emails>.

²⁴⁸ Shane Harris, *GOP Operative Sought Clinton Emails From Hackers, Implied a Connection to Flynn*, *Wall Street Journal*, Jun. 29, 2017, available at <https://www.wsj.com/articles/gop-operative-sought-clinton-emails-from-hackers-implied-a-connection-to-flynn-1498770851>; *Minority Views re: Report on Russian Active Measures* at 40.

what the DNC and what the Clinton camp will do. They will lie and do anything to win.²⁴⁹

July 25, 2016: The FBI confirms that it has opened an investigation into the hacking of the DNC.²⁵⁰

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.”²⁵¹

The FBI confirms that it has opened an investigation into the hacking of the DNC

On the same day, Russian military officers for the first time attempt to spearfish email accounts used by Clinton’s personal office. They also attack 76 email addresses associated with the Clinton campaign.²⁵²

July 31, 2016: The FBI initiates a counterintelligence investigation based on disclosures from George Papadopoulos, FBI’s observations of Russia’s attempts to influence the election, and other information that is classified.²⁵³

August 2016: Alexander Nix, the chief executive of Cambridge Analytica, and top Donald Trump donor Rebekah Mercer, email about whether they can better organize emails released by Wikileaks.²⁵⁴ Nix relays “that he had emailed Assange seeking access to emails from Clinton’s private server to turn them into a searchable database for the campaign or a pro-Trump political action committee, two of the sources said.”²⁵⁵

In early August, CIA Director John Brennan alerts President Obama and the White House, National Security Adviser Susan Rice, Rice’s Deputy Avril Haines, and Chief of Staff Denis McDonough to a report that Russian President Vladimir Putin is directly involved in a cyber campaign to interfere with the 2016 presidential race.²⁵⁶

²⁴⁹ CNN, Transcript: State of The Union July 24, 2016, Jul. 24, 2016, available at <http://transcripts.cnn.com/TRANSCRIPTS/1607/24/sotu.01.html>.

²⁵⁰ Mike Levine, Rick Klein, and 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>.

²⁵¹ Ashley Parker and 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.

²⁵² Netyksho Indictment at ¶ 22.

²⁵³ Minority Memo re: Correcting the Record – the Russia Investigation

²⁵⁴ Rebecca Ballhaus, Trump Donor Asked Data Firm If It Could Better Organize Hacked Emails, Wall Street Journal, Oct. 27, 2017, available at <https://www.wsj.com/articles/trump-donor-asked-data-firm-if-it-could-better-organize-hacked-emails-1509133587>.

²⁵⁵ Kara Scannell, Dana Bash and Marshall Cohen, Trump campaign analytics company contacted WikiLeaks about Clinton emails, CNN, Oct. 25, 2017, available at <http://www.cnn.com/2017/10/25/politics/cambridge-analytica-julian-assange-wikileaks-clinton-emails/index.html>.

²⁵⁶ Greg Miller, Ellen Nakashima and Adam Entous, Obama’s secret struggle to punish Russia for Putin’s election assault, Washington Post, Jun 23, 2017, available at https://www.washingtonpost.com/graphics/2017/world/national-security/obama-putin-election-hacking/?utm_term=.b8d4a434f827.

In or around August, Russian military officers hack the computers of a U.S.-based vendor that supplies software used to verify voter registration information for the 2016 election.²⁵⁷

August 3, 2016: Donald Trump, Jr. has a meeting at Trump Tower with George Nader, a Middle East operative with close ties to the Emirates; Joel Zamel, an Israeli social media specialist whose company “specialized in collecting information and shaping opinion through social media”; and private security contractor Erik Prince. Prince, the founder of the American private military company Blackwater and the brother of now-Secretary of Education Betsy DeVos, set up the meeting.²⁵⁸ A *New York Times* account of the meeting notes that Nader “was quickly embraced as a close ally by Trump campaign advisers—meeting frequently with Jared Kushner...and Michael T. Flynn.”²⁵⁹

August 4, 2016: Internet Research Agency creates and purchases Facebook ads for a “Florida Goes Trump” rally. The ads reach over 59,000 Facebook users and over 8,300 Facebook users click on the ads.²⁶⁰

The same day, Stone appears on the show *InfoWars*. He describes the as-yet undisclosed WikiLeaks as “devastating” and mentions he had talked to then-nominee Trump the day before.²⁶¹ Stone also writes an email to Nunberg saying “I dined with my new pal Julian Assange last nite [sic].” Stone later denies meeting with or communicating with Assange in 2016.²⁶²

August 5, 2016: *Breitbart* publishes an article by Roger Stone entitled: “Dear Hillary: DNC Hack Solved, so Now Stop Blaming Russia” in which Stone claims that a hacker named “Guccifer 2.0”, and not the Russians, hacked the DNC.²⁶³

August 8, 2016: In a speech to the Southwest Broward Republican Organization, Roger Stone says that he “actually ha[s] communicated with Assange” and that he “believe[s] the next tranche of his documents pertain to the Clinton Foundation but there’s no telling what the October surprise may be.”²⁶⁴

²⁵⁷ Netyksho Indictment at ¶ 73.

²⁵⁸ Shimon Prokupecz, Kara Scannell and Sara Murray, ‘Man of mystery’ cooperates with Mueller in Russia probe, *CNN Politics*, Mar. 7, 2018, available at <https://www.cnn.com/2018/03/06/politics/george-nader-robert-mueller/index.html>; Betsy Woodruff, Special Counsel Mueller’s Team Questioned Blackwater Founder Erik Prince, *The Daily Beast*, May 9, 2018, available at <https://www.thedailybeast.com/special-counsel-muellers-team-questioned-blackwater-founder-erik-prince>; Mark Mazzetti, Ronen Bergman and David D. Kirkpatrick, Trump Jr. and Other Aides Met with Gulf Emissary Offering Help to Win Election, *New York Times*, May 19, 2018, available at <https://www.nytimes.com/2018/05/19/us/politics/trump-jr-saudi-uae-nader-prince-zamel.html>.

²⁵⁹ *Id.*

²⁶⁰ Russian Interference Indictment at ¶ 71.

²⁶¹ Andrew Kaczynski and Gloria Borger, Stone, on day he sent Assange dinner email, also said ‘devastating’ WikiLeaks were forthcoming, *CNN*, Apr. 4, 2018, available at <https://www.cnn.com/2018/04/04/politics/roger-stone-julian-assange-email-wikileaks/index.html>.

²⁶² Shelby Holliday and Rob Barry, Roger Stone’s Claim of a 2016 Julian Assange Meeting Draws Scrutiny, *Wall Street Journal*, Apr. 2, 2018, available at <https://www.wsj.com/articles/roger-stones-claim-of-a-2016-julian-assange-meeting-draws-scrutiny-1522695471>.

²⁶³ Roger Stone, Dear Hillary: DNC Hack Solved, so Now Stop Blaming Russia, *Breitbart*, Aug. 5, 2017, available at <http://www.breitbart.com/2016-presidential-race/2016/08/05/dear-hillary-dnc-hack-solved-so-now-stop-blaming-russia/>.

²⁶⁴ Roger Stone Confirms That He’s In Communication With Julian Assange, *Media Matters*, Aug. 9, 2016, available at <https://www.mediamatters.org/video/2016/08/09/roger-stone-confirms-hes->

August 9, 2016: Lt. General (Ret.) Flynn and his company, the Flynn Intel Group, sign a contract with Inovo BV, a Dutch company owned by a Turkish businessman, to run an influence campaign to discredit Fethullah Gulen, a cleric blamed by Turkish President Recep Tayyip Erdoğan for a failed coup attempt. The contract is worth \$600,000 over 90 days. Flynn fails to register as a foreign agent for the duration of this deal.²⁶⁵

August 12, 2016: On the #MAGA Podcast, Roger Stone states that he thinks Assange has Clinton emails that were deleted Huma Abedin and Cheryl Mills, two of Clinton's top aides.²⁶⁶ Stone adds, "In fact I know [Assange] has them."²⁶⁷ He continues, "And I believe he will expose the American people to this information in the next 90 days."²⁶⁸

August 14, 2016: The *New York Times* reports that Ukraine's newly formed National Anti-Corruption Bureau has unearthed ledgers showing \$12.7 million in undisclosed cash payments designated for Paul Manafort from former Ukraine President Viktor Yanukovych's pro-Russian political party.²⁶⁹ In the same story, the *New York Times* also reports that Ukrainian investigators are looking into a group of shell companies that engaged in shady transactions, including an "\$18 million deal to sell Ukrainian cable television assets to a partnership put together by Mr. Manafort and a Russian oligarch, Oleg Deripaska"²⁷⁰

On the same day, Roger Stone communicates via direct messages with DNC hacker Guccifer 2.0.²⁷¹ Stone reportedly tells the hacker he is "delighted" that Twitter reinstated Guccifer's account.²⁷²

August 15, 2016: Russian military officers, posing as Guccifer 2.0, send Roger Stone a direct message via Twitter: "thank u for writing back . . . do u find anyt[h]ing interesting in the docs i posted?"²⁷³

[communication-julian-assange/212261](#); Tom Hamburger, Josh Dawsey, Carol D. Leonnig and Shane Harris, Roger Stone claimed contact with WikiLeaks founder Julian Assange in 2016, according to two associates, *Washington Post*, Mar. 13, 2018, available at https://www.washingtonpost.com/politics/roger-stone-claimed-contact-with-wikileaks-founder-julian-assange-in-2016-according-to-two-associates/2018/03/13/a263f842-2604-11e8-b79d-f3d931db7f68_story.html?utm_term=.e61b9f0e3477.

²⁶⁵ Matthew Rosenberg and 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>.

²⁶⁶ Andrew Kaczynski, Nathan McDermott, and Chris Massie, Trump adviser Roger Stone repeatedly claimed to know of forthcoming WikiLeaks dumps, *CNN*, Mar. 20, 2017, available at <http://www.cnn.com/2017/03/20/politics/kfile-roger-stone-wikileaks-claims/index.html>.

²⁶⁷ *Id.*

²⁶⁸ *Id.*

²⁶⁹ Andrew E. Kramer, Mike McIntire, and Barry Meier, Secret Ledger in Ukraine Lists Cash for Donald Trump's Campaign Chief, *New York Times*, Aug. 14, 2016, available at <https://www.nytimes.com/2016/08/15/us/politics/paul-manafort-ukraine-donald-trump.html>.

²⁷⁰ *Id.*

²⁷¹ Andrew Blake, Roger Stone, Trump confidant, acknowledges 'innocuous' Twitter conversation with DNC hackers, *Washington Times*, Mar. 10, 2017, available at <https://www.washingtontimes.com/news/2017/mar/10/roger-stone-trump-confidant-acknowledges-innocuous/>.

²⁷² *Id.*

²⁷³ Netyksho Indictment at ¶ 44; Barrett and Zapotosky, *Washington Post*, Jul. 13, 2018.

On the same day, Russian military officers posing as Guccifer 2.0, receive a request for stolen documents from a candidate for Congress. The Russian military officers, responding as Guccifer 2.0, send the candidate stolen documents related to the candidate's opponent.²⁷⁴

August 17, 2016: Trump makes Stephen Bannon, chairman of Breitbart News, his campaign's chief executive.²⁷⁵

The same day, Guccifer 2.0 sends Roger Stone a direct message via Twitter: "please let me know if I can help you in any way it would be a great pleasure to me."²⁷⁶

August 18, 2016: According to allegations in a federal indictment, the Trump campaign's real "Florida for Trump" Facebook account responds to a false persona created by the Internet Research Agency. The campaign provides the persona "with instructions to contact a member of the Trump Campaign . . . involved in the campaign's Florida operations" and provides "an email address at the campaign domain donaldtrump.com."²⁷⁷

August 19, 2016: Paul Manafort quits the Trump campaign.²⁷⁸ According to a spokesman for the Trump Campaign, Manafort's deputy, Rick Gates, is reassigned to serve as "the campaign's liaison to the R.N.C."²⁷⁹

On the same day the Internet Research Agency uses another fake persona to send an email to a second Trump campaign official in Florida at a donaldtrump.com email account.²⁸⁰

August 20, 2016: Again using a fake persona, the Internet Research Agency uses Facebook to contact a third Trump campaign official in Florida.²⁸¹

August 21, 2016: Roger Stone tweets, "Trust me, it will soon [be] Podesta's time in the barrel."²⁸²

**Internet Research Agency
(the Russian election
interference operation) uses
fake personas and social
media accounts to make
connections and begin
organizing events in support
of Trump in Florida.**

²⁷⁴ Netyksho Indictment at ¶ 43.a.

²⁷⁵ Jonathan Martin, Jim Rutenberg, and Maggie Haberman, Donald Trump Appoints Media Firebrand to Run Campaign, *New York Times*, Aug. 17, 2017, available at <https://www.nytimes.com/2016/08/18/us/politics/donald-trump-stephen-bannon-paul-manafort.html?mcubz=3>.

²⁷⁶ Minority Views re: Report on Russian Active Measures.

²⁷⁷ Russian Interference Indictment at ¶ 76.

²⁷⁸ Maggie Haberman and Jonathan Martin, Paul Manafort Quits Donald Trump's Campaign After a Tumultuous Run, *New York Times*, Aug. 19, 2016, available at <https://www.nytimes.com/2016/08/20/us/politics/paul-manafort-resigns-donald-trump.html>.

²⁷⁹ *Id.*

²⁸⁰ Russian Interference Indictment at ¶ 78.

²⁸¹ Russian Interference Indictment at ¶ 79.

²⁸² Philip Bump, The confusing timeline on Roger Stone's communications with WikiLeaks, *Washington Post*, Mar. 13, 2018, available at https://www.washingtonpost.com/news/politics/wp/2018/03/13/the-confusing-timeline-on-roger-stones-communications-with-wikileaks/?utm_term=.3c40e7c8d4a0.

August 22, 2016: Russian military officers, posing as Guccifer 2.0, transfer around 2.5GB of data stolen from the DCCC to a state lobbyist and online source of political news. This data allegedly includes donor records and personal identifying information for more than 2,000 Democratic donors.²⁸³

The same day, Russian military officers posing as Guccifer 2.0 send stolen documents pertaining to the Black Lives Matter movement to a reporter. The reporter responds by discussing when to release the documents and offering to write an article about their release.²⁸⁴

September 2016: Carter Page travels to Budapest, Hungary, where, according to a House Intelligence Committee report, he “[presents] himself as a member of then-candidate Trump’s foreign policy team.”²⁸⁵ He meets with Jeno Megyesy, an adviser of the Hungarian Prime Minister who focuses on United States relations.²⁸⁶ Page holds a second meeting with Hungary’s then-Ambassador to the United States Reka Szemerkenyi.²⁸⁷

The same month, a Russian news agency reaches out to George Papadopoulos to request an interview. Papadopoulos receives a green light from the Trump campaign: deputy communications director Bryan Lanza tells Papadopoulos in an email that “[he] should do it” and emphasizes the benefits of a U.S.-Russian partnership.²⁸⁸

Early in the month, the Russian military hackers successfully gain access to DNC computers hosted on a third-party cloud computing service. These computers allegedly contain test applications related to the DNC’s analytics. The Russian military officers also create backups of the DNC’s cloud-based system and move these snapshots onto accounts they had created with the same third-party vendor, from which they could steal the data.²⁸⁹

September 7, 2016: Peter Smith sends cybersecurity expert Matthew Tait an email, Smith “[making it] clear to Tait that he was well acquainted with Flynn and his son.”²⁹⁰ He also sent Tait a document that detailed a company Smith had set up. KLS Research, set up as a Delaware LLC “to avoid campaign reporting,” had four groups that were involved: the first group, named “Trump Campaign (in coordination to the extent permitted as an independent expenditure)” listed senior Trump campaign officials including Sam Clovis, Steve Bannon, Kellyanne Conway, Lt. Gen. Flynn, and Lisa Nelson.²⁹¹

September 8, 2016: Senator Jeff Sessions meets privately with Russian ambassador to the United States, Sergey Kislyak, in his Senate office.²⁹²

²⁸³ Netyksho Indictment at ¶ 43.b.

²⁸⁴ *Id.* at ¶ 43.c.

²⁸⁵ Minority Views re: Report on Russian Active Measures at 43.

²⁸⁶ *Id.*

²⁸⁷ *Id.*

²⁸⁸ Helderman and Hamburger, *Washington Post*, Mar. 23, 2018.

²⁸⁹ Netyksho Indictment at ¶ 34.

²⁹⁰ Minority Views re: Report on Russian Active Measures at 40.

²⁹¹ *Id.*

²⁹² Entous, Nakashima, and Miller, *Washington Post*, Mar. 1, 2017.

September 9, 2016: Guccifer 2.0 sends Roger Stone a direct message via Twitter. The two discuss Democratic voter turnout methods.²⁹³ Roger Stone responds that the Democrat's turnout model is "[p]retty standard".²⁹⁴

The same day, Papadopoulos emails Lanza: "Received a request from Interfax Russian News Agency with Ksenia Baygarova on U.S.-Russia ties under a President Trump. What do you think? ... If the campaign wants me to do it, can answer similar to the answers I gave in April while in Israel." Lanza gives him the green light.²⁹⁵

September 16, 2016: Roger Stone reveals in a radio interview that he expects, "Julian Assange and the Wikileaks people to drop a payload of new documents on a weekly basis fairly soon."²⁹⁶ He adds, "And that of course will answer the question of exactly what was erased on that email server."²⁹⁷ Stone adds that he is "in touch with [Assange] through an intermediary."²⁹⁸

Also in mid-September, intelligence information collected by Christopher Steele is obtained by the FBI counterintelligence team, over seven weeks after the FBI opened its investigation.²⁹⁹ According to Democrats on the House Intelligence Committee, the FBI has already opened sub-inquiries into multiple "individuals linked to the Trump campaign", including Carter Page.³⁰⁰

September 18, 2016: Roger Stone emails Randy Credico, a New York radio host who had interviewed Julian Assange several weeks earlier, asking him to "[p]lease ask Assange for any State or HRC e-mail from August 10 to August 30--particularly on August 20, 2011." Credico replies, telling Stone that the information would already be posted on the WikiLeaks website if it information was available. Stone replies: "Why do we assume WikiLeaks has released everything they have ????" [sic] Credico tells Stone he passed the request on to Assange, but later tells *Wall Street Journal* reporters that he had lied to appease Stone.³⁰¹

September 19, 2016: Flynn meets with top Turkish government ministers, including the son-in-law of Turkish President Recep Tayyip Erdoğan and the country's foreign minister. At the meeting, they discuss removing Muslim cleric Fethullah Gulen from the United States and taking him to Turkey. The conversation reportedly involves a discussion about how to remove Gulen without going through normal extradition procedures.³⁰²

²⁹³ Minority Views re: Report on Russian Active Measures at 35.

²⁹⁴ Netyksho Indictment at ¶ 44; Ali Dukakis, Roger Stone Says He's the 'US person' mentioned in Mueller indictment, Jul. 14, 2018, available at <https://abcnews.go.com/Politics/roger-stone-hes-us-person-mentioned-mueller-indictment/story?id=56577300>.

²⁹⁵ Helderman and Hamburger, *Washington Post*, Mar. 23, 2018.

²⁹⁶ Kaczynski, McDermott, and Massie, *CNN*, Mar. 20, 2017.

²⁹⁷ *Id.*

²⁹⁸ *Id.*

²⁹⁹ Minority Memo re: Correcting the Record – the Russia Investigation.

³⁰⁰ *Id.*

³⁰¹ Shelby Holliday and Rob Barry, Roger Stone Sought Information on Clinton From Assange, Emails Show, *Wall Street Journal*, May 24, 2018 available at <https://www.wsj.com/articles/roger-stone-sought-information-on-clinton-from-assange-emails-show-1527191428>.

³⁰² James V. Grimaldi, Dion Nissenbaum and Margaret Coker, Ex-CIA Director: Mike Flynn and Turkish Officials Discussed Removal of Erdogan Foe From U.S., *Wall Street Journal*, Mar. 24, 2017, available at <https://www.wsj.com/articles/ex-cia-director-mike-flynn-and-turkish-officials-discussed-removal-of-erdogan-foe-from-u-s-1490380426>.

September 20, 2016: Donald Trump Jr. reportedly receives a private message on Twitter from the WikiLeaks Twitter account, stating, “A PAC run anti-Trump site putintrump.org is about to launch. The PAC is a recycled pro-Iraq war PAC. We have guessed the password. It is ‘putintrump.’ See ‘About’ for who is behind it. Any comments?”³⁰³

September 21, 2016: Trump Jr. responds to Wikileaks on Twitter: “Off the record I don’t know who that is, but I’ll ask around. Thanks.”³⁰⁴

September 26, 2016: Following a report that U.S. intelligence officials were probing ties between Carter Page and Russia,³⁰⁵ the *Washington Post* reports that Page is taking a leave of absence from working with the campaign.³⁰⁶ In an interview with Jake Tapper on *State of the Union*, Trump Campaign Manager Kellyanne Conway says that Page is not part of the campaign and adds that he is “certainly not part of the campaign the I’m running, meaning we don’t have him – we have a number of people, fabulous people, men and women, as part of our national security and foreign policy team. And he’s not among them at Trump Tower.”³⁰⁷ Conway also states that Page is not authorized by the Trump Campaign to talk to Russian officials on its behalf.³⁰⁸

Also on September 26, 2016, alleged Russian agent Mariia Butina allegedly emails a U.S. person to organize an event intended to influence U.S. officials’ views of Russia.³⁰⁹

Early October: Christopher Steele meets with FBI agents in Rome. The FBI agents ask him for everything he has on Trump and Russia. Steele reportedly tells Simpson that the FBI has been collecting other intelligence about Russia’s interference in the election that potentially supported the credibility of Steele’s reports..³¹⁰

October 2016: Carter Page reportedly meets Hungary’s then-Ambassador to the United States Reka Szemerkenyi at an embassy function in Washington, D.C. (This is the third time Page and Szemerkenyi have met.)³¹¹

³⁰³ Julia Ioffe, *The Secret Correspondence Between Donald Trump Jr. and Wikileaks*, *Atlantic*, Nov. 13, 2017, available at <https://www.theatlantic.com/politics/archive/2017/11/the-secret-correspondence-between-donald-trump-jr-and-wikileaks/545738/>.

³⁰⁴ *Id.*

³⁰⁵ Michael Isikoff, *U.S. intel officials probe ties between Trump adviser and Kremlin*, *Yahoo! News*, Sept. 23, 2016, available at <https://www.yahoo.com/news/u-s-intel-officials-probe-ties-between-trump-adviser-and-kremlin-175046002.html>.

³⁰⁶ Josh Rogin, *Trump’s Russia adviser speaks out, calls accusations ‘complete garbage’*, *Washington Post*, Sept. 26, 2016, available at https://www.washingtonpost.com/news/josh-rogin/wp/2016/09/26/trumps-russia-adviser-speaks-out-calls-accusations-complete-garbage/?utm_term=.93d5f2127866.

³⁰⁷ *State of The Union Transcript*, *CNN*, Sept. 25, 2016, available at <http://transcripts.cnn.com/TRANSCRIPTS/160925/sotu.01.html>.

³⁰⁸ *Id.*

³⁰⁹ Butina Indictment at 9.c.

³¹⁰ Mayer, *New Yorker*, Mar 12, 2018.

³¹¹ *Minority Views re: Report on Russian Active Measures* at 43.

Donald Trump Jr. exchanges private Twitter messages with the WikiLeaks account. WikiLeaks sends Trump the password to the anti-Trump site “putintrump.org.”

October 3, 2016: WikiLeaks messages Trump Jr. again: “Hiya, it’d be great if you guys could comment on/push this story” and attached a quote from then-Democratic nominee Hillary Clinton about wanting to “just drone” WikiLeaks founder, Julian Assange. An hour and a half later, Trump Jr. responded, “Already did that earlier today. It’s amazing what she can get away with.” Two minutes later, Trump Jr. wrote again, asking, “What’s behind this Wednesday leak I keep reading about?”³¹²

WikiLeaks begins publishing hacked emails of Clinton campaign manager John Podesta.

October 4, 2016: A person identified as “U.S. Person 1” sends an email to an acquaintance stating, “Unrelated to specific presidential campaigns, I’ve been involved in securing a VERY private line of communication between the Kremlin and key [POLITICAL PARTY 1] leaders through, of all conduits, the [GUN RIGHTS ORGANIZATION].”³¹³

October 5, 2016: Butina and a person identified as Russian Official (likely Torshin) exchange private messages on Twitter. In response to a question from Torshin about the “Russia-USA friendship society” Butina says,

BUTINA: It’s not alive. We are currently “underground” both here and there. Now, private clubs and quite [sic] influence on people making decisions is the trend. No publicity.

BUTINA: Advisor – is the profession of the current day. Even a secret advisor. Right now the Administration here is flexible – and there is the idea, so that the right thoughts would dominate.³¹⁴

October 7, 2016: In the Obama administration’s first public remarks about Russia’s interference in the election, the Department of Homeland Security and the Office of the Director of National Intelligence on Election Security release a joint statement that reads in part,

The U.S. Intelligence Community (USIC) is confident that the Russian Government directed the recent compromises of e-mails from US persons and institutions, including from US political organizations. The recent disclosures of alleged hacked e-mails on sites like DCLeaks.com and WikiLeaks and by the Guccifer 2.0 online persona are consistent with the methods and motivations of Russian-directed efforts. These thefts and disclosures are intended to interfere with the US election process. Such activity is not new to Moscow—the Russians have used similar tactics and techniques across Europe and Eurasia, for example, to influence public opinion there. We believe, based on the scope and

³¹² Ioffe, *Atlantic*, Nov. 13, 2017.

³¹³ Butina Affidavit at ¶ 31.

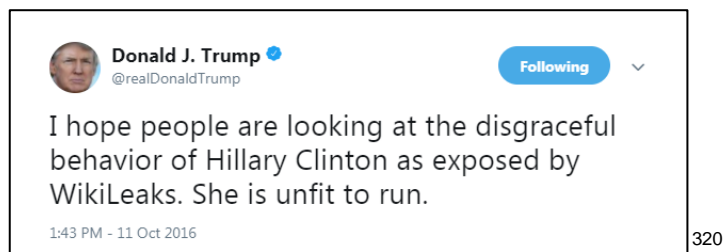
³¹⁴ Gov’t’s Mem. ISO Pretrial Detention, *U.S. v. Butina*, No. 18-cr-218 (D.D.C. Jul. 18, 2018), at 6.

sensitivity of these efforts, that only Russia's senior-most officials could have authorized these activities.³¹⁵

Later the same day, Wikileaks begins publishing the emails of John Podesta, Hillary Clinton's campaign manager.³¹⁶ Wikileaks's release comes less than an hour³¹⁷ after the *Washington Post* publishes a video showing Trump bragging that he assaults women during a 2005 appearance on Access Hollywood.³¹⁸

October 10, 2016: At a rally on October 10, Trump proclaims, "I love WikiLeaks!"³¹⁹

October 11, 2016: Trump tweets,



October 12, 2016: Wikileaks again messages Trump Jr. on Twitter: "Hey Donald, great to see you and your dad talking about our publications." Wikileaks continues, "Strongly suggest your dad tweets this link if he mentions us." The message also included this link: "wlsearch.tk." Wikileaks continued, "There's many great stories the press are missing and we're sure some of your follows [sic] will find it." And "Btw we just released Podesta Emails Part 4."³²¹ 15 minutes after it was sent, candidate Trump tweeted, "Very little pick-up by the dishonest media of incredible information provided by WikiLeaks. So dishonest! Rigged system!"³²²

October 13, 2016: Wikileaks exchanges private messages with Roger Stone. Stone writes to Wikileaks, "Since I was all over national TV, cable and print defending [W]ikileaks and [A]ssange against the claim that you are Russian agents and debunking the false charges of sexual assault as trumped up bs you may want to reexamine the strategy of attacking me-

³¹⁵ Joint Statement from the Department Of Homeland Security and Office of the Director of National Intelligence on Election Security, Oct. 7, 2016, available at <https://www.dhs.gov/news/2016/10/07/joint-statement-department-homeland-security-and-office-director-national>.

³¹⁶ Eric Lipton, David E. Sanger, and Scott Shane, *The Perfect Weapon: How Russian Cyberpower Invaded the U.S.*, *New York Times*, Dec. 13, 2016, available at <https://www.nytimes.com/2016/12/13/us/politics/russia-hack-election-dnc.html>.

³¹⁷ Aaron Sharockman, *It's True: WikiLeaks dumped Podesta emails hour after Trump video surfaced*, *Politifact*, Dec. 18, 2016, available at <http://www.politifact.com/truth-o-meter/statements/2016/dec/18/john-podesta/its-true-wikileaks-dumped-podesta-emails-hour-after/>.

³¹⁸ Watch: Donald Trump recorded having extremely lewd conversation about women in 2005, *Washington Post*, Oct. 7, 2016, available at https://www.washingtonpost.com/video/national/watch-donald-trump-recorded-having-extremely-lewd-conversation-about-women-in-2005/2016/10/07/3bf16d1e-8caf-11e6-8cdc-4fbb1973b506_video.html?utm_term=.81d63f2a6ab5.

³¹⁹ Mark Hensch, *Trump: 'I love WikiLeaks*, *The Hill*, Oct. 10, 2016, available at <http://thehill.com/blogs/ballot-box/presidential-races/300327-trump-i-love-wikileaks>.

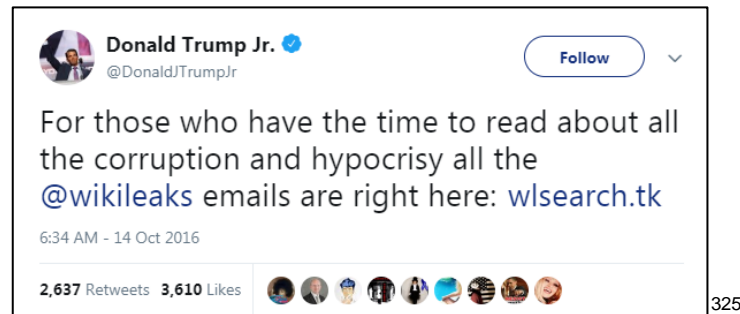
³²⁰ <https://twitter.com/realdonaldtrump/status/785898532645502980>.

³²¹ Ioffe, *Atlantic*, Nov. 13, 2017.

³²² <https://twitter.com/realdonaldtrump/status/786201435486781440>.

cordially R.”³²³ The Wikileaks account responds, “We appreciate that. However, the false claims of association are being used by the [D]emocrats to undermine the impact of our publications. Don’t go there if you don’t want us to correct you.”³²⁴

October 14, 2016: Trump Jr. tweets a link that WikiLeaks had provided to him: “For those who have the time to read about all the corruption and hypocrisy all the @wikileaks emails are right here: <http://wlsearch.tk/>”



October 15, 2016: Stone again messages Wikileaks on Twitter: “Ha! The more you ‘correct’ me the more people think you’re lying. Your operation leaks like a sieve. You need to figure out who your friends are.”³²⁶

October 2016: Christopher Steele expresses his frustration with the FBI to Associate Deputy Attorney General Bruce Ohr, whose wife Nellie Ohr was briefly a contractor for Fusion GPS (the firm that had hired Steele’s company Orbis). Ohr reportedly urges Steele not to be upset that the FBI has not revealed the fact that it is investigating possible Trump campaign ties to Russia because it is against DOJ policy to comment on potentially prejudicial investigation of a political candidate so close to an election. Ohr reportedly memorializes the conversation in a memo to the FBI.³²⁷

October 21, 2016: The Department of Justice submits a Foreign Intelligence Surveillance Act (FISA) application for surveilling former Trump campaign advisor Carter Page.³²⁸ In the application, the Department of Justice claims that there is probable cause to believe that Carter Page is an agent of the Russian government and that he is helping Russia “undermine and improperly and illegally influence the 2016 U.S. Presidential election.”³²⁹ That application apparently relies on information the FBI had collected, including

The Department of Justice seeks and obtains a surveillance warrant for former Trump campaign adviser Carter Page

³²³ Natasha Bertrand, *Roger Stone's Secret Messages with WikiLeaks*, *Atlantic*, Feb. 27, 2018, available at <https://www.theatlantic.com/politics/archive/2018/02/roger-stones-secret-messages-with-wikileaks/554432/>.

³²⁴ *Id.*

³²⁵ <https://twitter.com/DonaldJTrumpJr/status/786923210512142336>

³²⁶ Bertrand, *Atlantic*, Feb. 27, 2018.

³²⁷ Mayer, *New Yorker*, Mar 12, 2018.

³²⁸ Minority Memo re: Correcting the Record – the Russia Investigation.

³²⁹ Department of Justice, Foreign Intelligence Surveillance Court Application, Oct. 21, 2016, at 8, available at <https://www.lawfareblog.com/document-justice-department-releases-carter-page-fisa-application>.

information gleaned from Steele.³³⁰ A FISA warrant for surveillance of Page is granted soon afterwards.³³¹

October 28, 2016: FBI Director Comey sends a letter³³² to congressional leaders explaining that the FBI had discovered new emails relating to the investigation into Hillary Clinton's email server as Secretary of State.³³³

The letter reportedly alarms Steele, who had been told by his contacts at DOJ that the department refrains from such announcements. Apparently worried that the FBI is applying one standard to Clinton and another to Trump, Steele begins speaking on background to members of the press.³³⁴

November 2016 (prior to the election): Russian military officers use an email account designed to appear to be the same as a major vendor to send over 100 spearphishing emails to organizations and personnel involved in administering elections in numerous counties in Florida. The spearphishing emails contained malware embedded in Word documents bearing the vendor's logo.³³⁵

November 8, 2016: Lt. General (Ret.) Flynn publishes an editorial in *The Hill* entitled, "Our ally Turkey is in crisis and needs our support."³³⁶

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.³³⁷

Donald Trump becomes President-elect of the United States.

The same day, Guccifer 2.0 sends Roger Stone a direct message via Twitter: "Happy? We are now more free to communicate."³³⁸

November 10, 2016: President Obama warns President-elect Trump against hiring Michael Flynn as a national security adviser.³³⁹

³³⁰ *Id.*

³³¹ *Id.*

³³² Letter to Congress From F.B.I. Director on Clinton Email Case, Oct. 28, 2016, available at <https://www.nytimes.com/interactive/2016/10/28/us/politics/fbi-letter.html>.

³³³ Mayer, *New Yorker*, Mar 12, 2018.

³³⁴ *Id.* See, e.g. David Corn, A Veteran Spy Has Given the FBI Information Alleging a Russian Operation to Cultivate Donald Trump, *Mother Jones*, Oct. 31, 2016, available at <https://www.motherjones.com/politics/2016/10/veteran-spy-gave-fbi-info-alleging-russian-operation-cultivate-donald-trump/>.

³³⁵ Netyksho Indictment at ¶ 76.

³³⁶ Lt. Gen. Michael T. Flynn, *Our Ally Turkey Is in Crisis and Needs Our Support*, *The Hill*, Nov. 8, 2016, available at <http://thehill.com/blogs/pundits-blog/foreign-policy/305021-our-ally-turkey-is-in-crisis-and-needs-our-support>.

³³⁷ Mark Hosenball, Donald Trump Set To Receive Top Secret Security Briefings, *Huffington Post*, Nov. 10, 2016, available at http://www.huffingtonpost.com/entry/trump-security-briefings_us_5823dcbfe4b0d9ce6fc0cb09.

³³⁸ Minority Views re: Report on Russian Active Measures.

³³⁹ Jim Acosta and Jeremy Diamond, Obama Warned Trump about Hiring Flynn, *CNN*, May 9, 2017, available at <http://www.cnn.com/2017/05/08/politics/obama-trump-michael-flynn/http://www.cnn.com/2017/05/08/politics/obama-trump-michael-flynn/>.

Post-election, November 2016: After the election, Internet Research Service use fake U.S. personas to organize dueling rallies both in support and in protest of President-elect Trump. Two such rallies are held on November 12.³⁴⁰

Also after the election, Christopher Steele continues to try to alert authorities, including the British government and U.S. Senator John McCain.³⁴¹

November 12, 2016: On the same day, Mariia Butina holds a party that is attended by Paul Erickson. At the party, Butina reportedly claims that she had played a role in the Trump campaign's communications with Russia.³⁴² A professor who taught Butina at American University claims that Butina had made this claim several times before.³⁴³

November 18, 2016: President-elect Trump names Flynn his intended White House national security adviser³⁴⁴ and Senator Jeff Sessions as his pick for Attorney General.³⁴⁵ On the same day, Representative Cummings, Ranking Member of the House Committee on Oversight and Government Reform, sends a letter to Vice-President Elect and chair of the Trump transition team, Mike Pence. In the letter, Cummings warns Pence of potential conflicts created by Flynn's work on behalf of Turkey.³⁴⁶ Pence's office reportedly confirms receipt of the letter.³⁴⁷

November 23, 2016: Former Trump campaign chair Paul Manafort, his deputy Rick Gates, and their company allegedly submit a "false cover story" to the Department of Justice after learning that it was seeking "to determine whether they had acted as agents of a foreign principal under the Foreign Agents Registration Act (FARA)."³⁴⁸ Contrary to their story, Manafort and Gates allegedly worked as unregistered agents of the Government of Ukraine, its President Victor Yanukovich, and two Ukrainian political parties between at least 2006 and 2015.³⁴⁹

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.³⁵⁰ On the same

³⁴⁰ Russian Interference Indictment at ¶ 57.

³⁴¹ Mayer, *New Yorker*, Mar 12, 2018.

³⁴² Tim Mak, *The Kremlin and GOP Have a New Friend—and Boy, Does She Love Guns*, *The Daily Beast*, Feb. 23, 2017, available at <https://www.thedailybeast.com/the-kremlin-and-gop-have-a-new-friend-and-boy-does-she-love-guns>.

³⁴³ *Id.*

³⁴⁴ Bryan Bender, *Trump Names Mike Flynn National Security Adviser*, *Politico*, Nov. 17, 2016, available at <http://www.politico.com/story/2016/11/michael-flynn-national-security-adviser-231591>.

³⁴⁵ David Nakamura and Elise Viebeck, *Trump Chooses Sen. Jeff Sessions for Attorney General*, Rep. Mike Pompeo for CIA Director, *Washington Post*, Nov. 18, 2016, available at https://www.washingtonpost.com/politics/trump-chooses-sen-jeff-sessions-for-attorney-general-rep-mike-pompeo-for-cia-director-transition-sources-say/2016/11/18/a0c170ae-ad8e-11e6-a31b-4b6397e625d0_story.html?utm_term=.b8ee94adbfb1.

³⁴⁶ Letter from Rep. Cummings to Vice President Elect Pence, Nov. 18, 2016, available at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-11-18.EEC%20to%20Pence.pdf>.

³⁴⁷ Louis Nelson, *Cummings: Either Pence is lying or was 'running a sloppy shop'*, *Politico*, May 19, 2017, available at <https://www.politico.com/story/2017/05/19/mike-pence-flynn-elijah-cummings-responds-238598>.

³⁴⁸ Indictment at ¶¶ 25, 49, *U.S. v. Manafort*, 17-cr-201 (D.D.C. Oct. 30, 2017) (henceforth "D.D.C. Indictment"), available at <https://www.justice.gov/file/1007271/download>.

³⁴⁹ Superseding Indictment at ¶ 45, *U.S. v. Manafort*, 17-cr-201 (D.D.C. Feb. 23, 2018) (henceforth "D.D.C. Superseding Indictment"), available at <https://www.justice.gov/file/1038741/download>.

³⁵⁰ Ellen Nakashima, *Trump Asks U.S. Attorney in Manhattan to Stay On*, *Washington Post*, Nov. 30, 2016, available at <https://www.washingtonpost.com/world/national-security/trump-asks-us-attorney-in->

day, the Department of Justice sends Flynn a letter notifying him that it is investigating his lobbying work.³⁵¹

Late November: Christopher Steele writes a memo after his contract with Fusion GPS has ended in which he reports that a “senior Russian official” had disclosed that the Kremlin had intervened to block Mitt Romney from being chosen as Secretary of State.³⁵²

During the Transition: Attorneys for Flynn inform the transition team, including Don McGahn, that Flynn would be registering as a foreign agent for work on behalf of the Turkish government.³⁵³

December 2016: Carter Page travels to Russia and has dinner with individuals at the New Economic School; Russian Deputy Prime Minister Arkady Dvorkovich “stop[s] by the dinner.”³⁵⁴

The same month, Papadopoulos reportedly tries “to serve as a conduit for the defense minister of Greece,” sending a proposal that is reviewed by Flynn and Bannon.³⁵⁵

Jared Kushner meets with Hamad bin Jassim bin Jaber al Thani, the former prime minister of Qatar, at Trump Tower.³⁵⁶

Jared Kushner and Michael Flynn meet with Russian Ambassador Kislyak at Trump Tower and reportedly discuss establishing secret backchannels between the Trump transition and Russia.

Starting in December 2016 and running through May 2017, the FBI obtains “multiple grand jury subpoenas and records requests” relating to Manafort and Flynn. They are all served while Comey is the director of the FBI.³⁵⁷

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

[manhattan-to-stay-on/2016/11/30/41715c18-b72f-11e6-a677-b608fbb3aaf6_story.html?utm_term=.5bb19babfa47](https://www.nytimes.com/2016/11/30/41715c18-b72f-11e6-a677-b608fbb3aaf6_story.html?utm_term=.5bb19babfa47).

³⁵¹ Rosenberg and Mazzetti, *New York Times*, May 17, 2017.

³⁵² Mayer, *New Yorker*, Mar 12, 2018.

³⁵³ Chad Day, Stephen Braun, and Julie Pace, *Trump transition knew Flynn might register as foreign agent*, AP, Mar. 10, 2017, available at <https://apnews.com/789224e9049b407eaa6b1724eeac82af/Trump-team-was-told-Flynn-might-need-to-register>.

³⁵⁴ Page Testimony at 36.

³⁵⁵ Helderman and Hamburger, *Washington Post*, Mar. 23, 2018.

³⁵⁶ Avery Anapol, *Mueller looking into whether Kushner business ties impacted Trump policy: report*, *The Hill*, Mar. 2, 2018, available at <http://thehill.com/homenews/administration/376472-mueller-looking-into-whether-kushner-business-ties-impacted-trump>; Reuters Staff, *Investigators looking at whether Kushner business talks affected U.S. policy*: NBC News, Mar. 2, 2018, available at <https://www.reuters.com/article/us-usa-trump-russia-kushner/investigators-looking-at-whether-kushner-business-talks-affected-u-s-policy-nbc-news-idUSKCN1GE2XJ>.

³⁵⁷ Tom Winter and Ken Dilanian, *Flynn, Manafort Are Key Figures in Russia Probe Mueller Will Lead*, *NBC News*, May 17, 2017, available at <https://www.nbcnews.com/news/us-news/flynn-manafort-are-key-figures-russia-probe-mueller-will-lead-n761256>.

possibility of setting up a secret and secure communications channel between Trump's transition team and the Kremlin..."³⁵⁸

December 9, 2016: Senator John McCain meets FBI Director Comey to give him a copy of the Steele Dossier that he and his former aide, David Kramer, obtained from Christopher Steele. The meeting reportedly lasts less than ten minutes because, unknown to McCain, the FBI already had a copy of the Dossier.³⁵⁹

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.³⁶⁰

On the same day, President-elect Trump announces Rex Tillerson, chief executive of Exxon Mobil, to be secretary of state.³⁶¹

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."³⁶²

Plans for Senate investigations into Russian interference in the 2016 election are announced.

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."³⁶³

³⁵⁸ Ellen Nakashima, Adam Entous and Greg Miller, Russian Ambassador Told Moscow that Kushner Wanted Secret Communications Channel with Kremlin, *Washington Post*, May 26, 2017, available at https://www.washingtonpost.com/world/national-security/russian-ambassador-told-moscow-that-kushner-wanted-secret-communications-channel-with-kremlin/2017/05/26/520a14b4-422d-11e7-9869-bac8b446820a_story.html; Devlin Barrett, Philip Rucker, and Karoun Demirjian, Kushner Questioned by Senate Investigators on Russia, *Washington Post*, Jul. 24, 2017, available at https://www.washingtonpost.com/world/national-security/kushner-arrives-at-senate-for-closed-door-questioning-on-russia/2017/07/24/f5be2b26-7073-11e7-8f39-eeb7d3a2d304_story.html.

³⁵⁹ Mayer, *New Yorker*, Mar 12, 2018.

³⁶⁰ Ed O'Keefe and Paul Kane, McConnell Announces Senate Probe of Suspected Russian Election Interference: 'The Russians Are Not Our Friends', *Washington Post*, Dec. 12, 2016, available at https://www.washingtonpost.com/news/powerpost/wp/2016/12/12/schumer-on-congressional-probe-of-russia-i-dont-want-this-to-turn-into-a-benghazi-investigation/?utm_term=.d91b33fda92e.

³⁶¹ Michael D. Shear and Maggie Haberman, Rex Tillerson, Exxon C.E.O., Chosen as Secretary of State, *New York Times*, Dec. 12, 2017, available at <https://www.nytimes.com/2016/12/12/us/politics/rex-tillerson-secretary-of-state-trump.html>.

³⁶² Manu Raju, Bob Corker Plans to Launch New Russia Hacking Inquiry, *CNN*, Dec. 13, 2017, available at <http://www.cnn.com/2016/12/13/politics/bob-corker-russia-hacking-investigation/index.html>.

³⁶³ David Filipov, Amy Brittain, Rosalind S. Helderman, and Tom Hamburger, Explanations for Kushner's Meeting with Head of Kremlin-Linked Bank Don't Match Up, *Washington Post*, Jun 1, 2017, available at <https://www.washingtonpost.com/politics/explanations-for-kushners-meeting-with-head-of->

Mid-December: After Flynn is tapped as National Security Adviser, Flynn and his son, Michael Flynn Jr. meet in New York with Turkish officials and reportedly propose to deliver Muslim cleric Fethullah Gulen to the Turkish government in exchange for as much as \$15 million. According to one source, Flynn is “prepared to use his influence in the White House to further the legal extradition of the cleric”³⁶⁴

December 15, 2016: Crown Prince Sheikh Mohammed bin Zayed al-Nahyan of the United Arab Emirates and George Nader, a Lebanese-American businessman who advises bin Zayed Al-Nahyan, meet for three hours with several Trump transition officials, including Michael Flynn, Jared Kushner, and Steve Bannon.³⁶⁵ The Crown Prince’s trip to the U.S. raises concern in the Obama administration because the United Arab Emirates did not notify the U.S. government of the trip (which is customary when foreign dignitaries are traveling).³⁶⁶ That concern apparently prompts outgoing National Security Adviser Susan Rice to “unmask” the identities of Americans who were communicating with foreign officials who were under surveillance; these individuals turn out to be Trump associates (though it is unclear exactly who).³⁶⁷ At some point after the meeting, Steve Bannon tells Erik Prince, who had provided unsolicited policy papers to Bannon during the campaign, about the meeting with the Crown Prince and says that the Crown Prince is a “great guy.”³⁶⁸

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

[kremlin-linked-bank-dont-match-up/2017/06/01/dd1bdbb0-460a-11e7-bcde-624ad94170ab_story.html?utm_term=.fbd753b69cd6](https://www.washingtonpost.com/kremlin-linked-bank-dont-match-up/2017/06/01/dd1bdbb0-460a-11e7-bcde-624ad94170ab_story.html?utm_term=.fbd753b69cd6); Barret, Rucker, and Demirjian, *Washington Post*, Jul. 24, 2017.

³⁶⁴ James V. Grimaldi, Shane Harris and Aruna Viswanatha, *Mueller Probes Flynn’s Role in Alleged Plan to Deliver Cleric to Turkey*, *Wall Street Journal*, Nov. 10, 2017, available at <https://www.wsj.com/articles/mueller-probes-flynn-s-role-in-alleged-plan-to-deliver-cleric-to-turkey-1510309982>.

³⁶⁵ Zeeshan Aleem, *George Nader, one of the Trump-Russia investigation’s most mysterious figures*, explained, *Vox*, Mar. 28, 2018, available at <https://www.vox.com/policy-and-politics/2018/3/28/17165410/george-nader-trump-mueller-immunity-russia>; Prince Testimony at *7.

³⁶⁶ Manu Raju, *Exclusive: Rice told House investigators why she unmasked senior Trump officials*, *CNN*, Sept. 18, 2017, available at <https://www.cnn.com/2017/09/13/politics/susan-rice-house-investigators-unmasked-trump-officials/index.html>.

³⁶⁷ *Id.*

³⁶⁸ Testimony of Erik Prince at *6, 14, 20, *House Permanent Committee on Intelligence*, Nov. 30, 2017, available at <http://docs.house.gov/meetings/IG/IG00/20171130/106661/HHRG-115-IG00-Transcript-20171130.pdf> (henceforth “Prince Testimony”); Karoun Demirjian and Adam Entous, *Erik Prince discussed trade, terrorism with Russian banker in Seychelles*, interview transcript says, *Washington Post*, Dec. 6, 2017, available at https://www.washingtonpost.com/powerpost/erik-prince-discussed-trade-terrorism-with-russian-banker-in-seychelles-interview-transcript-says/2017/12/06/9f99836c-dac2-11e7-a841-2066faf731ef_story.html?utm_term=.97056a078989.

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.³⁶⁹

December 21, 2016: Egypt introduces a resolution at the U.N. Security Council condemning Israeli settlements as illegal.³⁷⁰

December 22, 2016: According to a statement that Flynn later admits,³⁷¹ a very senior member of the Presidential Transition Team (identified by some reports as Jared Kushner)³⁷² “instructs Flynn to contact officials at foreign governments, including Russia, to learn where they stand on the resolution and to encourage them to delay or oppose it.”³⁷³ Soon afterwards, Michael Flynn calls Ambassador Kislyak and asks that Russia delay or vote against the pending United Nations Security Council resolution.³⁷⁴

Allegedly at Kushner’s direction, Flynn contacts Ambassador Kislyak to ask that Russia delay or vote against a pending UN Security Council resolution condemning Israeli settlements.

December 23, 2016: Flynn speaks with Ambassador Kislyak, who informs Flynn that Russia will not vote against the resolution if it comes up.³⁷⁵

December 28, 2016: President Obama signs Executive Order 13757, which imposes sanctions, effective the following day, on Russia in response to interference with the 2016 election.³⁷⁶

On the same day, Russian Ambassador Kislyak contacts Flynn.³⁷⁷

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.³⁷⁸ In an email to a colleague, transition adviser K.T. McFarland claims that the

³⁶⁹ CBS News, *Face the Nation Transcript December 18, 2016: Conway, Kissinger, Donilon*, CBS News, Dec. 18, 2016, available at <http://www.cbsnews.com/news/face-the-nation-transcript-conway-kissinger-donilon/>.

³⁷⁰ Karen DeYoung, *How the U.S. came to abstain on a U.N. resolution condemning Israeli settlements*, *Washington Post*, Dec. 28, 2016, available at https://www.washingtonpost.com/world/national-security/how-the-us-came-to-abstain-on-a-un-resolution-condemning-israeli-settlements/2016/12/28/fed102ee-cd38-11e6-b8a2-8c2a61b0436f_story.html?utm_term=.0eaf4945c54c.

³⁷¹ Statement of Offense ¶ 4.b, *U.S. v. Flynn*, 17-cr-232 (D.D.C. Dec. 1, 2017) (henceforth “Flynn Statement”), available at <https://www.justice.gov/file/1015126/download>.

³⁷² Dana Bash, Jim Sciutto, Gloria Borger and Daniella Diaz, *Sources: Kushner was the ‘very senior’ transition member mentioned in court filing*, *CNN*, Dec. 2, 2017, available at <https://www.cnn.com/2017/12/01/politics/jared-kushner-michael-flynn-russia/index.html>.

³⁷³ Flynn Statement at ¶ 4.b

³⁷⁴ *Id.* at ¶ 4.c.

³⁷⁵ *Id.* at ¶ 4.d.

³⁷⁶ Exec. Order No. 13757, 82 Fed. Reg. 1 (Dec. 28, 2016), available at https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cyber2_eo.pdf.

³⁷⁷ Flynn Statement at ¶ 3.b.

³⁷⁸ Missy Ryan, Ellen Nakashima, and Karen DeYoung, *Obama Administration Announces Measures to Punish Russia for 2016 Election Interference*, *Washington Post*, Dec. 29, 2016, available at <https://www.washingtonpost.com/world/national-security/obama-administration-announces-measures-to->

sanctions are intended to discredit Trump's victory and make it harder for Trump to ease tensions with Russia.³⁷⁹

On the same day, Flynn calls a "senior member of the transition team" at Mar-a-Lago (identified by anonymous sources as KT McFarland)³⁸⁰ "to discuss what, if anything, to communicate to the Russian Ambassador about the U.S. Sanctions."³⁸¹ On the call, Flynn and McFarland "discuss[] that the members of the Presidential Transition Team at Mar-a Lago d[o] not want Russia to escalate the situation."³⁸² In a separate email to transition adviser Thomas Bossert, McFarland explains that Flynn will be speaking with Russian Ambassador Kislyak as part of an effort to reassure Russia.³⁸³ Bossert then forwards McFarland's email to six other advisers, including Flynn, Priebus, Bannon, and Spicer.

Flynn calls Ambassador Kislyak and "request[s] that Russia not escalate the situation and only respond to the U.S. Sanctions in a reciprocal manner."³⁸⁴ Flynn calls McFarland and reports the substance of his call with Kislyak.³⁸⁵

December 30, 2016: Russian President Vladimir Putin announces that Russia will not take retaliatory action in response to the sanctions imposed by the Obama administration.³⁸⁶

December 31, 2016: Ambassador Kislyak calls Flynn and "inform[s] him that Russia ha[s] chosen not to retaliate in response to [Flynn's] request."³⁸⁷ Flynn then speaks with senior members of the transition team about his conversations with Kislyak.³⁸⁸

[punish-russia-for-2016-election-interference/2016/12/29/311db9d6-cdde-11e6-a87f-b917067331bb_story.html?utm_term=.911c86866fe1](https://www.nytimes.com/2016/12/29/311db9d6-cdde-11e6-a87f-b917067331bb_story.html?utm_term=.911c86866fe1).

³⁷⁹ Michael S. Schmidt, Sharon LaFraniere, and Scott Shane, Emails Dispute White House Claims That Flynn Acted Independently on Russia, *New York Times*, Dec. 2, 2017, available at <https://www.nytimes.com/2017/12/02/us/russia-mcfarland-flynn-trump-emails.html>.

³⁸⁰ See John Santucci, Tara Palmeri, and Adam Kelsey, Jared Kushner is 'very senior' official who directed Flynn to contact Russia in court documents: Sources, *ABC News*, Dec. 1, 2017, available at <http://abcnews.go.com/US/senior-trump-transition-official-directed-flynn-contact-russia/story?id=51515179>.

³⁸¹ Flynn Statement at ¶ 3.c.

³⁸² *Id.*

³⁸³ Schmidt, LaFraniere, and Shane, *New York Times*, Dec. 2, 2017.

³⁸⁴ Flynn Statement at ¶ 3.d. See also Julie Pace, Top Trump Aide in Frequent Contact with Russia's Ambassador, *AP*, Jan 14, 2017, available at <https://apnews.com/ba462d64c12d4692b8381cb7076d34ab>; Matthew Rosenberg and Matt Apuzzo, Flynn Is Said to Have Talked to Russians About Sanctions Before Trump Took Office, *New York Times*, Feb. 9, 2017, available at <https://www.nytimes.com/2017/02/09/us/flynn-is-said-to-have-talked-to-russians-about-sanctions-before-trump-took-office.html>.

³⁸⁵ Flynn Statement at ¶ 3.e.

³⁸⁶ Statement by the President of Russia, *President of Russia*, Dec. 30, 2016, available at <http://en.kremlin.ru/events/president/news/53678>; Neil MacFarquhar, Vladimir Putin Won't Expel U.S. Diplomats as Russian Foreign Minister Urged, *New York Times*, Dec. 30, 2016, available at <https://www.nytimes.com/2016/12/30/world/europe/russia-diplomats-us-hacking.html>.

³⁸⁷ Flynn Statement at ¶ 3.g.

³⁸⁸ *Id.* at ¶ 3.h.

2017

Early 2017: FBI investigators conduct a search of a storage facility belonging to Manafort.³⁸⁹

Early January 2017: The Foreign Intelligence Surveillance Court approves renewal of a warrant for electronic surveillance of Carter Page that was first issued in October 2016.³⁹⁰ This is the first renewal.

January 4, 2017: Flynn informs the presidential transition team that the Department of Justice is investigating his lobbying activities.³⁹¹

Flynn informs the Trump transition team that DOJ 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.³⁹² 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.³⁹³

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.³⁹⁴

The same day, Russian billionaire and oligarch Viktor Veskelberg meets with Michael Cohen in Trump Tower. According to Veskelberg’s cousin, Andrew Intrater, who also attended the

³⁸⁹ Evan Perez, Shimon Prokupecz and Pamela Brown, *Exclusive: US government wiretapped former Trump campaign chairman*, CNN, Sept. 19, 2017, available at <https://www.cnn.com/2017/09/18/politics/paul-manafort-government-wiretapped-fisa-russians/index.html>.

³⁹⁰ Minority Memo re: Correcting the Record – the Russia Investigation.

³⁹¹ Rosenberg and Mazzetti, *New York Times*, May 17, 2017.

³⁹² Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent US Elections*, Jan. 6, 2017, available at https://www.dni.gov/files/documents/ICA_2017_01.pdf.

³⁹³ *Id.*; James B. Comey, *Statement for the Record, Senate Select Committee on Intelligence*, June 8, 2017, (June 8 2017 Statement for the Record) available at <https://assets.documentcloud.org/documents/3860358/Comey-Prepared-Remarks-Testimony.pdf> and attached as App. A.2; Evan Perez, Jim Sciutto, Jake Tapper, and Carl Bernstein, *Intel Chiefs Presented Trump with Claims of Russian Efforts to Compromise Him*, CNN, Jan. 12, 2017, available at http://edition.cnn.com/2017/01/10/politics/donald-trump-intelligence-report-russia/index.html?mc_cid=50b8ef8c5c&mc_eid=b29fd3f47d&iid=EL; Bradley Hope, Michael Rothfeld, and Alan Cullison, Christopher Steele, Ex-British Intelligence Officer, Said to Have Prepared Dossier on Trump, *Wall Street Journal*, Jan. 11, 2017, available at <https://www.wsj.com/articles/christopher-steele-ex-british-intelligence-officer-said-to-have-prepared-dossier-on-trump-1484162553>.

³⁹⁴ Glenn Thrush and Maggie Haberman, *Jared Kushner Named Senior White House Adviser to Donald Trump*, *New York Times*, Jan. 9, 2017, available at <https://www.nytimes.com/2017/01/09/us/jared-kushner-senior-adviser-white-house-trump.html?mcubz=3>.

meeting and invests for Veskelberg, the two discussed their mutual desire to strengthen U.S.-Russian relations under the incipient Trump administration.³⁹⁵

January 10, 2017: *CNN* reports the existence of the Steele Dossier³⁹⁶, and *BuzzFeed News* publishes the document.³⁹⁷ Michael Cohen denies the allegations in the Steele Dossier³⁹⁸, and President-elect Trump, presumably in reference to the dossier, tweets, “FAKE NEWS – A TOTAL POLITICAL WITCH HUNT!”³⁹⁹ Manafort calls Priebus to discuss the Steele Dossier and tell him that it is full of inaccuracies and unreliable.⁴⁰⁰

The same day, a Russian aircraft lands in the Seychelles. The plane is owned by Andrei Skoch, a Russian billionaire who currently serves as a deputy in Russia's legislative body. The presence of the aircraft raises questions about the scope of the meetings which took place in the Seychelles later that week—namely, whether US sanctions on Russia were discussed.⁴⁰¹

Around January 11, 2017: George Nader, a Lebanese-American businessman who advises Mohammed bin Zayed Al-Nahyan, the Crown Prince of the United Arab Emirates reportedly attends a meeting convened by the crown prince in the Seychelles.⁴⁰² In attendance along with Nader are Kirill Dmitriev, the manager of Russian Direct Investment Fund, and Erik Prince, the founder of Blackwater and an informal adviser to the transition team.⁴⁰³ Dmitriev was chosen by Russian President Vladimir Putin to manage the fund, which was one of the entities sanctioned by the Obama administration in 2014.⁴⁰⁴ According to reporting by the *Washington Post*, a witness cooperating with the Special Counsel's Office “has told investigators the meeting was set up in advance so that a representative of the Trump transition could meet with an emissary from Moscow to discuss future relations between the countries”⁴⁰⁵ The *Daily Mail* later

³⁹⁵ William K. Rashbaum, Ben Protess and Mike McIntire, *At Trump Tower, Michael Cohen and Oligarch Discussed Russian Relations*, *New York Times*, May 25, 2018, available at <https://www.nytimes.com/2018/05/25/us/politics/michael-cohen-viktor-vekselberg-trump-tower.html>.

³⁹⁶ Perez, Sciutto, Tapper, and Bernstein, *CNN*, Jan. 12, 2017.

³⁹⁷ Bensinger, Elder, and Schoofs, *BuzzFeed News*, Jan. 10, 2017.

³⁹⁸ Rosie Gray, ‘It Is Fake News Meant to Malign Mr. Trump’, *Atlantic*, Jan. 10, 2017, available at <https://www.theatlantic.com/politics/archive/2017/01/michael-cohen-it-is-fake-news-meant-to-malign-mr-trump/512762/>.

³⁹⁹ <https://twitter.com/realDonaldTrump/status/818990655418617856>.

⁴⁰⁰ Kenneth P. Vogel, *Manafort Advised Trump Team on Russia Scandal*, *Politico*, May 25, 2017, available at <http://www.politico.com/story/2017/05/25/manafort-trump-russia-advise-238803>.

⁴⁰¹ Erin Banco, *As Mueller probes Seychelles meetings, details emerge about Russian plane: exclusive*, *NJ.com*, May 17, 2018, available at https://www.nj.com/news/index.ssf/2018/05/new_details_emerge_on_russian_aircraft_in_seychell.html.

⁴⁰² Prince Testimony at *7.

⁴⁰³ Adam Entous, Greg Miller, Kevin Sieff and Karen DeYoung, *Blackwater founder held secret Seychelles meeting to establish Trump-Putin back channel*, *Washington Post*, Apr. 3, 2017, available at https://www.washingtonpost.com/world/national-security/blackwater-founder-held-secret-seychelles-meeting-to-establish-trump-putin-back-channel/2017/04/03/95908a08-1648-11e7-ada0-1489b735b3a3_story.html?utm_term=.c4fec690a0d8; Mark Mazzetti, David D. Kirkpatrick, and Adam Goldman, *Adviser to Emirates With Ties to Trump Aides Is Cooperating With Special Counsel*, *New York Times*, Mar. 6, 2018, available at <https://www.nytimes.com/2018/03/06/us/politics/george-nader-special-counsel-mueller-cooperating-seychelles.html?smid=tw-share>.

⁴⁰⁴ Mazzetti, Kirkpatrick, and Goldman, *New York Times*, Mar. 6, 2018.

⁴⁰⁵ Sari Horwitz and Devlin Barrett, *Mueller gathers evidence that 2017 Seychelles meeting was effort to establish back channel to Kremlin*, *Washington Post*, Mar. 7, 2018, available at <https://www.washingtonpost.com/world/national-security/mueller-gathers-evidence-that-2016-seychelles->

reports two other men accompanied Crown Prince Zayed to the meeting with Prince: Hamad al Mazroie (de-factor head of the Emirati intelligence service) and Mohammed Dahlan, an adviser who is fluent in Russian.⁴⁰⁶

In subsequent testimony before the House Intelligence Committee, Prince describes the visit as a business trip but acknowledges meeting Dmitriev at a hotel bar for approximately 30 minutes.⁴⁰⁷ Prince testifies that he did not know that he would be meeting with Dmitriev, that Dmitriev was the head of the Russian Direct Investments Fund, or that the fund was under U.S. sanctions.⁴⁰⁸

January 12, 2017: The *Washington Post*'s David Ignatius reports that Flynn spoke with Ambassador Kislyak by phone on December 29, 2016, the day the Obama administration announced new sanctions on Russia.⁴⁰⁹

On the same day, Russian military officers publish a statement on the Guccifer 2.0 WordPress blog falsely claiming that the intrusions and release of stolen documents had "totally no relation to the Russian government."⁴¹⁰

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."⁴¹¹

The Senate Intelligence Committee announces that it will be conducting an inquiry into Russian intelligence activities including links to U.S. 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: Let me ask you about it was reported by David Ignatius that the incoming national security advisor Michael Flynn was in touch with the Russian ambassador on the day the United States government announced sanctions for Russian

[meeting-was-effort-to-establish-back-channel-to-kremlin/2018/03/07/b6a5fb8c-224b-11e8-94da-ebf9d112159c_story.html?utm_term=.2d1c17f17e38](https://www.washingtonpost.com/news/energy-environment/wp/2018/03/07/b6a5fb8c-224b-11e8-94da-ebf9d112159c_story.html?utm_term=.2d1c17f17e38).

⁴⁰⁶ Ryan Parry and Josh Boswell, *Exclusive: Top Arab spy and prince's conduit to the Kremlin were at the Seychelles meeting between Trump donor Erik Prince and Russian oligarch which Mueller is probing*, *Daily Mail*, Mar. 12, 2018, available at <http://www.dailymail.co.uk/news/article-5484079/Top-Arab-spy-Seychelles-meeting-probed-Mueller.html>.

⁴⁰⁷ Prince Testimony at *7.

⁴⁰⁸ *Id.* at **36, 75

⁴⁰⁹ David Ignatius, *Why Did Obama Dawdle on Russia's Hacking?*, *Washington Post*, Jan. 12, 2017, available at https://www.washingtonpost.com/opinions/why-did-obama-dawdle-on-russias-hacking/2017/01/12/75f878a0-d90c-11e6-9a36-1d296534b31e_story.html?utm_term=.d1405475a478

⁴¹⁰ Netyksho Indictment at ¶ 46.

⁴¹¹ United States Select Committee on Intelligence, *Joint Statement on Committee Inquiry into Russian Intelligence Activities*, Jan. 13, 2017, available at <https://www.intelligence.senate.gov/press/joint-statement-committee-inquiry-russian-intelligence-activities>.

interference with the election. Did that contact help with that Russian kind of moderate response to it? That there was no counter-reaction from Russia. Did the Flynn conversation help pave the way for that sort of more temperate Russian response?

MIKE PENCE: I talked to General Flynn about that conversation and actually was initiated on Christmas Day he had sent a text to the Russian ambassador to express not only Christmas wishes but sympathy for the loss of life in the airplane crash that took place. It was strictly coincidental that they had a conversation. They did not discuss anything having to do with the United States' decision to expel diplomats or impose censure against Russia.

JOHN DICKERSON: So did they ever have a conversation about sanctions ever on those days or any other day?

MIKE PENCE: They did not have a discussion contemporaneous with U.S. actions on--

JOHN DICKERSON: But what about after--

MIKE PENCE: --my conversation with General Flynn. Well, look. General Flynn has been in touch with diplomatic leaders, security leaders in some 30 countries. That's exactly what the incoming national security advisor--

JOHN DICKERSON: Absolutely.

MIKE PENCE: --should do. But what I can confirm, having spoken to him about it, is that those conversations that happened to occur around the time that the United States took action to expel diplomats had nothing whatsoever to do with those sanctions.

. . . .

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.⁴¹²

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."⁴¹³

⁴¹² CBS News, *Face the Nation* Transcript January 15, 2017: Pence, Manchin, Gingrich, *CBS News*, Jan. 15, 2017, available at <http://www.cbsnews.com/news/face-the-nation-transcript-january-15-2017-pence-manchin-gingrich/>.

⁴¹³ Full Transcript and Video: James Comey's Testimony on Capitol Hill, *New York Times*, Jun. 8 2017, available at https://www.nytimes.com/2017/06/08/us/politics/senate-hearing-transcript.html?_r=0.

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.⁴¹⁴

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 . . .

.”⁴¹⁵

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

Days after January 20, 2017: Columbus Nova, Andrew Intrater’s private equity firm, gives Michael Cohen a \$1 million consulting contract. Intrater denies that Veskelberg played a role in the firm’s hire.⁴¹⁶ Columbus Nova pays Cohen \$500,000 over seven months in 2017.⁴¹⁷

January 24, 2017: National Security Adviser Michael Flynn is interviewed by FBI agents about his December 2016 phone calls with Kislyak.⁴¹⁸

January 27, 2017: Andrii Artemenko, a member of the Ukrainian Parliament, meets with Cohen and Felix Sater. They discuss Artemenko’s Russia-Ukraine peace plan, which Cohen says he will deliver to National Security Adviser Michael Flynn. Cohen later denies giving the plan to Flynn.⁴¹⁹ After the meeting becomes public, Artemenko is ousted from the Ukrainian parliament and loses his citizenship.⁴²⁰

⁴¹⁴ Michael S. Schmidt and Adam Goldman, *Trump Is Said to Keep James Comey as F.B.I. Director*, *New York Times*, Jan. 24, 2017, available at https://www.nytimes.com/2017/01/24/us/politics/trump-comey-fbi-director-.html?_r=0.

⁴¹⁵ Michael S. Schmidt, Matthew Rosenberg, Adam Goldman, and Matt Apuzzo, *Intercepted Russian Communications Part of Inquiry into Trump Associates*, *New York Times*, Jan. 19, 2017, available at <https://www.nytimes.com/2017/01/19/us/politics/trump-russia-associates-investigation.html>.

⁴¹⁶ Rashbaum, Protes, and McIntire, *New York Times*, May 25, 2018.

⁴¹⁷ Natasha Bertrand, *Senate Investigations May Have Found a Missing Piece in the Russia Probe*, *The Atlantic*, Jun. 7, 2018, available at <https://www.theatlantic.com/politics/archive/2018/06/former-gop-congressman-embroiled-in-the-russia-probe/562343/>.

⁴¹⁸ Marshall Cohen, Tal Yellin, Liz Stark, *Tracking the Russia investigations*, *CNN*, available at <https://www.cnn.com/interactive/2017/politics/russia-investigations/#/investigations/specialCounsel/all>.

⁴¹⁹ Bertrand,] *The Atlantic*, Jun. 7, 2018; Rosalind Helderman and Tom Hamburger, *Pressure on Michael Cohen intensifies as Mueller stays focused on the Trump attorney*, *New York Times*, Jun. 13, 2018, available at https://www.washingtonpost.com/politics/pressure-on-michael-cohen-intensifies-as-mueller-stays-focused-on-trump-attorney/2018/06/13/00a207fe-6f12-11e8-bf86-a2351b5ece99_story.html?utm_term=.a81cf6657e51; Natasha Bertrand, *Lawmaker: ‘I got confirmation’ my Russia-Ukraine plan was delivered to White House, despite what Trump lawyer says*, *Business Insider*, Feb. 26, 2017, available at <http://www.businessinsider.com/andrey-artemenko-ukraine-russia-michael-cohen-flynn-plan-2017-2>.

⁴²⁰ Luis Sanchez, *Ukraine politician says Mueller focused on Cohen during questioning*, *The Hill*, Jun. 13, 2018, available at <http://thehill.com/policy/international/392194-ukraine-politician-says-mueller-focused-on-cohen-in-interview>.

The *New York Times* first reports that U.S. law enforcement and intelligence agencies are also investigating possible links between Russian officials and associates of President Trump.

Late January through February: Mr. Elliott Broidy, a vice chairman of President Trump's inaugural fundraising committee and the owner of Circinus, a private security company, meets George Nader "during the crush of parties and other events surrounding Mr. Trump's inauguration." By February, the two are exchanging emails about the prospect of over \$1 billion in contracts for Circinus.⁴²¹

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."⁴²²

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.⁴²³

⁴²¹ David D. Kirkpatrick and Mark Mazzetti, *How 2 Gulf Monarchies Sought to Influence the White House*, *New York Times*, Mar. 21, 2018, available at <https://www.nytimes.com/2018/03/21/us/politics/george-nader-elliott-broidy-uae-saudi-arabia-white-house-influence.html>.

⁴²² Steve Holland, *FBI Director Comey, Who Angered Democrats, Gets Hug from Trump*, *Reuters*, Jan. 22, 2017, available at <http://www.reuters.com/article/us-usa-trump-comey-idUSKBN156146>.

⁴²³ *White House Briefing by Sean Spicer – Full Transcript*, *CBS News*, Jan. 23, 2017, available at <https://www.cbsnews.com/news/sean-spicer-press-conference-transcript-jan-23-2017/>.

January 24, 2017: In an interview with FBI agents at the White House, National Security Adviser Flynn “falsely state[s] that he did not ask Russia’s Ambassador to the United States (“Russian Ambassador”) to refrain from escalating the situation in response to sanctions that the United States had imposed against Russia.”⁴²⁴ Flynn also “falsely state[s] that he did not remember a follow-up conversation in which the Russian Ambassador stated that Russia had chosen to moderate its response to those sanctions as a result of [his] request.”⁴²⁵ Flynn also makes “additional false statements about calls he made to Russia and several other countries regarding a resolution submitted by Egypt to the United States Security Council on December 21, 2016.”⁴²⁶ Knowingly and willingly making a material false statement to a federal agent is a felony punishable by up to five years imprisonment.

In an interview with FBI investigators, National Security Adviser Michael Flynn makes multiple false statements about his contacts with Russian Ambassador Kislyak.

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.”⁴²⁷

Acting Attorney General Sally Yates receives a “detailed readout” of the FBI’s January 24th interview of Flynn.⁴²⁸

January 26, 2017: Acting Attorney General Sally Yates and a senior member of DOJ’s national security division meet with White House Counsel Don McGahn and one of his associates. Yates later testifies that they tell McGahn that “there had been press accounts of statements from the vice president and others that related conduct that Mr. Flynn had been involved in that we knew not to be the truth.”⁴²⁹ Yates also testifies that they told McGahn “how we had this information, how we had acquired it, and how we knew that it was untrue.”⁴³⁰ Yates further testifies that she

⁴²⁴ Flynn Statement at ¶ 3. See also Sari Horwitz and Adam Entous, Flynn in FBI Interview Denied Discussing Sanctions with Russian Ambassador, *Washington Post*, Feb. 16, 2017, available at https://www.washingtonpost.com/world/national-security/flynn-in-fbi-interview-denied-discussing-sanctions-with-russian-ambassador/2017/02/16/e3e1e16a-f3d5-11e6-8d72-263470bf0401_story.html?utm_term=.5377e7ff9b1c.

⁴²⁵ Flynn Statement at ¶ 3.

⁴²⁶ *Id.* at ¶ 4.

⁴²⁷ House Permanent Select Committee on Intelligence, Joint Statement on Progress of Bipartisan HPSCI Inquiry into Russian Active Measures, Jan. 25, 2017, available at <https://democrats-intelligence.house.gov/news/documentsingle.aspx?DocumentID=211>.

⁴²⁸ Yates and Clapper Testimony.

⁴²⁹ *Id.* See also Matt Apuzzo and Emmarie Huetteman, Sally Yates Tells Senators She Warned Trump about Michael Flynn, *New York Times*, May 8, 2017, available at https://www.nytimes.com/2017/05/08/us/politics/michael-flynn-sally-yates-hearing.html?_r=0.

⁴³⁰ Yates and Clapper Testimony.

informed McGahn about Flynn's January 24 interview, that McGahn he asked how Flynn did in the interview, and that she "declined to give him an answer to that."⁴³¹ Yates testifies that she told McGahn that she felt the White House were entitled to know that information that the vice president and others were giving to the American people wasn't true and that Flynn's misrepresentations "created a compromise situation, a situation where the national security adviser essentially could be blackmailed by the Russians."⁴³²

January 27, 2017: McGahn calls Yates back to the White House, where they meet again with the same career DOJ official and the same deputy White House counsel. Yates later testifies that McGahn asks her about four topics: why it "matter[s] to DOJ if one White House official lies to another"; "the applicability of criminal statutes and the likelihood that the Department of Justice would pursue a criminal case"; McGahn's "concern that their taking action might interfere with an investigation of Mr. Flynn"; and a request by McGahn to see the underlying evidence.⁴³³ Yates also testifies that she told McGahn that she would work with the FBI to arrange for him to see the evidence regarding Flynn.⁴³⁴

Trump hosts FBI Director Comey for a private one-on-one dinner at the White House. According to Comey, Trump says, "I need loyalty."

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 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."⁴³⁵

On the same day, George Papadopoulos agrees to be interviewed by agents of the FBI. Papadopoulos is told that the FBI is "investigating interference by the Russian government in the 2016 presidential election and whether any individuals related to the Campaign were involved."⁴³⁶ During the interview, Papadopoulos makes numerous false statements and omissions of material facts regarding the "extent, timing, and nature of his communications" with his Russian contacts (Joseph Mifsud, Olga Polonskaya, and Ivan Timoleev).⁴³⁷

⁴³¹ Yates misspeaks in the hearing and says that the interview occurred on "February 24" when it in fact occurred on January 24. See *id.*

⁴³² *Id.*

⁴³³ *Id.*

⁴³⁴ *Id.*

⁴³⁵ Michael S. Schmidt, *In a Private Dinner, Trump Demanded Loyalty. Comey Demurred.*, *New York Times*, May 11, 2017, available at <https://www.nytimes.com/2017/05/11/us/politics/trump-comey-firing.html>.

⁴³⁶ Papadopoulos Stmt. at ¶ 23.

⁴³⁷ Papadopoulos Stmt. at ¶ 24.

January 30, 2017: Yates calls McGahn to tell him that the material regarding Flynn is available if he wants to review it, but it is unclear whether that review ever occurs.⁴³⁸ Later that day, President Trump fires Yates after she announces that she is directing DOJ lawyers not to defend the President's January 27 executive order that banned travel to the U.S. of refugees from several predominantly Muslim countries.⁴³⁹

February 2, 2017: Alleged Russian agent Mariia Butina and Torshin attend the National Prayer Breakfast in Washington D.C. along with a delegation from Russia.⁴⁴⁰

February 7, 2017: President Trump and Turkish President Recep Tayyip Erdoğan have their first telephone call. Erdoğan was expected to press Trump for extradition of Fethullah Gulen.⁴⁴¹

February 8, 2017: Jeff Sessions is confirmed by the Senate as Attorney General.⁴⁴²

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.⁴⁴³

On the same day, Paul Manafort and Rick Gates allegedly submit additional false statements to the Department of Justice about their work for foreign entities.⁴⁴⁴

February 13, 2017: Michael Flynn resigns as National Security Adviser.⁴⁴⁵

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. (President Trump has denied doing this.⁴⁴⁶) Once they are alone, President Trump tells

⁴³⁸ Yates and Clapper Testimony.

⁴³⁹ Michael D. Shear, Mark Landler, Matt Apuzzo, and Eric Lichtblau, Trump Fires Acting Attorney General Who Defied Him, *New York Times*, Jan. 30, 2017, available at <https://www.nytimes.com/2017/01/30/us/politics/trump-immigration-ban-memo.html>.

⁴⁴⁰ Butina Indictment at ¶ 9.

⁴⁴¹ Kareem Fahim and Karen DeYoung, What Turkey was looking for when Trump called Erdogan, *Washington Post*, Feb. 7, 2017, available at https://www.washingtonpost.com/world/middle_east/what-turkey-will-be-looking-for-when-trump-calls-erdogan/2017/02/07/b37fcea0-ed46-11e6-a100-fdaaf400369a_story.html?utm_term=.0809f9c59443.

⁴⁴² Eric Lichtblau and Matt Flegenheimer, Jeff Sessions Confirmed as Attorney General, Capping Bitter Battle, *New York Times*, Feb. 8, 2017, available at <https://www.nytimes.com/2017/02/08/us/politics/jeff-sessions-attorney-general-confirmation.html>.

⁴⁴³ Jim Sciutto and Evan Perez, US Investigators Corroborate Some Aspects of the Russia Dossier, *CNN*, Feb. 10, 2017, available at <http://www.cnn.com/2017/02/10/politics/russia-dossier-update/index.html>.

⁴⁴⁴ Manafort and Gates Indictment at ¶¶ 25, 49.

⁴⁴⁵ Maggie Haberman, Matthew Rosenberg, Matt Apuzzo and Glenn Thrush, Michael Flynn Resigns as National Security Adviser, *New York Times*, Feb. 13, 2017, available at <https://www.nytimes.com/2017/02/13/us/politics/donald-trump-national-security-adviser-michael-flynn.html>.

⁴⁴⁶ Excerpts from the Times's Interview with Trump, *New York Times*, Jul. 19, 2017, available at <https://www.nytimes.com/2017/07/19/us/politics/trump-interview-transcript.html>. Here is the relevant segment of the interview:

BAKER: Did you shoo other people out of the room when you talked to Comey?

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.”⁴⁴⁷

According to FBI Director Comey, the day after Flynn resigns, President Trump tells him, “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.”

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.”⁴⁴⁸

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.”⁴⁴⁹

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.⁴⁵⁰

TRUMP: No, no.

BAKER: That time [inaudible] [Michael T.] Flynn —

TRUMP: No. That was the other thing. I told people to get out of the room. Why would I do that?

SCHMIDT: Did you actually have a one-on-one with Comey then?

TRUMP: Not much. Not even that I remember. He was sitting, and I don’t remember even talking to him about any of this stuff. He said I asked people to go. Look, you look at his testimony. His testimony is loaded up with lies, O.K.? But people didn’t — we had a couple people that said — Hi baby, how are you?

Id.

⁴⁴⁷ Comey, *June 8 2017 Statement for the Record*, App. A.2.

⁴⁴⁸ *Id.*; Michael S. Schmidt and Matt Apuzzo, *Comey Told Sessions: Don’t Leave Me Alone with Trump*, *New York Times*, Jun. 6, 2017, <https://www.nytimes.com/2017/06/06/us/politics/comey-sessions-trump.html>.

⁴⁴⁹ Spencer Ackerman, *White House Confirms Conversation with FBI about Trump and Russia*, *The Guardian*, Feb. 24, 2017, available at <https://www.theguardian.com/us-news/2017/feb/24/donald-trump-russia-reince-priebus-fbi-talks-james-comey>; Cristiano Lima, *Democrats Slam White House over Report It Asked FBI to Downplay Russia Stories*, *Politico*, Feb. 23, 2017, available at <http://www.politico.com/story/2017/02/democrats-trump-fbi-russia-communications-235332>.

⁴⁵⁰ Horwitz and Entous, *Washington Post*, Feb. 16, 2017..

On the same day, the House Oversight Committee requests documents relating to Flynn's December 2015 trip to Moscow.⁴⁵¹

Also on the same day, the FBI interviews Papadopoulos for a second time.

February 17, 2017: Papadopoulos deactivates his Facebook account, which contains information about communications he had with Russian contacts in 2016. Shortly after deactivating that account, Papadopoulos creates a new account that does not contain those communications.⁴⁵²

The same day, Brittany Kaiser, a Cambridge Analytica director, visits Julian Assange to discuss the United States 2016 election.⁴⁵³

February 23, 2017: Papadopoulos stops using his cell phone number and begins using a new one.⁴⁵⁴

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....."⁴⁵⁵ 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".⁴⁵⁶

March 2017: The FBI interviews former Trump campaign adviser Carter Page.⁴⁵⁷ 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.⁴⁵⁸

Also in March, at President Trump's direction, White House counsel Don McGahn ties and fails to persuade Attorney General Sessions not to recuse himself from the Russia investigation.⁴⁵⁹ Then-Chief of Staff Reince Priebus and then-Press Secretary Sean Spicer are also involved in this effort.⁴⁶⁰

⁴⁵¹ House Oversight and Government Reform Committee, Oversight Committee Requests Sources and Amounts of Foreign Funding to Flynn for Trip to Moscow, Feb. 16, 2017, available at <https://democrats-oversight.house.gov/news/press-releases/oversight-committee-requests-sources-and-amounts-of-foreign-funding-to-flynn-for>.

⁴⁵² Papadopoulos Stmt. at ¶ 32-33.

⁴⁵³ Carole Cadwalladr and Stephanie Kirchgaessner, Cambridge Analytica director 'met Assange to discuss US election', Jun. 7, 2018, available at https://www.theguardian.com/uk-news/2018/jun/06/cambridge-analytica-brittany-kaiser-julian-assange-wikileaks?CMP=share_btn_tw.

⁴⁵⁴ Papadopoulos Stmt. at ¶ 34.

⁴⁵⁵ <https://twitter.com/realDonaldTrump/status/835104946034991106>.

⁴⁵⁶ <https://twitter.com/realDonaldTrump/status/835106143462703104>.

⁴⁵⁷ Page Testimony at 47.

⁴⁵⁸ Devlin Barrett, FBI Has Questioned Trump Campaign Adviser Carter Page at Length in Russia Probe, *Washington Post*, Jun. 26, 2017, available at https://www.washingtonpost.com/world/national-security/fbi-has-questioned-trump-campaign-adviser-carter-page-at-length-in-russia-probe/2017/06/26/1a271dcc-5aa5-11e7-a9f6-7c3296387341_story.html?utm_term=.000a0837be10.

⁴⁵⁹ Josh Dawsey, Rosalind S. Helderman and Matt Zapotosky, White House counsel walks a fine line in serving Trump's demands, *Washington Post*, Feb. 14, 2018, available at https://www.washingtonpost.com/politics/trump-is-frustrated-with-the-white-house-counsel-who-walks-a-fine-line-over-his-bosss-demands/2018/02/14/eca8b59e-101c-11e8-8ea1-c1d91fcec3fe_story.html?utm_term=.b5994d0bb6de.

⁴⁶⁰ Jim Acosta, Others involved in effort to pressure Sessions to not recuse, *CNN*, Jan. 6, 2018, available at <https://www.cnn.com/2018/01/05/politics/reince-priebus-sean-spicer-sessions-recusal/index.html>.

Curt Weldon, a former Pennsylvania congressman who lost his re-election campaign after an FBI probe into his ties to two Russian businesses, allegedly complains about the *New York Times*' discovery of the January 2017 meeting in which Artemenko pitched a Russian-Ukraine peace plan to Cohen and Slater. Weldon allegedly flags Viktor Vekselberg's fund in New York City and Columbus Nova as funders of the plan. Columbus Nova, who lists Vekselberg as one of their biggest clients, later denies any involvement.⁴⁶¹

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.⁴⁶² The contacts reported by the *Post* story contradict Sessions' testimony at his confirmation hearing that he "did not have communications with the Russians."⁴⁶³ 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: No⁴⁶⁴

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."⁴⁶⁵ Attorney General Sessions' chief of staff, Jody Hunt, also sends an email to Director Comey and other top Justice officials stating,

Attorney General Jeff Sessions recuses from matters that deal with the Trump campaign. At President Trump's direction, House Counsel Don McGahn had lobbied Sessions not to recuse.

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

⁴⁶¹ Bertrand, *The Atlantic*, Jun. 7, 2018.

⁴⁶² Entous, Nakashima, and Miller, *Washington Post*, Mar. 1, 2017.

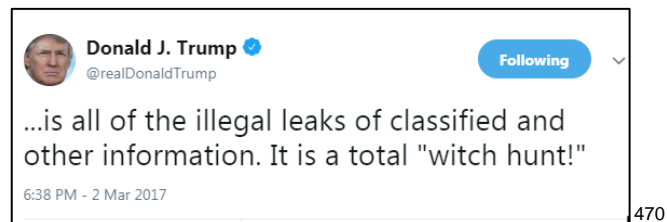
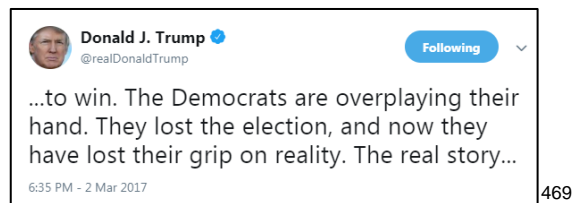
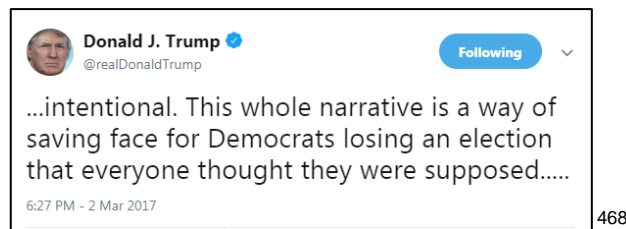
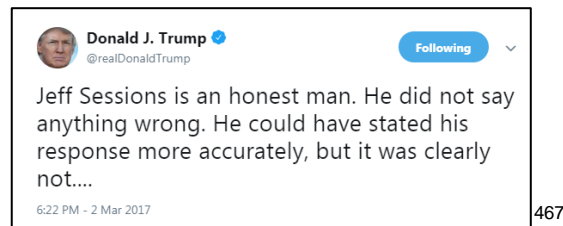
⁴⁶³ Jessica Estepa, *What did Al Franken Ask Jeff Sessions During his Confirmation Hearing?*, *USA Today*, June 13, 2017, available at <https://www.usatoday.com/story/news/politics/onpolitics/2017/06/13/what-did-al-franken-ask-jeff-sessions-during-his-confirmation-hearing/102819246/>.

⁴⁶⁴ *Jeff Sessions, Questions from Senator Leahy*, Jan. 17, 2017, available at <https://www.judiciary.senate.gov/imo/media/doc/Sessions%20Responses%20to%20Leahy%20QFRs.pdf>.

⁴⁶⁵ Mark Landler and Eric Lichtblau, *Jeff Sessions Recuses Himself from Russia Inquiry*, *New York Times*, Mar. 2, 2017, available at <https://www.nytimes.com/2017/03/02/us/politics/jeff-sessions-russia-trump-investigation-democrats.html>.

extends to Department responses to Congressional and media inquiries related to any such investigations.⁴⁶⁶

The same day, President Trump tweets,



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.”⁴⁷¹

March 4, 2017: On Twitter, President Trump, without evidence, accuses President Obama of wire-tapping Trump Tower:

⁴⁶⁶ Jody Hunt, *Email re: Recusal*, Mar. 2, 2017, available at <http://www.politico.com/f/?id=0000015c-ffc1-d1e3-a97d-ffd540770001>.

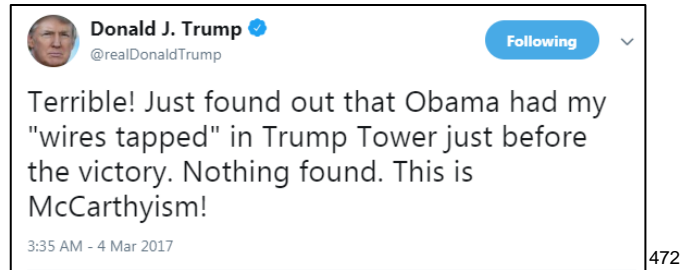
⁴⁶⁷ <https://twitter.com/realDonaldTrump/status/837488402438176769>.

⁴⁶⁸ <https://twitter.com/realDonaldTrump/status/837489578193846278>.

⁴⁶⁹ <https://twitter.com/realdonaldtrump/status/837491607171629057>.

⁴⁷⁰ <https://twitter.com/realDonaldTrump/status/837492425283219458>.

⁴⁷¹ Tara Palmeri, Eliana Johnson, and Josh Dawsey, *Sessions Offered to Resign Before Trump's Trip Abroad*, *Politico*, Jun. 6, 2017, available at <http://www.politico.com/story/2017/06/06/jeff-sessions-trump-resign-239226>.



The same day, Attorney General Sessions meets with President Trump at Mar-a-Lago.⁴⁷³ The president allegedly “berate[s]” the attorney general and “[tells] him he should reverse his decision” to recuse himself from the ongoing Russia investigation. Mr. Sessions does not comply with the request.⁴⁷⁴

March 6, 2017: Roger Stone tweets -- then deletes -- about communicating with Assange, writing that he “never denied perfectly legal backchannel to Assange who indeed had the goods on #CrookedHillary.”⁴⁷⁵

March 7, 2017: Flynn retroactively files as a foreign agent for the government of Turkey for the six-month period ending November 30, 2016.⁴⁷⁶ During this time, Flynn served as an adviser to the Trump campaign and was announced as Trump’s choice for national security adviser.

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.⁴⁷⁷

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’ chief of staff.⁴⁷⁸ Bharara ultimately returns the call and

⁴⁷² <https://twitter.com/realDonaldTrump/status/837989835818287106>. See Darlene Superville and Julie Pace, *Trump Accuses Obama of Tapping His Phones, Cites No Evidence*, *AP*, Mar. 4, 2017, available at https://apnews.com/1b2637860b2042c48b18a26951437d5d?utm_campaign=SocialFlow&utm_source=Twitter&utm_medium=AP.

⁴⁷³ Antonio Fins, *Jeff Sessions: Remember the time he showed up at Mar-a-Lago?*, *Palm Beach Post*, Jul. 26, 2017, available at <https://www.mypalmbeachpost.com/news/national/jeff-sessions-remember-the-time-showed-mar-lago/r8lbgJhEnAo8vSx6wljll/>.

⁴⁷⁴ Michael S. Schmidt and Julie Hirschfeld Davis, *Trump Asked Sessions to Retain Control of Russia Inquiry After His Recusal*, *New York Times*, May 29, 2018, available at <https://www.nytimes.com/2018/05/29/us/politics/trump-sessions-obstruction.html>.

⁴⁷⁵ Kaczynski, McDermott, and Massie, *CNN*, Mar. 20, 2017.

⁴⁷⁶ Flynn Intel Group, Inc., *Supplemental Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended*, Mar. 7, 2017, available at <https://www.fara.gov/docs/6406-Supplemental-Statement-20170307-1.pdf>. See also Peter Baker and Matthew Rosenberg, *Michael Flynn Was Paid to Represent Turkey’s Interests During Trump Campaign*, *New York Times*, Mar. 10, 2017, available at <https://www.nytimes.com/2017/03/10/us/politics/michael-flynn-turkey.html>.

⁴⁷⁷ Fred Wertheimer, Norman L. Eisen, and Paul M. Smith, *Letter to United States Attorney Preet Bharara*, Mar. 8, 2017, available at <http://www.democracy21.org/wp-content/uploads/2017/03/Group-letter-to-US-Attorney-calling-for-investigation-Trump-Organization.pdf>.

⁴⁷⁸ Jason Leopold and Claudia Koerner, *Memo Shows Preet Bharara Was Concerned after Phone Call from White House*, *BuzzFeed News*, Jun. 22, 2017, available at

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."⁴⁷⁹

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.⁴⁸⁰ *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."⁴⁸¹

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."⁴⁸²

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 possible violations of the STOCK Act.⁴⁸³

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

In Congressional testimony, FBI Director Comey publicly confirms the existence of the FBI investigation into Russian interference in the election and possible contact with the Trump campaign.

https://www.buzzfeed.com/jasonleopold/memo-shows-preet-bahrara-was-concerned-about-contact-from?utm_term=.yqonQlk3ym#.udl5qn0XDG.

⁴⁷⁹ ABC News, 'This Week' Transcript 6-11-17: Preet Bharara, Jay Sekulow, Sen. Mike Lee, and Sen. Joe Manchin, Jun. 11, 2017, available at <http://abcnews.go.com/Politics/week-transcript-11-17-preet-bharara-jay-sekulow/story?id=47957684>.

⁴⁸⁰ Chas Danner, *Preet Bharara Fired after Refusing Trump Administration's Order to Resign*, *New York Magazine*, Mar. 11, 2017, available at <http://nymag.com/daily/intelligencer/2017/03/u-s-attorney-preet-bharara-is-refusing-trump-order-to-resign.html>.

⁴⁸¹ Jesse Eisinger and Justin Elliott, *Trump's Personal Lawyer Boasted that He Got Preet Bharara Fired*, *Pro Publica*, Jun. 13, 2017, available at <https://www.propublica.org/article/trump-personal-lawyer-boasted-that-he-got-preet-bharara-fired>.

⁴⁸² Eric Lichtblau and William K. Rashbaum, *White House Addresses Trump's Unorthodox Call to Preet Bharara*, *New York Times*, Mar. 12, 2017, available at <https://www.nytimes.com/2017/03/12/us/politics/white-house-addresses-trumps-unorthodox-call-to-preet-bharara.html>.

⁴⁸³ Robert Faturechi, *Fired U.S. Attorney Preet Bharara Said to Have Been Investigating HHS Secretary Tom Price*, *Pro Publica*, Mar. 17, 2017, available at <https://www.propublica.org/article/preet-bharara-fired-investigating-tom-price-hhs-stock-trading>.

President Trump were in contact with Russian nationals.⁴⁸⁴ 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.⁴⁸⁵

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!"⁴⁸⁶

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."⁴⁸⁷

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.⁴⁸⁸

March 25, 2017: Elliott Broidy emails George Nader a \$12.7 million proposal for "Washington lobbying and [a] public relations campaign against both Qatar and the Muslim Brotherhood." ⁴⁸⁹ Later documents "appear to show that lawyers for Mr. Broidy discussed with him a possible agreement to share with Mr. Nader a portion of the profits from the first round of business his company did with the Saudis and Emiratis."⁴⁹⁰

⁴⁸⁴ Matthew Rosenberg, Emmarie Huetteman, and Michael S. Schmidt, *Comey Confirms F.B.I. Inquiry on Russia; Sees No Evidence of Wiretapping*, *New York Times*, Mar. 20, 2017, available at <https://www.nytimes.com/2017/03/20/us/politics/intelligence-committee-russia-donald-trump.html>.

⁴⁸⁵ Washington Post Staff, *Full Transcript: FBI Director James Comey Testifies on Russian Interference in 2016 Election*, *Washington Post*, Mar. 20, 2017, available at https://www.washingtonpost.com/news/post-politics/wp/2017/03/20/full-transcript-fbi-director-james-comey-testifies-on-russian-interference-in-2016-election/?utm_term=.185c1798b135.

⁴⁸⁶ <https://twitter.com/realDonaldTrump/status/843779892776964097>.

⁴⁸⁷ Adam Entous, *Top Intelligence Official Told Associates Trump Asked Him if He Could Intervene with Comey on FBI Russia Probe*, *Washington Post*, Jun. 6, 2017, available at https://www.washingtonpost.com/world/national-security/top-intelligence-official-told-associates-trump-asked-him-if-he-could-intervene-with-comey-to-get-fbi-to-back-off-flynn/2017/06/06/cc879f14-4ace-11e7-9669-250d0b15f83b_story.html?tid=a_breakingnews&utm_term=.8e5155a2a868.

⁴⁸⁸ *Id.*

⁴⁸⁹ Kirkpatrick and Mazzetti, *New York Times*, Mar. 21, 2018.

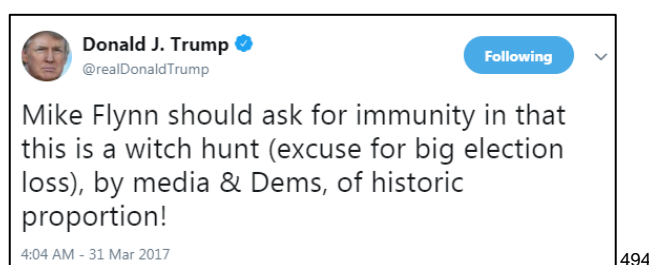
⁴⁹⁰ *Id.*

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.⁴⁹¹

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.⁴⁹²

The same day, President Trump calls FBI Director Comey and describes the Russia investigation as a “‘a cloud’ that was impairing [Trump’s] ability to act on behalf of the country.” President Trump asks Director Comey what they could do to “lift the cloud.” President Trump also asks Comey to make public the fact that he was not personally under investigation by the FBI.⁴⁹³

March 31, 2017: President Trump tweets,



Early April 2017: The Foreign Intelligence Surveillance Court approves renewal of a warrant for electronic surveillance of Carter Page that was first issued in October 2016.⁴⁹⁵ This is the second renewal.

Also in early April, Flynn’s associates receive grand jury subpoenas.⁴⁹⁶

April 2017: At the request of President Trump, White House counsel Don McGahn calls acting Deputy Attorney General Dana Boente and asks him to persuade FBI Director Comey to publicly announce that Trump was not personally under investigation. McGahn reportedly fails to convince Boente that Comey should make such a statement.⁴⁹⁷

April 2, 2017: George Nader asks Elliott Broidy to invoice his Dubai-based company for \$2.5 million. Broidy complies, using a Canadian intermediary called Xiemen Investments Limited.

⁴⁹¹ Adam Entous and Ellen Nakashima, *Trump Asked Intelligence Chiefs to Push Back against FBI Collusion Probe after Comey Revealed Its Existence*, *Washington Post*, May 22, 2017, available at https://www.washingtonpost.com/world/national-security/trump-asked-intelligence-chiefs-to-push-back-against-fbi-collusion-probe-after-comey-revealed-its-existence/2017/05/22/394933bc-3f10-11e7-9869-bac8b446820a_story.html?utm_term=.f74e68a6fd49.

⁴⁹² Matt Mazzetti and Matthew Rosenberg, *Michael Flynn Offers to Testify Before Congress in Exchange for Immunity*, *New York Times*, Mar. 30, 2017, available at <https://www.nytimes.com/2017/03/30/us/politics/michael-flynn-congress-immunity-russia.html>.

⁴⁹³ Comey, June 8 2017 Statement for the Record, App. A.2.

⁴⁹⁴ <https://twitter.com/realDonaldTrump/status/847766558520856578>.

⁴⁹⁵ *Minority Memo re: Correcting the Record – the Russia Investigation*.

⁴⁹⁶ Eli Stokols, Natalie Andrews, and Del Quentin Wilber, *Russia Probe Heats Up as Trump Tries to Limit Damage*, *Wall Street Journal*, May 18, 2017, available at <https://www.wsj.com/articles/russia-probe-heats-up-as-trump-tries-to-limit-damage-1495156529>.

⁴⁹⁷ Dawsey, Helderman, and Zapotosky, *Washington Post*, Feb. 14, 2018.

While the payment was “marked for consulting, marketing, and advisory services,” it was “actually intended to fund Broidy’s Washington advocacy regarding Qatar.”⁴⁹⁸

April 5, 2017: Evgeny Buryakov, a Russian spy indicted along with two others, is deported less than a year into a thirty-month sentence.⁴⁹⁹ In 2013, one of Buryakov’s co-defendants attempted to recruit Carter Page, who went on to serve as a foreign policy advisor to the Trump campaign.⁵⁰⁰

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.⁵⁰¹ *CNN* later reports that the FBI relied at least in part on the Steele Dossier to obtain the warrant.⁵⁰²

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.”⁵⁰³

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.”⁵⁰⁴

On the same day, President Trump tweets,

⁴⁹⁸ Desmond Butler, Tom LoBianco, and Bradley Klapper, Mueller probe witness secretly backed UAE agenda in Congress, *Associated Press*, Mar. 26, 2018, available at <https://apnews.com/b4946f7bf1fe4328b0c81506434aa082/Mueller-probe-witness-secretly-backed-UAE-agenda-in-Congress>.

⁴⁹⁹ Brian Ross, Pete Madden, and Michelle McPhee, Russian spy Evgeny Buryakov deported from United States, *ABC News*, Apr. 5, 2017, available at <http://abcnews.go.com/International/russian-spy-evgeny-buryakov-deported-united-states/story?id=46601947>.

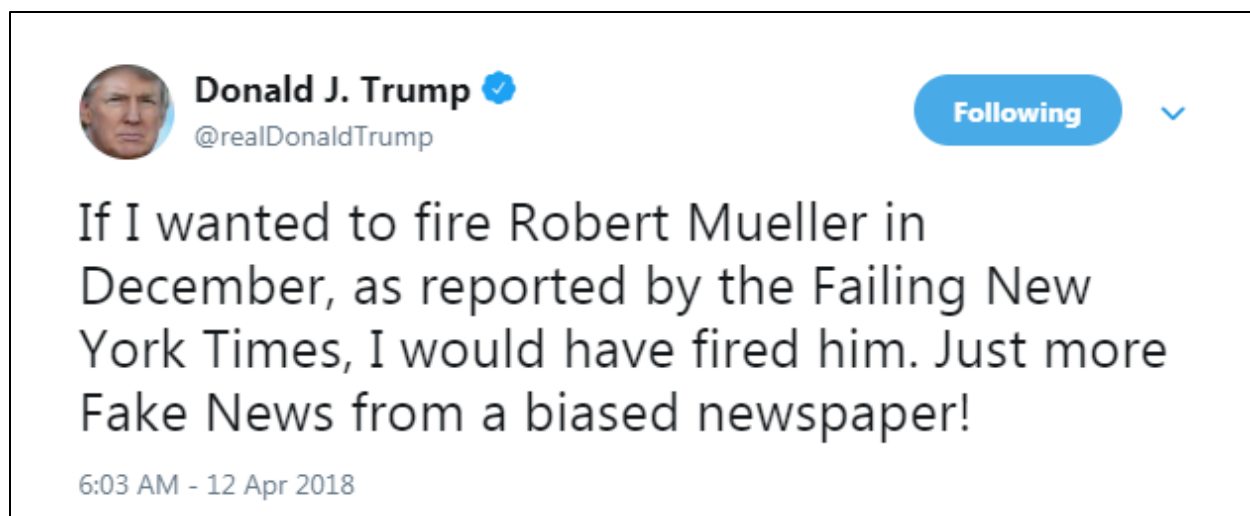
⁵⁰⁰ *Id.*

⁵⁰¹ Ellen Nakashima, Devlin Barrett, and 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.

⁵⁰² Evan Perez, Shimon Prokupecz, and 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>.

⁵⁰³ Comey, June 8 2017 Statement for the Record, App. A.2.

⁵⁰⁴ 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.*

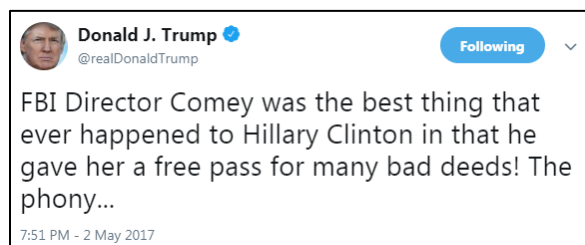


505

April 25, 2017: Rod Rosenstein is confirmed as Deputy Attorney General. Rosenstein begins overseeing the Russia investigation due to Attorney General Sessions' March 2 recusal.⁵⁰⁶

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.⁵⁰⁷ Deputy FBI Director McCabe later testifies that he is unaware of any request that Director Comey made for additional resources for the Russia investigation.⁵⁰⁸

May 2, 2017: President Trump tweets,



509

At President Trump's direction, White House adviser Stephen Miller drafts a letter to FBI Director Comey explaining his firing. This letter is never sent.

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

⁵⁰⁵ <https://twitter.com/realdonaldtrump/status/984371491277099010>.

⁵⁰⁶ Seung Min Kim, *Senate Confirms Rosenstein as Deputy Attorney General*, *Politico*, Apr. 25, 2017, available at <http://www.politico.com/story/2017/04/25/rostein-confirmed-attorney-general-237600>.

⁵⁰⁷ Matthew Rosenberg and Matt Apuzzo, *Days Before Firing, Comey Asked for More Resources for Russia Inquiry*, *New York Times*, May 10, 2017, available at <https://www.nytimes.com/2017/05/10/us/politics/comey-russia-investigation-fbi.html>.

⁵⁰⁸ Adam Goldman and Matthew Rosenberg, *Acting FBI Chief Contradicts White House on Russia and Comey*, *New York Times*, May 11, 2017, available at <https://www.nytimes.com/2017/05/11/us/politics/andrew-mccabe-fbi-chief-russia-trump.html>.

⁵⁰⁹ <https://twitter.com/realdonaldtrump/status/859601184285491201?lang=en>.

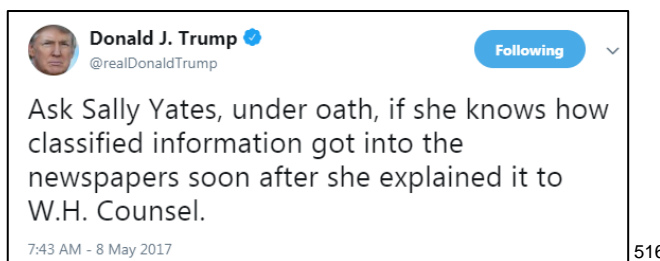
Office for the Eastern District of Virginia.⁵¹⁰ Director Comey refuses to inform top Trump aides about what he is planning to say.⁵¹¹

May 4-7, 2017: On May 4, President Trump travels to his private golf club in Bedminster, New Jersey for the long weekend along with his daughter Ivanka Trump, Jared Kushner, and Stephen Miller.⁵¹²

Over the weekend, with the help of White House Senior Adviser Stephen Miller, President Trump drafts a letter to FBI Director James Comey explaining his firing⁵¹³; White House Counsel Don McGahn prevents President Trump from sending it to Comey; instead, a copy is given to Deputy Attorney General Rosenstein.⁵¹⁴

May 8, 2017: Having returned to the White House, 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.”⁵¹⁵

The same day, President Trump tweets,



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

⁵¹⁰ Washington Post Staff, Read the Full Testimony of FBI Director James Comey in Which He Discusses Clinton Email Investigation, *Washington Post*, May 3, 2017, available at https://www.washingtonpost.com/news/post-politics/wp/2017/05/03/read-the-full-testimony-of-fbi-director-james-comey-in-which-he-discusses-clinton-email-investigation/?utm_term=.aed68c100abc.

⁵¹¹ Steve Holland and Jeff Mason, Comey Infuriated Trump with Refusal to Preview Senate Testimony: Aides, *Reuters*, May 10, 2017, available at <http://www.reuters.com/article/us-usa-trump-comey-decision-idUSKBN1862WP>.

⁵¹² Michael S. Schmidt and Maggie Haberman, Mueller Has Early Draft of Trump Letter Giving Reasons for Firing Comey, *New York Times*, Sept. 1, 2017, available at <https://www.nytimes.com/2017/09/01/us/politics/trump-comey-firing-letter.html>.

⁵¹³ Natasha Bertrand, Mueller Has Trump's Original Letter Firing Comey – and His Own White House Stopped Him from Sending It, *Business Insider*, Sept. 1, 2017, available at <http://www.businessinsider.com/stephen-miller-comey-letter-trump-draft-2017-9>; Peter Nicholas and Michael C. Bender, Trump Drafted Letter on Why He Wanted Comey Out, *Wall Street Journal*, Sept. 1, 2017, available at <https://www.wsj.com/articles/trump-drafted-letter-on-why-he-wanted-comey-out-1504303851>.

⁵¹⁴ Schmidt and Haberman, *New York Times*, Sept. 1, 2017.

⁵¹⁵ Philip Rucker, Ashley Parker, Sari Horwitz, and Robert Costa, Inside Trump's Anger and Impatience – and His Sudden Decision to Fire Comey, *Washington Post*, May 10, 2017, available at https://www.washingtonpost.com/politics/how-trumps-anger-andimpatience-prompted-him-to-fire-the-fbi-director/2017/05/10/d9642334-359c-11e7-b373-418f6849a004_story.html?utm_term=.fc4e9e38f3fb.

⁵¹⁶ <https://twitter.com/realDonaldTrump/status/861592420043157504>.

email server.⁵¹⁷ 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.”⁵¹⁸ 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.⁵¹⁹

As a result of Comey’s termination, Deputy FBI Director Andrew McCabe becomes Acting FBI Director.⁵²⁰ Shortly after Comey’s firing, President Trump summons Acting FBI Director McCabe to his office and asks him who he voted for in the 2016 election.⁵²¹ According to reporting by the *Washington Post*, one White House official said that Trump expressed concerns about McCabe’s politics but agreed to let him become acting director because “there were no immediate better choices.”⁵²²

President Trump fires FBI Director Comey, ostensibly for his management of the investigation of Secretary Clinton's emails. The following day, Trump tells Russian Ambassador Kislyak, “I faced great pressure because of Russia. That’s taken off.”

May 2017: Acting F.B.I. Director Andrew McCabe writes a confidential memo describing a conversation with Deputy Attorney General Rod Rosenstein that took place in the days after Comey’s firing. Rosenstein allegedly tells McCabe that “the president had originally asked [Rosenstein] to reference Russia in his memo.”⁵²³ Ultimately, no mentions of Russia were included in Rosenstein’s memo.

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

⁵¹⁷ Michael D. Shear and Matt Apuzzo, *FBI Director James Comey Is Fired by Trump*, *New York Times*, May 9, 2017, available at <https://www.nytimes.com/2017/05/09/us/politics/james-comey-fired-fbi.html>.

⁵¹⁸ CNN, *Trump’s Letter Firing FBI Director James Comey*, May 10, 2017, available at <http://www.cnn.com/2017/05/09/politics/fbi-james-comey-fired-letter/index.html>.

⁵¹⁹ Rod J. Rosenstein, *Memorandum for the Attorney General*, *United States Department of Justice*, May 9, 2017, available at <http://apps.washingtonpost.com/g/documents/politics/fbi-director-james-b-comeys-termination-letters-from-the-white-house-attorney-general/2430/>.

⁵²⁰ Kelly Cohen, *Meet Andrew McCabe, Acting FBI Director*, *Washington Examiner*, May 10, 2017, available at <http://www.washingtonexaminer.com/meet-andrew-mccabe-acting-fbi-director/article/2622656>.

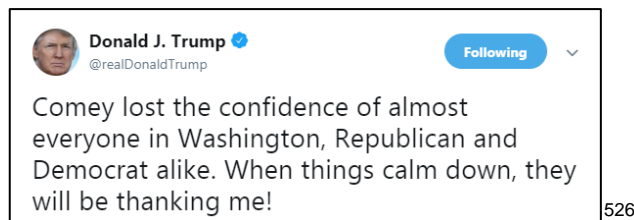
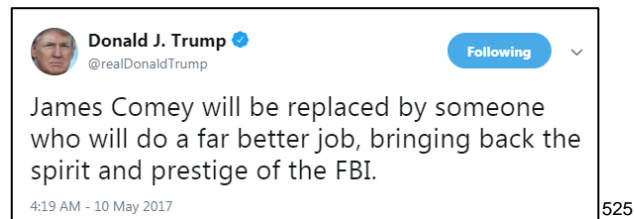
⁵²¹ Ellen Nakashima, Josh Dawsey and Devlin Barrett, *Trump asked the acting FBI director how he voted during Oval Office meeting*, *Washington Post*, Jan. 23, 2018, available at https://www.washingtonpost.com/world/national-security/trump-asked-the-acting-fbi-director-whom-he-voted-for-during-oval-office-meeting/2018/01/23/2cb50818-0073-11e8-8acf-ad2991367d9d_story.html?utm_term=.7a138c01a456.

⁵²² *Id.*

⁵²³ Matt Apuzzo, Adam Goldman and Michael S. Schmidt, *F.B.I. Official Wrote Secret Memo Fearing Trump Got a Cover Story for Comey Firing*, *New York Times*, May 30, 2018, available at <https://www.nytimes.com/2018/05/30/us/politics/rosenstein-trump-comey-firing-mccabe-memo.html>.

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.”⁵²⁴

The same day, President Trump issues a series of tweets, including:



President Trump also retweets a Drudge Report tweet containing the text “10 SCANDALS ON DIRECTOR’S WATCH...”⁵²⁷ and a link to an article entitled, “10 MAJOR FBI SCANDALS ON COMEY’S WATCH.”⁵²⁸

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.⁵²⁹ The Senate Select Committee on Intelligence also subpoenas the documents it requested from Flynn on April 28, 2017.⁵³⁰

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

⁵²⁴ Matt Apuzzo, Maggie Haberman, and Matthew Rosenberg, *Trump Told Russians that Firing ‘Nut Job’ Comey Eased Pressure from Investigation*, *New York Times*, May 19, 2017, available at <https://www.nytimes.com/2017/05/19/us/politics/trump-russia-comey.html>.

⁵²⁵ <https://twitter.com/realDonaldTrump/status/862265729718128641>.

⁵²⁶ <https://twitter.com/realDonaldTrump/status/862267781336752128>.

⁵²⁷ Chris Cillizza, *Donald Trump Isn’t Being Defensive over Firing James Comey. You’re the One Being Defensive*, *CNN*, May 10, 2017, available at <http://www.cnn.com/2017/05/10/politics/donald-trump-comey-firing/index.html>.

⁵²⁸ See *Grabien News*, *10 Major Scandals on Comey’s Watch*, May 10, 2017, available at <https://news.grabien.com/story-10-major-fbi-scandals-comeys-watch>.

⁵²⁹ Evan Perez, Shimon Prokupecz, and Pamela Brown, *CNN Exclusive: Grand Jury Subpoenas Issued in FBI’s Russia Investigation*, *CNN*, May 10, 2017, available at <http://www.cnn.com/2017/05/09/politics/grand-jury-fbi-russia/>.

⁵³⁰ Office of Senator Richard Burr, *Notification: Senate Intel Committee Subpoenas Former National Security Advisor Flynn for Documents Regarding Russia Probe*, May 10, 2017, available at <https://www.burr.senate.gov/press/releases/notification-senate-intel-committee-subpoenas-former-national-security-advisor-flynn-for-documents-regarding-russia-probe>.

was in virtual turmoil, less than a year ago, it hasn't recovered from that.

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

DONALD TRUMP: Right.

LESTER HOLT: Did you ask for a recommendation?

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

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.

President Trump tells *NBC's* Lester Holt, "... regardless of recommendation I was going to fire Comey ..."

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?

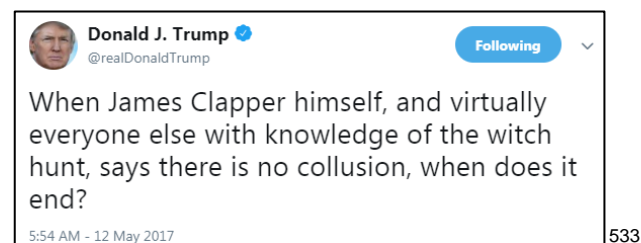
DONALD TRUMP: No, in fact I want the investigation speeded up.

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]⁵³¹

. . . .

May 12, 2017: President Trump tweets,



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

⁵³¹ CNN, Partial Transcript: NBC News Interview with Donald Trump, May 11, 2017, available at <http://www.cnn.com/2017/05/11/politics/transcript-donald-trump-nbc-news/index.html>.

⁵³² <https://twitter.com/realDonaldTrump/status/863007411132649473>.

⁵³³ <https://twitter.com/realDonaldTrump/status/863014620516233216>.

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.⁵³⁴

May 16, 2017: President Trump reportedly interviewed Robert Mueller as a potential replacement for FBI Director Comey.⁵³⁵ Mueller previously served as FBI Director under Presidents George W. Bush and Barack Obama.

May 17, 2017: Deputy Attorney

General Rosenstein names former FBI Director Robert Mueller as special counsel to oversee the Russia investigation.⁵³⁶ 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.⁵³⁷

Deputy Attorney General Rod Rosenstein appoints former FBI Director Robert Mueller as Special Counsel to oversee the Russia investigation.

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.⁵³⁸ Sessions reportedly offers to resign, though Chief of Staff Reince Priebus, Vice President Pence, and

⁵³⁴ Fox News, Trump Warns His Fired FBI Director, Threatens the Media, May 12, 2017, available at <http://www.foxnews.com/transcript/2017/05/12/trump-warns-his-fired-fbi-director-threatens-media.html>.

⁵³⁵ Dan Merica, Trump interviewed Mueller for FBI job day before he was tapped for special counsel, CNN, Jun. 13, 2017, available at <https://www.cnn.com/2017/06/13/politics/trump-robert-mueller-fbi-director-interview/index.html>.

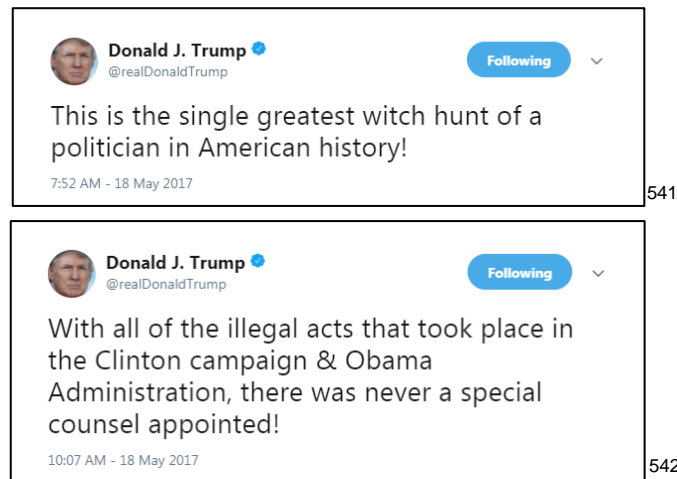
⁵³⁶ Rod Rosenstein, Order No. 3915-2017, Office of the Deputy Attorney General, May 17, 2017, available at <https://www.justice.gov/opa/press-release/file/967231/download>.

⁵³⁷ Murray Waas, Exclusive: Top FBI Officials Could Testify against Trump, Vox, Aug. 3, 2017, available at <https://www.vox.com/policy-and-politics/2017/8/3/16084246/mueller-obstruction-case-stronger-trump-surrogates>.

⁵³⁸ Michael S. Schmidt and Maggie Haberman, Trump Humiliated Jeff Sessions after Mueller Appointment, New York Times, Sept. 14, 2017, available at <https://www.nytimes.com/2017/09/14/us/politics/jeff-sessions-trump.html?smid=tw-share&r=0>.

Steve Bannon convince him to reconsider.⁵³⁹ That night, Sessions delivers a formal resignation letter to the President; however, Priebus eventually persuades the President to return it.⁵⁴⁰

May 18, 2017: President Trump tweets,



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.⁵⁴³ The *Independent* identifies that adviser as Jared Kushner, Trump’s son-in-law.⁵⁴⁴ *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.⁵⁴⁵

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.⁵⁴⁶

⁵³⁹ Chris Whipple, *Who Needs a Controversy Over the Inauguration?»: Reince Priebus Opens Up About His Six Months of Magical Thinking*, *Vanity Fair*, March 2018, available at <https://www.vanityfair.com/news/2018/02/reince-priebus-opens-up-about-his-six-months-of-magical-thinking>.

⁵⁴⁰ *Id.*

⁵⁴¹ <https://twitter.com/realDonaldTrump/status/865173176854204416>.

⁵⁴² <https://twitter.com/realDonaldTrump/status/865207118785372160>.

⁵⁴³ Devlin Barrett and Matt Zapotosky, *Russia Probe Reaches Current White House Official, People Familiar with the Case Say*, *Washington Post*, May 19, 2017, available at https://www.washingtonpost.com/world/national-security/russia-probe-reaches-current-white-house-official-people-familiar-with-the-case-say/2017/05/19/7685adba-3c99-11e7-9e48-c4f199710b69_story.html?utm_term=.e74ae7845060.

⁵⁴⁴ Andrew Buncombe and Mythili Sampathkumar, *Donald Trump’s Son-in-Law Jared Kushner ‘Person of Interest in Russia Investigation’*, *Independent*, May 19, 2017, available at <http://www.independent.co.uk/news/world/americas/us-politics/jared-kushner-russia-investigation-trump-son-in-law-probe-person-interest-a7745916.html>.

⁵⁴⁵ Julia Edwards Ainsley, *White House Looking at Ethics Rule to Weaken Special Investigation: Sources*, *Reuters*, May 19, 2017, available at <http://www.reuters.com/article/us-usa-trump-mueller-idUSKCN18F2KK>.

⁵⁴⁶ Erin Kelly and Kevin Johnson, *House Intelligence Committee Issues Subpoenas in Russia Probe*, *USA Today*, May 31, 2017, available at <https://www.usatoday.com/story/news/politics/2017/05/31/house-intelligence-committee-issues-subpoenas-russia-probe/102359046/>.

June 2017: President Trump reportedly decides to fire Special Counsel Mueller, but holds off on the action after White House counsel Don McGahn refuses to follow through on the order.⁵⁴⁷

June 2, 2017: *Reuters* reports that Special Counsel Mueller will expand his probe “to assume control of a grand jury investigation into” Flynn.⁵⁴⁸

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.”⁵⁴⁹

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 . . .”⁵⁵⁰

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 refuse to say whether President Trump asked them to refute or downplay the FBI’s investigation into Russian interference with the 2016 presidential election.⁵⁵¹

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.⁵⁵² 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

⁵⁴⁷ Dawsey, Helderman, and Zapotosky, *Washington Post*, Feb. 14, 2018.

⁵⁴⁸ Nathan Layne, Mark Hosenball, and Julia Edwards Ainsley, Exclusive: Special Counsel Mueller to Probe ex-Trump Aide Flynn's Turkey Ties, *Reuters*, Jun. 2, 2017, available at <http://www.reuters.com/article/us-usa-trump-flynn-turkey-exclusive-idUSKBN18T276>.

⁵⁴⁹ Sadie Gurman, Eric Tucker, and Jeff Horwitz, Special Counsel's Trump Investigation Includes Manafort Case, *AP*, Jun. 3, 2017, available at <https://www.apnews.com/35b610bf8d66416798be8abb2ebd85b0>.

⁵⁵⁰ Robert Costa, Ashley Parker and Philip Rucker, Trump, Furious and Frustrated, Gears Up to Punch Back at Comey Testimony, *Washington Post*, Jun. 6, 2017, available at https://www.washingtonpost.com/politics/trump-furious-and-frustrated-will-join-allies-in-attacking-comey-testimony/2017/06/06/171e6d00-4acf-11e7-9669-250d0b15f83b_story.html?utm_term=.d4ee6a8c4abb.

⁵⁵¹ Kyle Cheney and Josh Gerstein, Coats and Rogers Refuse to Say if Trump Asked Them to Sway Russia Probe, *Politico*, Jun. 7, 2017, available at <http://www.politico.com/story/2017/06/07/mike-rogers-dan-coats-senate-intelligence-hearing-russia-239244>.

⁵⁵² Comey, June 8 2017 Statement for the Record, App. A.2.

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.⁵⁵³

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?

COMNEY: 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

⁵⁵³ *Politico Staff, Full Text: James Comey Testimony Transcript on Trump and Russia, Politico, Jun. 8, 2017, available at <http://www.politico.com/story/2017/06/08/full-text-james-comey-trump-russia-testimony-239295>.*

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.⁵⁵⁴ 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 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.

⁵⁵⁴ These nine conversations are described in detail in Comey's June 8 2017 Statement for the Record, which is attached as Appendix A.2.

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]⁵⁵⁵, 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.

. . . .

⁵⁵⁵ Just "1" in the *Politico* transcript. *Politico*, Jun. 8, 2017.

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.

. . . .

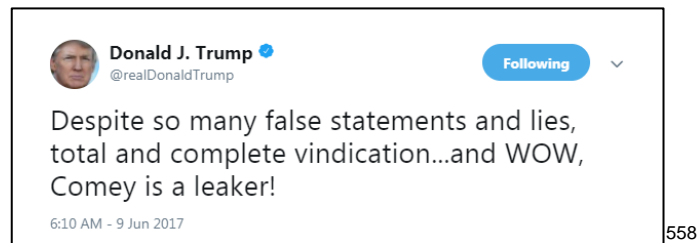
REED: Our, yes, so you're fired. Do you believe you're fired because you refused to take the president's direction, is that the ultimate reason?

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.⁵⁵⁶

. . . .

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.⁵⁵⁷

Also on June 9, President Trump tweets,



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.⁵⁵⁹

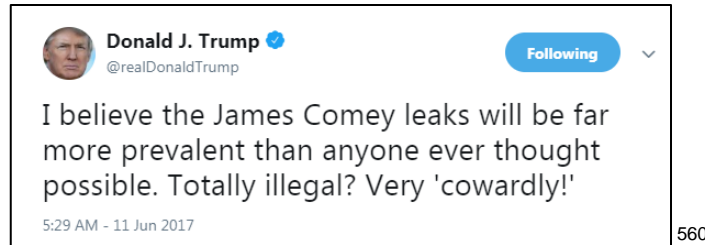
June 11, 2017: President Trump tweets,

⁵⁵⁶ *Id.*

⁵⁵⁷ Ali Vitali and Peter Alexander, *Trump Lawyer to File Leak Complaint After Comey Testimony, Source Says*, *NBC News*, Jun. 9, 2017, available at <http://www.nbcnews.com/politics/white-house/trump-lawyer-file-leak-complaint-after-comey-testimony-source-says-n770231>.

⁵⁵⁸ <https://twitter.com/realDonaldTrump/status/873120139222306817>.

⁵⁵⁹ Ali Vitali, *Trump ‘100 Percent’ Willing to Testify Under Oath on Comey Allegations*, *NBC News*, Jun. 9, 2017, available at <http://www.nbcnews.com/politics/white-house/trump-commits-testify-under-oath-100-percent-n770451>.



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.⁵⁶¹

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.⁵⁶² On the same day, Attorney General Sessions testifies before the Senate Intelligence Committee. In his opening remarks, Sessions states,

I have never met with or had any conversation with any Russians or any foreign officials concerning any type of interference with any campaign or election in the United States. Further, I have no knowledge of any such conversations by anyone connected to the Trump campaign.⁵⁶³

Sessions' testimony corroborates aspects of Former FBI Director Comey's testimony. Sessions confirms that after a routine morning threat briefing on February 14, he left Director Comey and President Trump alone in the oval office and that the next day, former FBI Director Comey "expressed concern about proper communications protocol with the White House and with the President."⁵⁶⁴ Sessions says that he "affirmed [Comey's] concern that we should be following the proper guidelines of the Department of Justice and basically backed him up in his concerns and that he should not carry on any conversation with the President or anyone else about an investigation in a way that was not proper."⁵⁶⁵

June 14, 2017: The *Washington Post* reports that the Special Counsel Office's investigation includes an examination of whether President Trump obstructed justice.⁵⁶⁶ The report states that Director of National Intelligence Coats, National Security Agency Director Rogers, and

⁵⁶⁰ <https://twitter.com/realDonaldTrump/status/873879934040780801>.

⁵⁶¹ Domenico Montanaro, *Trump Considering Firing Special Counsel? Just Another Example of Stirring the Pot*, *NPR*, Jun. 13, 2017, available at <http://www.npr.org/2017/06/13/532763717/trump-considering-firing-special-counsel-just-another-example-of-stirring-the-po>.

⁵⁶² Andrew Prokop, *The Deputy Attorney General Just Made Clear That Firing Mueller Wouldn't Be Easy for Trump*, *Vox*, Jun. 13, 2017, available at <https://www.vox.com/policy-and-politics/2017/6/13/15792500/trump-firing-robert-mueller>.

⁵⁶³ Transcript, Open Hearing with Attorney General Jeff Sessions, Jun. 13, 2017, available at <https://www.gpo.gov/fdsys/pkg/CHRG-115shrg25891/pdf/CHRG-115shrg25891.pdf>.

⁵⁶⁴ *Id.* at 7, 20, 24-25.

⁵⁶⁵ *Id.* at 20.

⁵⁶⁶ Devlin Barrett, Adam Entous, Ellen Nakashima, and Sari Horwitz, *Special Counsel Is Investigating Trump for Possible Obstruction of Justice, Officials Say*, *Washington Post*, Jun. 14, 2017, available at https://www.washingtonpost.com/world/national-security/special-counsel-is-investigating-trump-for-possible-obstruction-of-justice/2017/06/14/9ce02506-5131-11e7-b064-828ba60fbb98_story.html?utm_term=.feb5710f03ec.

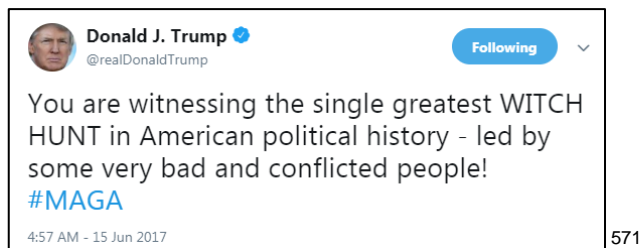
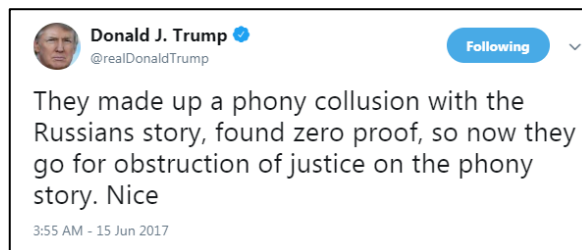
former National Security Agency Deputy Director Richard Ledgett have agreed to be interviewed by Special Counsel Mueller's investigators.⁵⁶⁷

Amid these reports, President Trump argues that Special Counsel Mueller has three supposed conflicts of interest: (1) Mueller resigned his membership at the Trump National Golf Club in 2011 over a fee dispute; (2) Mueller had most recently worked at WilmerHale, the same law firm as Jared Kushner's attorney; and (3) President Trump interviewed Mueller to return as F.B.I. Director the day before he was appointed special counsel.⁵⁶⁸

June 2017: Sometime after this report, President Trump reportedly orders the firing of Special Counsel Mueller but backs down after learning that White House Counsel Don McGahn told other staffers that he would resign before carrying out the order.⁵⁶⁹

June 15, 2017: President Trump issues a series of tweets, including:

President Trump orders the firing of Special Counsel Mueller but backs down after White House Counsel Don McGahn tells others that he will resign before carrying out the order.



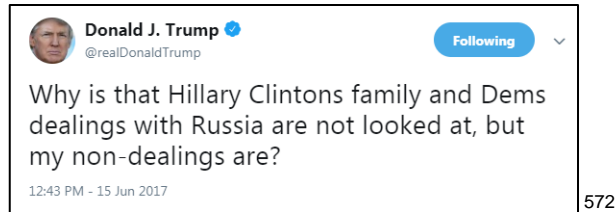
⁵⁶⁷ *Id.*

⁵⁶⁸ Michael Schmidt and Maggie Haberman, Trump Ordered Mueller Fired, but Backed Off When White House Counsel Threatened to Quit, *New York Times*, Jan. 25, 2018, available at <https://www.nytimes.com/2018/01/25/us/politics/trump-mueller-special-counsel-russia.html>. See also Carol D. Leonnig, Ashley Parker, Rosalind S. Helderman and Tom Hamburger, Trump team seeks to control, block Mueller's Russia investigation, *Washington Post*, Jul. 21, 2017, available at https://www.washingtonpost.com/politics/trumps-lawyers-seek-to-undercut-muellers-russia-investigation/2017/07/20/232ebf2c-6d71-11e7-b9e2-2056e768a7e5_story.html?utm_term=.f7a74a52f4c4.

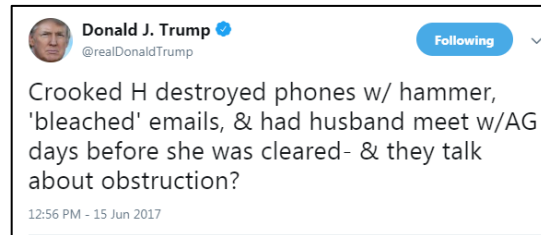
⁵⁶⁹ Michael Schmidt and Maggie Haberman, *New York Times*, Jan. 25, 2018.

⁵⁷⁰ <https://twitter.com/realDonaldTrump/status/875305788708974592>.

⁵⁷¹ <https://twitter.com/realDonaldTrump/status/875321478849363968>.

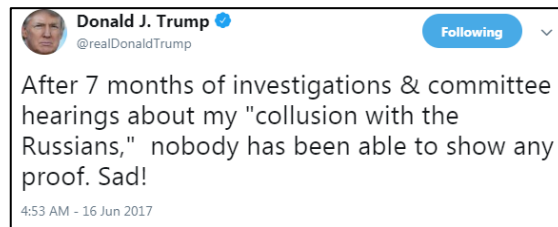


572

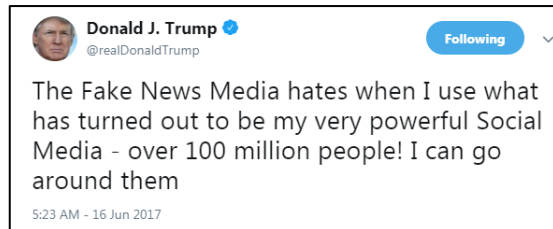


573

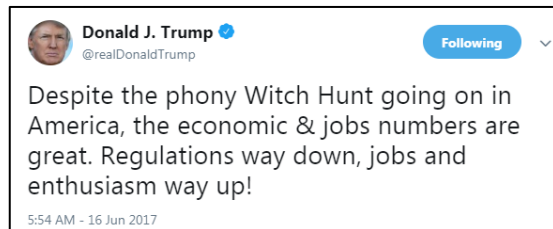
June 16, 2017: President Trump issues a series of tweets, including:



574



575



576

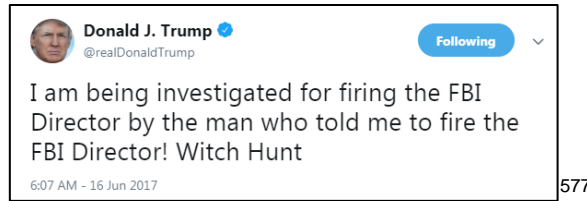
572 <https://twitter.com/realDonaldTrump/status/875438639823675392>.

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

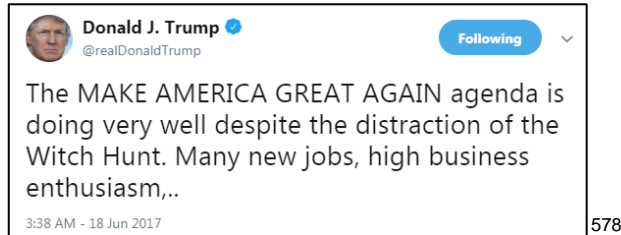
574 <https://twitter.com/realDonaldTrump/status/875682853585129472>.

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

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



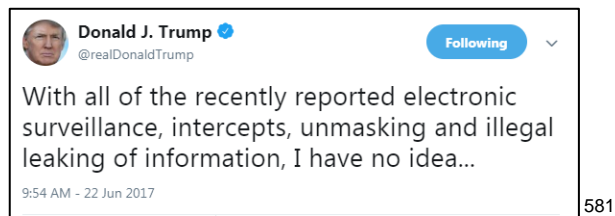
June 18, 2017: President Trump tweets,



June 20, 2017: Ukrainian President Petro Poroshenko meets with President Trump. The *BBC* later reports that Ukraine paid Cohen at least \$400,000 to arrange the meeting. Both Cohen and Poroshenko deny that a payment was made.⁵⁷⁹

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 campaign and Russia. *CNN* also reports Coats and Rogers both said that they did not believe that President Trump gave them orders to interfere.⁵⁸⁰

Also on June 22, President Trump tweets,



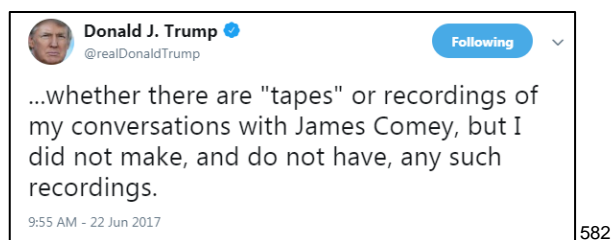
⁵⁷⁷ <https://twitter.com/realDonaldTrump/status/875701471999864833>.

⁵⁷⁸ <https://twitter.com/realDonaldTrump/status/876388733607694336>.

⁵⁷⁹ Bertrand, *The Atlantic*, Jun. 7, 2018; Michele Kelemen and Merrit Kennedy, *Ukrainian President Poroshenko Meets, Briefly, With President Trump*, Jun. 20, 2018, available at <https://www.npr.org/sections/thetwo-way/2017/06/20/533656648/ukrainian-president-poroshenko-meets-briefly-with-president-trump>; Paul Wood, *Trump lawyer 'paid by Ukraine' to arrange White House talks*, *BBC News*, May 23, 2018, available at <https://www.bbc.com/news/world-us-canada-44215656>.

⁵⁸⁰ Dana Bash, Evan Perez, and Manu Raju, *Intel Chiefs Tell Investigators Trump Suggested They Refute Collusion with Russians*, *CNN*, Jun. 22, 2017, <http://www.cnn.com/2017/06/22/politics/intel-chiefs-trump-refute-collusion/index.html>.

⁵⁸¹ <https://twitter.com/realDonaldTrump/status/877932907137966080>.



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 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.⁵⁸²

⁵⁸² <https://twitter.com/realDonaldTrump/status/877932956458795008>.

⁵⁸³ Gareth 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, *The New York Times* reports that former Trump campaign manager Paul Manafort and his son-in-law are being investigated by the FBI. It is unclear whether this investigation is part of the broader FBI investigation into Russia's interference in the 2016 election.⁵⁸⁴

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.'" ⁵⁸⁵ This statement is in fact two tweets that Trump sent on June 22.

June 28, 2017: President Trump's personal lawyers announce that they are delaying plans to file complaints against former FBI Director Comey for "leaking" memos that captured Comey's recollection of conversations that he had with President Trump.⁵⁸⁶

June 29, 2017: The Department of Justice applies for a third renewal of its application to the Foreign Intelligence Surveillance Court approves renewal of a warrant for electronic surveillance of Carter Page.⁵⁸⁷ (The renewal application is dated June 29, 2017.⁵⁸⁸ This is the third and final renewal. (The first was issued in October 2016.)

July 8, 2017: *The New York Times* reports that members of the Trump campaign met with a lawyer linked to the Kremlin during the campaign on June 9, 2016.⁵⁸⁹ Donald Trump Jr. issues the following statement to the media on July 8:

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

⁵⁸⁴ Mike McIntire, *F.B.I. Investigating Deals Involving Paul Manafort and Son-in-Law*, *New York Times*, Jun. 23, 2017, https://www.nytimes.com/2017/06/23/us/politics/paul-manafort-jeffrey-yohai.html?_r=0.

⁵⁸⁵ 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>.

⁵⁸⁶ 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>.

⁵⁸⁷ *Minority Memo re: Correcting the Record – the Russia Investigation*.

⁵⁸⁸ *Id.* at fn. 12.

⁵⁸⁹ Jo Becker, Matt Apuzzo, and Adam Goldman, *Trump Team Met with Lawyer Linked to Kremlin Campaign*, *New York Times*, Jul. 8, 2017, available at <https://www.nytimes.com/2017/07/08/us/politics/trump-russia-kushner-manafort.html>.

I was asked to attend the meeting by an acquaintance, but was not told the name of the person I would be meeting with beforehand.⁵⁹⁰

The *Washington Post* later reports that President Trump “personally dictated” this misleading statement while travelling back from a Group of 20 summit in Germany⁵⁹¹; the *New York Times* later reports that he “supervised the writing of the statement . . . with input from other White House aides.”⁵⁹² The statement was prepared after the president’s aides received a list of questions from the *New York Times*, which had disclosed its intent to publish a story about the meeting. During the meeting to draft the letter, President Trump reportedly “huddled with Ms. Hicks,” who was reportedly sending text messages to the president’s son, Donald Trump Jr.⁵⁹³ President Trump apparently insisted that the statement claim that the meeting was about Russian adoptions.⁵⁹⁴ Five months later, during an interview with the House Intelligence Committee during its investigation of Russian influence in the 2016 election, Trump Jr. confirms that Hicks presented him with multiple statement options. According to the committee, he also “acknowledged having had at least one conversation with his father about the public release of his email and his public statements on the issue.”

The news site *Circa* publishes its own story of the meeting citing Trump family lawyer claims that Donald Trump Jr. was approached by a lawyer who wanted to set up a meeting to discuss a Russian policy.⁵⁹⁵

July 9, 2017: President Trump, Hope Hicks (at the time, White House Director of Strategic Communications), and Mark Corallo have a conference call sometime prior to the release of these emails. Corallo reportedly told the president and Hicks that emails documenting the fact that the meeting had been set up to get dirt about Clinton would come out.⁵⁹⁶ Hicks reportedly

President Trump is personally involved in drafting a misleading statement about the June 2016 meeting between Donald Trump Jr., Jared Kushner, Paul Manafort, and several Russians.

⁵⁹⁰ Liam Stack, *Donald Trump Jr.’s Two Different Explanations for Russian Meeting*, *New York Times*, Jul. 9, 2017, available at <https://www.nytimes.com/2017/07/09/us/donald-trump-jrs-two-different-explanations-for-russian-meeting.html?mcubz=3>.

⁵⁹¹ Ashley Parker, Carol D. Leonnig, Philip Rucker and Tom Hamburger, *Trump Dictated Son’s Misleading Statement on Meeting with Russian Lawyer*, *Washington Post*, Jul. 31, 2017, available at https://www.washingtonpost.com/politics/trump-dictated-sons-misleading-statement-on-meeting-with-russian-lawyer/2017/07/31/04c94f96-73ae-11e7-8f39-eeb7d3a2d304_story.html?utm_term=.5f282e9f1b34.

⁵⁹² Jo Becker, Mark Mazzetti, Matt Apuzzo, and Maggie Haberman, *Mueller Zeros In on Story Put Together About Trump Tower Meeting*, *New York Times*, Jan. 31, 2018, available at <https://www.nytimes.com/2018/01/31/us/politics/trump-russia-hope-hicks-mueller.html>.

⁵⁹³ *Id.*

⁵⁹⁴ *Id.*

⁵⁹⁵ Donald Trump Jr. gathered members of campaign for meeting with Russian lawyer before election, *Circa*, Jul. 8, 2017, available at <https://www.circa.com/story/2017/07/08/donald-trump-jr-met-with-russian-lawyer-during-election-but-didnt-follow-up>.

⁵⁹⁶ Becker, Mazzetti, Apuzzo, and Haberman, Jan. 31, 2018.

responds by asserting that emails “will never get out.”⁵⁹⁷ Hicks’s attorney claims that she “never said that” and that any claim that she “ever suggested that emails or other documents would be concealed or destroyed is completely false.”⁵⁹⁸ Mr. Corallo reportedly tells colleagues that he reported the conversation to the legal team, made notes to memorialize it, and shared his concerns with Steve Bannon.⁵⁹⁹

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

I was asked to have a meeting by an acquaintance I knew from the 2013 Miss Universe pageant with an individual who I was told might have information helpful to the campaign. I was not told her name prior to the meeting. I asked Jared and Paul to attend, but told them nothing of the substance. We had a meeting in June 2016. After pleasantries were exchanged, the woman stated that she had information that individuals connected to Russia were funding the Democratic National Committee and supporting Ms. Clinton. Her statements were vague, ambiguous and made no sense. No details or supporting information was provided or even offered. It quickly became clear that she had no meaningful information. She then changed subjects and began discussing the adoption of Russian children and mentioned the Magnitsky Act. It became clear to me that this was the true agenda all along and that the claims of potentially helpful information were a pretext for the meeting. I interrupted and advised her that my father was not an elected official, but rather a private citizen, and that her comments and concerns were better addressed if and when he held public office. The meeting lasted approximately 20 to 30 minutes. As it ended, my acquaintance apologized for taking up our time. That was the end of it and there was no further contact or follow-up of any kind. My father knew nothing of the meeting or these events.⁶⁰⁰

July 10, 2017: According to *Politico*, portions of former FBI Director Comey’s memos about meetings with Trump have been “retroactively classified.”⁶⁰¹

⁵⁹⁷ *Id.*

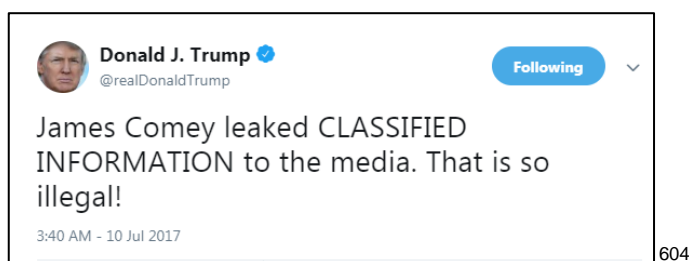
⁵⁹⁸ *Id.*

⁵⁹⁹ *Id.*

⁶⁰⁰ Stack, *New York Times*, Jul. 9, 2017.

⁶⁰¹ Kyle Cheney and Austin Wright, *Comey Friend: Flynn Memo Was Not Classified*, *Politico*, Jul 10, 2017, available at <http://www.politico.com/story/2017/07/10/james-comey-memos-retroactively-classified-240362>.

Also on July 10, President Trump tweets, “James Comey leaked CLASSIFIED INFORMATION to the media. That is so illegal!”⁶⁰² This contradicts Comey’s June 8 testimony that the memos he leaked were unclassified.⁶⁰³



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.⁶⁰⁵ 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.”⁶⁰⁶ In an interview with Sean Hannity on *Fox News*, Donald Trump Jr. denies that he told his father about the June 9, 2016 meeting: “No. It was such a nothing, there was nothing to tell.”⁶⁰⁷

July 12, 2017: In an interview with *Reuters*, President Trump denies that was aware of the June 9, 2016 meeting at the time: “No. That I didn’t know. Until a couple of days ago, when I heard about this. No I didn’t know about that.”⁶⁰⁸ Later that day, President Trump repeats this claim during a press gaggle on Air Force One.⁶⁰⁹

July 18, 2017: Reports emerge that Special Counsel Mueller is investigating the June 2016 meeting at Trump Tower between Donald Trump Jr., Paul Manafort (then chairman of the Trump campaign), Jared Kushner, and several individuals with ties to Russia.⁶¹⁰

⁶⁰³ Joe Johns and Dan Merica, *Trump’s Lawyer to File Complaint against Comey over Memos*, *CNN*, Jun. 9, 2017, available at <http://www.cnn.com/2017/06/09/politics/james-comey-leak-complaint/index.html>.

⁶⁰⁴ <https://twitter.com/realDonaldTrump/status/884361623514656769>.

⁶⁰⁵ Donald Trump Jr.’s Email Exchange with Rob Goldstone, *attached as Appendix A.3*. See also Jo Becker, Adam Goldman, and Matt Apuzzo, *Russian Dirt on Clinton? ‘I Love It,’ Donald Trump Jr. Said*, *New York Times*, Jul. 11, 2017, available at <https://www.nytimes.com/2017/07/11/us/politics/trump-russia-email-clinton.html?mcubz=3>.

⁶⁰⁶ <https://twitter.com/donaldjtrumpjr/status/884789418455953413>; <https://twitter.com/DonaldJTrumpJr/status/884789839522140166>.

⁶⁰⁷ Samuel Chamberlain, *Donald Trump Jr. tells Sean Hannity: ‘In retrospect I probably would have done things a little differently’*, *Fox News*, Jul. 12, 2017, available at <http://www.foxnews.com/politics/2017/07/12/donald-trump-jr-tells-sean-hannity-in-retrospect-probably-would-have-done-things-little-differently.html>. Quote occurs in video at 5:58.

⁶⁰⁸ Highlights of Reuters interview with Trump, *Reuters*, Jul. 12, 2017, available at <https://www.reuters.com/article/us-usa-trump-interview-highlights-idUSKBN19X34X>.

⁶⁰⁹ Excerpts of transcripts between Trump and press on Air Force One, *CNN*, Jul. 13, 2017, available at <https://www.cnn.com/2017/07/13/politics/trump-transcript-air-force-one/index.html>.

⁶¹⁰ Aaron Blake, *Today’s Big Takeaway: Robert Mueller Is Now Investigating Donald Trump Jr.’s Russia Meeting*, Jul. 18, 2017, available at <https://www.washingtonpost.com/news/the->

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 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.⁶¹¹

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."⁶¹²

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:

[fix/wp/2017/07/18/robert-mueller-is-now-the-ninth-person-in-donald-trump-jr-s-russia-meeting/?utm_term=.0159df6613d6](https://www.nytimes.com/2017/07/18/robert-mueller-is-now-the-ninth-person-in-donald-trump-jr-s-russia-meeting/?utm_term=.0159df6613d6); Becker, Apuzzo, and Goldman, *New York Times*, Jul. 8, 2017.

⁶¹¹ Excerpts from the Times's Interview with Trump.

⁶¹² *Id.*

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 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.⁶¹³

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.”⁶¹⁴ 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.⁶¹⁵ (The Committee also interviews Simpson in private on August 22.⁶¹⁶) 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.”⁶¹⁷

⁶¹³ *Id.*

⁶¹⁴ Senate Committee on the Judiciary, Rescheduled: Oversight of the Foreign Agents Registration Act and Attempts to Influence U.S. Elections: Lessons Learned from Current and Prior Administrations, available at <https://www.judiciary.senate.gov/meetings/oversight-of-the-foreign-agents-registration-act-and-attempts-to-influence-us-elections-lessons-learned-from-current-and-prior-administrations>.

⁶¹⁵ Jordain Carney, Trump Jr., Manafort Reach Deal to Avoid Public Hearing Next Week, *The Hill*, Jul. 21, 2017, available at <http://thehill.com/blogs/floor-action/senate/343252-senate-judiciary-committee-wont-subpoena-trump-jr-manafort>.

⁶¹⁶ Todd LoBianco and Ted Barrett, Russia Dossier Firm Founder Speaks with Senate Judiciary Investigators, *CNN*, Aug. 22, 2017, available at <http://www.cnn.com/2017/08/22/politics/glenn-simpson-senate-judiciary-investigators/index.html>.

⁶¹⁷ Senate Judiciary Committee, July 19, 2017 Letter to Paul Manafort, Jul. 19, 2017, available at [https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Paul%20Manafort%20\(Document%20Request\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Paul%20Manafort%20(Document%20Request).pdf); Senate Judiciary Committee, July 19, 2017 Letter to Donald Trump, Jr. and Eric Trump, Jul. 19, 2017, available at [https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Trump%20Organization%20\(Document%20Request\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Trump%20Organization%20(Document%20Request).pdf); Senate Judiciary Committee, July 19, 2017 Letter to Christian Becker, Jul. 19, 2017, available at

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 2016.⁶¹⁸

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.”⁶¹⁹ The effort includes collecting information about the team’s political donations, which might be used to argue that Mueller’s team is biased.⁶²⁰

On the same day, *Politico* reports that Mark Corallo, a spokesman for President Trump’s legal team, has resigned after two months on the job.⁶²¹ According to a friend of Corallo’s his resignation stems at least in part from a concern that he is not being told the truth.

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.⁶²²

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

[https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Trump%20Campaign%20\(Document%20Request\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-07-19%20CEG%20DF%20to%20Trump%20Campaign%20(Document%20Request).pdf).

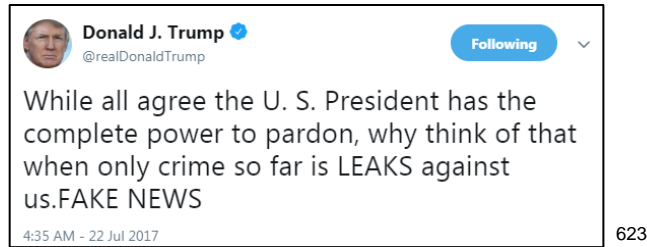
⁶¹⁸ Greg Farrell and Christian Berthelsen, *Mueller Expands Probe to Trump Business Transactions*, *Bloomberg*, Jul. 20, 2017, available at <https://www.bloomberg.com/news/articles/2017-07-20/mueller-is-said-to-expand-probe-to-trump-business-transactions>.

⁶¹⁹ Michael S. Schmidt, Maggie Haberman, and Matt Apuzzo, *Trump Aides, Seeking Leverage, Investigate Mueller’s Investigators*, *New York Times*, Jul. 20, 2017, available at <https://www.nytimes.com/2017/07/20/us/politics/donald-trump-robert-mueller-russia-investigation.html?smprod=nytcore-iphone&smid=nytcore-iphone-share>.

⁶²⁰ *Id.*; see also Leonnig, Parker, Helderman, and Hamburger, *Washington Post*, Jul. 21, 2017.

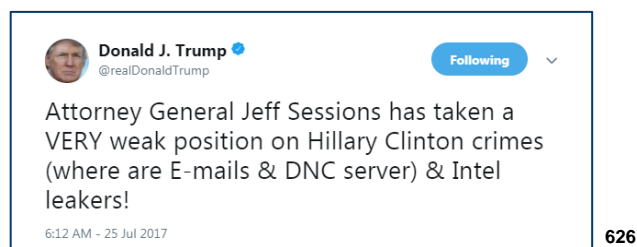
⁶²¹ Josh Dawsey, *Spokesman for Trump’s legal team resigns just two months after starting*, *Politico*, Jul. 20, 2017, available at <https://www.politico.com/story/2017/07/20/spokesman-for-trumps-legal-team-resigns-just-two-months-after-starting-240783>.

⁶²² Dana Bash, *Exclusive: Mueller Asks WH Staff to Preserve All Documents Relating to June 2016 Meeting*, *CNN*, Jul. 22, 2018, available at <http://www.cnn.com/2017/07/21/politics/robert-mueller-russia-investigation-trump-tower-meeting/index.html>.



July 24, 2017: Jared Kushner meets in private with investigators from the Senate Intelligence Committee.⁶²⁴ Kushner releases an 11-page prepared statement that he gave to Senate investigators that details his contacts with Russian officials during the campaign and transition.⁶²⁵

July 25, 2017: President Trump tweets,



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.

⁶²³ <https://twitter.com/realDonaldTrump/status/888724194820857857>.

⁶²⁴ Barret, Rucker, and Demirjian, *Washington Post*, Jul. 24, 2017.

⁶²⁵ Kushner, July 24, 2017.

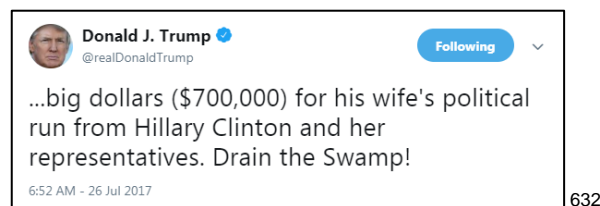
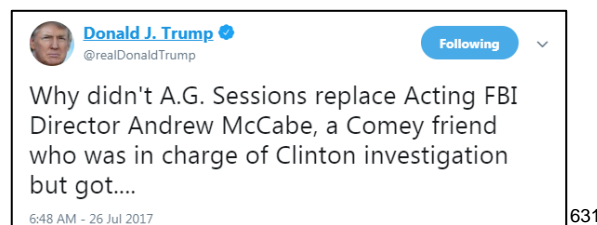
⁶²⁶ <https://twitter.com/realdonaldtrump/status/889790429398528000>.

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.⁶²⁷

Around this time, President Trump reportedly instructs Chief of Staff Reince Priebus to get Sessions' resignation. Trump reportedly tells Priebus, "Don't give me any bullshit. Don't try to slow me down like you always do. Get the resignation of Jeff Sessions."⁶²⁸ Priebus reportedly tells President Trump, "If I get this resignation, you are in for a spiral of calamity that makes Comey look like a picnic", that Rosenstein will then resign, and that Rachel Brand (the Associate Attorney General and third in the line of succession) will say "Forget it. I'm not going to be involved with this."⁶²⁹

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."⁶³⁰

Also on July 26, 2017, President Trump tweets,



July 27, 2017: F.B.I. agents arrest George Papadopoulos at Dulles International Airport. Following his arrest, Papadopoulos meets with investigators "on numerous occasions to provide information and answer questions."⁶³³

⁶²⁷ Josh Dawsey and Hadas Gold, *Full Transcript: Trump's Wall Street Journal Interview*, *Politico*, Aug. 1, 2017, available at <http://www.politico.com/story/2017/08/01/trump-wall-street-journal-interview-full-transcript-241214>.

⁶²⁸ Whipple, *Vanity Fair*, March 2018.

⁶²⁹ *Id.*

⁶³⁰ Carol D. Leonnig, Tom Hamburger, and Rosalind S. Helderman, *FBI Conducted Predawn Raid of Former Trump Campaign Chairman Manafort's Home*, *Washington Post*, Aug. 9, 2017, available at https://www.washingtonpost.com/politics/fbi-conducted-predawn-raid-of-former-trump-campaign-chairman-manaforts-home/2017/08/09/5879fa9c-7c45-11e7-9d08-b79f191668ed_story.html?utm_term=.0f410a317b9f.

⁶³¹ <https://twitter.com/realDonaldTrump/status/890207082926022656>.

⁶³² <https://twitter.com/realDonaldTrump/status/890208319566229504>.

⁶³³ Papadopoulos Stmt. ¶ 35.

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.⁶³⁴

August 1, 2017: Christopher Wray is confirmed as Director of the FBI.⁶³⁵

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.⁶³⁶

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.⁶³⁷ 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.⁶³⁸ Senators Thom Tillis and Chris Coons' Special Counsel Integrity Act would allow the special counsel to challenge his or her removal after the fact.⁶³⁹ In both cases, the termination would only be valid 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."⁶⁴⁰

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?

⁶³⁴ Peter Baker and Maggie Haberman, *Reince Priebus Is Ousted Amid Stormy Days for White House*, *New York Times*, Jul. 28, 2017, available at

<https://www.nytimes.com/2017/07/28/us/politics/reince-priebus-white-house-trump.html?mcubz=3&r=0>.

⁶³⁵ Adam Goldman, *Senate Confirms Christopher Wray as New FBI Director*, *New York Times*, Aug 1, 2017, available at <https://www.nytimes.com/2017/08/01/us/politics/chris-wray-fbi-director-confirmed.html>.

⁶³⁶ Del Quentin Wilber and Byron Tau, *Special Counsel Robert Mueller Impanels Washington Grand Jury in Russia Probe*, *Wall Street Journal*, Aug. 3, 2017, available at <https://www.wsj.com/articles/special-counsel-mueller-impanels-washington-grand-jury-in-russia-probe-1501788287?mod=e2tw>.

⁶³⁷ Karoun Demirjian, *Senators Unveil Two Proposals to Protect Mueller's Russia Probe*, *Washington Post*, Aug. 3, 2017, available at https://www.washingtonpost.com/powerpost/senators-unveil-two-proposals-to-protect-muellers-russia-probe/2017/08/03/b980d082-787a-11e7-8f39-eeb7d3a2d304_story.html?utm_term=.37dedf9e4d46.

⁶³⁸ S.1735, 115th Cong. (2017), available at <https://www.congress.gov/115/bills/s1735/BILLS-115s1735is.pdf>.

⁶³⁹ S. 1741, 115th Cong. (2017), available at <https://www.congress.gov/115/bills/s1741/BILLS-115s1741is.pdf>.

⁶⁴⁰ S.1735, 115th Cong. §2(c) (2017); S. 1741, 115th Cong. §2(b) (2017).

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.

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.⁶⁴¹

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.⁶⁴²

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."⁶⁴³

⁶⁴¹ Fox News Sunday, *Rod Rosenstein Addresses Efforts to Stop White House Leaks*, Aug. 6, 2017, available at <http://www.foxnews.com/transcript/2017/08/06/rod-rosenstein-addresses-efforts-to-stop-white-house-leaks.html>.

⁶⁴² Josh Dawsey and Elana Schor, *Trump Clashed with Multiple GOP Senators over Russia*, *Politico*, Aug. 23, 2017, available at <http://www.politico.com/story/2017/08/23/trump-senate-yell-phone-calls-241950>.

⁶⁴³ David Jackson and Kevin Johnson, *President Trump Has Sent Private Messages to Russia* Special Counsel Robert Mueller, *USA Today*, Aug. 8, 2017, available at <https://www.usatoday.com/story/news/politics/2017/08/08/donald-trump-exchanged-private-messages-special-counsel-mueller/547917001/>.

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.⁶⁴⁴

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.”⁶⁴⁵

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.⁶⁴⁶

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.⁶⁴⁷

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.⁶⁴⁸

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 election⁶⁴⁹) 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

⁶⁴⁴ Alexander Burns and Jonathan Martin, *McConnell, in Private, Doubts if Trump Can Save Presidency*, *New York Times*, Aug. 22, 2017, available at <https://www.nytimes.com/2017/08/22/us/politics/mitch-mcconnell-trump.html?smid=tw-share&r=0>; Manu Raju and Jeremy Diamond, *Trump, McConnell Haven’t Spoken Since Angry Phone Call, Sources Say*, *CNN*, Aug. 23, 2017, available at <https://amp.cnn.com/cnn/2017/08/22/politics/mitch-mcconnell-trump-relationship/index.html>.

⁶⁴⁵ Gregory Korte and Kevin Johnson, *President Trump Says He Won’t Fire Special Counsel Robert Mueller: ‘I’m not dismissing anybody’*, *USA Today*, Aug. 10, 2017, available at <https://www.usatoday.com/story/news/politics/2017/08/10/president-trump-says-he-wont-fire-special-counsel-robert-mueller-im-not-dismissing-anybody/557159001/>.

⁶⁴⁶ Christian Berthelsen and Greg Farrell, *With Bank Subpoenas, Mueller Turns Up the Heat on Manafort*, *Bloomberg Politics*, Aug. 10, 2017, available at <https://www.bloomberg.com/news/articles/2017-08-10/with-bank-subpoenas-mueller-is-said-to-turn-up-heat-on-manafort>. See also Karen Freifeld, *Exclusive: Grand Jury Subpoenas Issued in Relation to Russian Lawyer, Trump Jr. Meeting – Sources*, *Reuters*, August 3, 2017, available at <http://www.reuters.com/article/us-usa-trump-russia-subpoena-idUSKBN1AJ2V0>.

⁶⁴⁷ Katrina Manson, *Russian Lobbyist Testifies to Mueller Grand Jury*, *Financial Times*, Aug. 30, 2017, available at <https://amp.ft.com/content/eb36aed6-8d87-11e7-a352-e46f43c5825d>.

⁶⁴⁸ Michael S. Schmidt, Matt Apuzzo, and Maggie Haberman, *Mueller Is Said to Seek Interviews with West Wing in Russia Case*, *New York Times*, Aug. 12, 2017, available at <https://www.nytimes.com/2017/08/12/us/politics/mueller-trump-russia-priebus.html?r=0>.

⁶⁴⁹ Conaway assumed oversight of the committee’s investigation after Chairman, Rep. Devin Nunes stepped aside. See Brakkton Booker, *Meet Mike Conaway, GOP Congressman Now Overseeing House’s Russia Probe*, *NPR*, Apr. 6, 2017, available at <http://www.npr.org/2017/04/06/522879293/meet-mike-conaway-gop-congressman-now-overseeing-houses-russia-probe>.

allegation regarding Mr. Cohen” The letter also proffers that if Cohen were to testify, he would deny thirteen specific allegations about Cohen in the Steele Dossier.⁶⁵⁰

August 18, 2017: Steve Bannon leaves his position as chief strategist at the White House.⁶⁵¹

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.⁶⁵² *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.⁶⁵³

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.⁶⁵⁴

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.⁶⁵⁵

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.⁶⁵⁶

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.⁶⁵⁷

⁶⁵⁰ Stephen M. Ryan, *Letter to Representatives Conaway and Schiff Regarding Michael D. Cohen Esquire*, Aug. 14, 2017, available at <http://www.documentcloud.org/documents/3984360-Letter-Edit.html#document/p1>. See also Maggie Haberman and Matt Apuzzo, *Trump Lawyer ‘Vehemently’ Denies Russian Collusion*, *New York Times*, Aug. 30, 2017, available at <https://www.nytimes.com/2017/08/30/us/politics/trump-russia-michael-cohen.html?referer=https://t.co/PfcZV1rraW?amp=1>.

⁶⁵¹ Maggie Haberman, Michael D. Shear, and Glenn Thrush, *Stephen Bannon Out at the White House After Turbulent Run*, *New York Times*, Aug. 18, 2017, available at <https://www.nytimes.com/2017/08/18/us/politics/steve-bannon-trump-white-house.html?mcubz=3&r=0>.

⁶⁵² Eric Tucker, *Committee Hears from Founder of Firm Tied to Trump Dossier*, *Associated Press*, Aug. 22, 2017, available at http://hosted.ap.org/dynamic/stories/U/US_TRUMP_RUSSIA_PROBE?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT.

⁶⁵³ Brian Ross, Matthew Mosk, and Rhonda Schwartz, *Glenn Simpson, Key Figure Behind Million-Dollar ‘Dossier,’ to Face Questions*, *ABC News*, Aug. 22, 2017, available at <http://abcnews.go.com/Politics/glenn-simpson-key-figure-million-dollar-dossier-face/story?id=49348102>.

⁶⁵⁴ Julia Ainsley and Tom Winter, *Mueller Team Asking if Trump Tried to Hide Purpose of Trump Tower Meeting*, *NBC News*, Aug. 28, 2017, available at <https://www.nbcnews.com/news/us-news/mueller-team-asking-if-trump-tried-hide-purpose-trump-tower-n796746>.

⁶⁵⁵ Evan Perez, *Special Counsel Subpoenas Manafort’s Former Attorney and Spokesman*, *CNN*, Aug. 29, 2017, available at <http://www.cnn.com/2017/08/29/politics/mueller-manafort-attorney-spokesman-subpoenas/index.html>.

⁶⁵⁶ Josh Dawsey, *Mueller Teams Up with New York Attorney General in Manafort Probe*, *Politico*, Aug. 30, 2017, available at <http://www.politico.com/story/2017/08/30/manafort-mueller-probe-attorney-general-242191>.

⁶⁵⁷ Peter Nicholas, Erica Orden, and Paul Sonne, *Trump Attorneys Lay Out Arguments against Obstruction of Justice Probe to Mueller*, *Wall Street Journal*, Aug. 31, 2017, available at <https://www.wsj.com/articles/trump-attorneys-lay-out-arguments-against-obstruction-of-justice-probe-to-mueller-1504207495>.

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.⁶⁵⁸

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.⁶⁵⁹

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 at Trump Tower.⁶⁶⁰ He also repeatedly states that he did not tell his father about the meeting at the time.⁶⁶¹ Trump Jr. delivers 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."⁶⁶² Trump Jr. also tells 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.⁶⁶³

September 8, 2017: Special Counsel Mueller seeks interviews with at least six current and former White House aides.⁶⁶⁴

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."⁶⁶⁵

⁶⁵⁸ Betsy Woodruff, *Exclusive: Mueller Enlists the IRS for His Trump-Russia Investigation*, *Daily Beast*, Aug. 31, 2017, available at <http://www.thedailybeast.com/exclusive-mueller-enlists-the-irs-for-his-trump-russia-investigation?source=email&via=mobile>.

⁶⁵⁹ Byron York, *House Committee Subpoenas FBI, Justice over Trump Dossier*, *Washington Examiner*, Sept. 5, 2017, available at <http://www.washingtonexaminer.com/house-committee-subpoenas-fbi-justice-over-trump-dossier/article/2633466>.

⁶⁶⁰ Tom Hamburger and Karoun Demirjian, *Trump Jr. Says He Can't Recall White House Role in Explaining Meeting with Russians*, *Washington Post*, Sept. 7, 2017, available at https://www.washingtonpost.com/politics/trump-jr-says-nothing-came-of-2016-meeting-with-russians/2017/09/07/43f3f2ce-93e9-11e7-89fa-bb822a46da5b_story.html?utm_term=.cfd5857327a3.

⁶⁶¹ Marshall Cohen, *20 times Trump and his allies denied he knew of the 2016 Trump Tower meeting*, *CNN*, Jul. 27, 2018, available at <https://www.cnn.com/2018/07/27/politics/trump-denials-trump-tower-2016-meeting/index.html>.

⁶⁶² Andrew Prokop, *Here's Donald Trump Jr.'s Statement to Congress about His Russia Meeting*, *Vox*, Sept. 7, 2017, available at <https://www.vox.com/policy-and-politics/2017/9/7/16270068/donald-trump-jr-statement-russia>.

⁶⁶³ Nicholas Fandos and Maggie Haberman, *Trump Jr. Says He Wanted Russian Dirt to Determine Clinton's 'Fitness' for Office*, *New York Times*, Sept. 7, 2017, available at <https://www.nytimes.com/2017/09/07/us/politics/trump-russia-investigation.html>.

⁶⁶⁴ Carol D. Leonnig, Rosalind S. Helderman, and Ashley Parker, *Mueller Gives White House Names of 6 Aides He Expects to Question in Russia Probe*, *Washington Post*, Sept. 8, 2017, available at https://www.washingtonpost.com/politics/spicer-priebus-hicks-among-six-current-and-former-trump-aides-mueller-has-expressed-interest-in-interviewing-for-russia-probe/2017/09/08/3b32779e-949a-11e7-aace-04b862b2b3f3_story.html?sw_bypass=true&utm_term=.deb75f97e7f2.

⁶⁶⁵ White House Office of the Press Secretary, *Press Briefing by Press Secretary Sarah Sanders*, Sept. 12, 2017, available at <https://www.whitehouse.gov/the-press-office/2017/09/12/press-briefing-press-secretary-sarah-sanders>.

September 13, 2017: *NBC News* reports that Michael G. Flynn, the son of former National Security Adviser (ret.) Lt. Gen. Michael Flynn, is a subject of Special Counsel Mueller's investigation at least in part because of his work in his father's lobbying firm, Flynn Intel Group.⁶⁶⁶

On the same day, employees of Internet Research Agency allegedly begin destroying evidence for the purpose of impeding investigation of their activities. One employee wrote in an email to a family member: "We had a slight crisis here at work: the FBI busted our activity (not a joke). So, I got preoccupied with covering tracks together with the colleagues."⁶⁶⁷

September 15, 2017: The *Wall Street Journal* reports that Facebook has shared detailed records with Special Counsel Mueller about Russian ad purchases on its platform during the 2016 presidential election.⁶⁶⁸

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.⁶⁶⁹

September 26, 2017: The House Intelligence Committee interviews Roger Stone as part of their investigation into Russia collusion and interference in the 2016 presidential election. Stone denies ever meeting or speaking with Julian Assange during the election, though notes "some...direct message responses in April of this year."⁶⁷⁰ According to a House Intelligence Committee report, Stone claims "that his knowledge [about communications with Assange] had been obtained through an intermediary," whose name he refused to disclose.⁶⁷¹

October 1, 2017: George Nader emails Elliott Broidy to set up a meeting between President Trump and Crown Prince Mohammed bin Zayed, referring to the latter as "Friend": "Tell him that Friend would like to come ASAP to meet you SOONEST...Again, Again and Again, please try to be the ONE to fix a date for Friend while you are there if at all possible."⁶⁷²

October 5, 2017: Mr. Papadopoulos pleads guilty to making false statements to FBI investigators.⁶⁷³

⁶⁶⁶ Carol E. Lee, Julia Ainsley, Ken Dilanian, Mike Flynn's Son Is Subject of Federal Russia Probe, *NBC News*, Sept. 13, 2017, available at <https://www.nbcnews.com/news/us-news/mike-flynn-s-son-subject-federal-russia-probe-n800741>.

⁶⁶⁷ Russian Interference Indictment at ¶ 58d.

⁶⁶⁸ Deepa Seetharaman, Byron Tau, and Shane Harris, Facebook Gave Special Counsel Robert Mueller More Details on Russian Ad Buys than Congress, *Wall Street Journal*, Sept. 15, 2017, available at <https://www.wsj.com/articles/facebook-gave-special-counsel-robert-mueller-more-details-on-russian-ad-buys-than-congress-1505514552>.

⁶⁶⁹ Michael S. Schmidt, Mueller Seeks White House Documents Related to Trump's Actions as President, *New York Times*, Sept. 20, 2017, available at https://www.nytimes.com/2017/09/20/us/politics/mueller-trump-russia.html?_r=0.

⁶⁷⁰ Minority Views re: Report on Russian Active Measures at 37.

⁶⁷¹ *Id.*

⁶⁷² Kirkpatrick and Mazzetti, *New York Times*, Mar. 21, 2018.

⁶⁷³ See Statement of Offense, *United State v. Papadopoulos*, No. 17-cr-182 (D.D.C. Oct. 5, 2017), available at <https://www.justice.gov/file/1007346/download>.

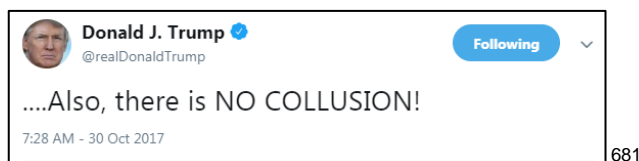
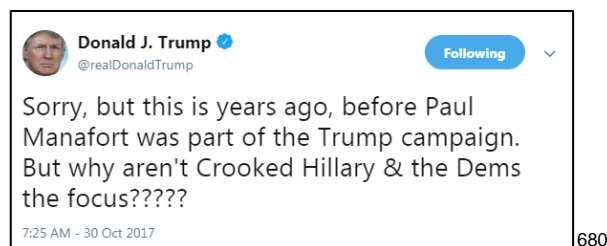
October 6, 2017: Elliott Broidy “repeatedly [pressed] Mr. Trump to meet with the crown prince [Mohammed bin Zayed] in a ‘quiet’ setting outside the White House.” National Security Adviser Lt. Gen. H.R. McMaster denied the request.⁶⁷⁴

October 13, 2017: Former White House Chief of Staff Reince Priebus is interviewed by the Special Counsel’s Office.⁶⁷⁵ Sometime after the interview President Trump asks Priebus how his interview had gone and whether the investigators had been “nice.”⁶⁷⁶

October 19, 2017: Reports emerge that President Trump has personally interviewed candidates for U.S. Attorney positions in the Southern and Eastern Districts of New York.⁶⁷⁷

October 30, 2017: A 12-count indictment of former Trump campaign chair Paul Manafort and his deputy Rick Gates is unveiled. The charges include conspiracy, money laundering, failure to register as a foreign agent, and false statements.⁶⁷⁸ The charges do not relate to Manafort and Gates’s campaign responsibilities; however, the indictment alleges that their conspiracy occurred “[b]etween in or around 2008 and 2017” (and was therefore ongoing when both served on the campaign).⁶⁷⁹

On the same day, President Trump tweets,



October 31, 2017: Representatives of Facebook, Google, and Twitter testify before a Senate Judiciary subcommittee.

⁶⁷⁴ Kirkpatrick and Mazzetti, *New York Times*, Mar. 21, 2018.

⁶⁷⁵ Rosalind S. Helderman, *Reince Priebus, former Trump chief of staff, interviewed by Mueller team*, *Washington Post*, Oct. 13, 2017, available at https://www.washingtonpost.com/politics/reince-priebus-former-trump-chief-of-staff-interviewed-by-mueller-team/2017/10/13/fbbe6c66-b060-11e7-a908-a3470754bbb9_story.html?utm_term=.69be12cf3b17.

⁶⁷⁶ Michael S. Schmidt and Maggie Haberman, *Trump Spoke to Witnesses About Matters They Discussed With Special Counsel*, *New York Times*, Mar. 7, 2018, available at <https://www.nytimes.com/2018/03/07/us/politics/trump-witnesses-special-counsel-priebus-mcgnahn.html>.

⁶⁷⁷ David Shortell and Manu Raju, *Trump met with US attorney candidates with connections to law firms of close confidantes*, *CNN*, Oct. 19, 2017, available at <https://www.cnn.com/2017/10/19/politics/trump-us-attorney-interviews/index.html>.

⁶⁷⁸ Indictment, *U.S. v. Manafort*, No. 17-cr-201 (D.D.C. Oct. 30, 2017), available at <https://www.justice.gov/file/1007271/download>.

⁶⁷⁹ Manafort and Gates Indictment at ¶ 14.

⁶⁸⁰ <https://twitter.com/realDonaldTrump/status/925005659569041409>.

⁶⁸¹ <https://twitter.com/realDonaldTrump/status/925006418989715456>.

In prepared remarks and written responses to questions on the record, Facebook General Counsel Colin Stretch discloses the following facts:

- Internet Research Agency spent “\$100,000 on more than 3,000 Facebook and Instagram ads between June 2015 and August 2017.”⁶⁸²
- Internet Research Agency’s accounts “used these ads to promote the roughly 120 Facebook Pages they had set up, which in turn posted more than 80,000 pieces of content between January 2015 and August 2017.”⁶⁸³
- Facebook estimates that “11.4 million people in the US saw at least one of these ads between 2015 and 2017.”⁶⁸⁴
- Facebook further estimate is that “approximately 126 million people may have been served content from a Page associated with the [Internet Research Agency] at some point during the two-year period.”⁶⁸⁵ (29 million people saw one of the 80,000 posts “because they followed one of the IRA Pages or because one of their friends liked one of the posts” and because “Posts from those Pages were also shared by some of these 29 million people . . . three times as many people may ultimately have been exposed to this content”).⁶⁸⁶
- “Approximately 1.8 million people followed at least one Facebook Page associated with the Internet Research Agency.”⁶⁸⁷

In prepared remarks⁶⁸⁸ and written responses to questions on the record, Sean J. Edgett, Acting General Counsel of Twitter, Inc., discloses the following facts:

- Twitter identified 3,814 accounts linked to Internet Research Agency.⁶⁸⁹ These accounts “posted 175,993 Tweets, approximately 8.4% of which were election-related.”⁶⁹⁰
- The two Russian-linked accounts @RT_COM and @RT_America promoted election-related Tweets that violated Twitter’s ads policies. Together, they spent \$516,900 in 2016 (\$234,600 of which were on ads served to users in the U.S.), which generated 192 million impressions, 52.5 million of which were generated by U.S. users.⁶⁹¹

⁶⁸² Testimony of Colin Stretch General Counsel, Facebook Before the U.S. Senate Committee on the Judiciary Subcommittee on Crime and Terrorism at *5, Oct. 31, 2017, *available at* <https://www.judiciary.senate.gov/imo/media/doc/10-31-17%20Stretch%20Testimony.pdf>.

⁶⁸³ *Id.*

⁶⁸⁴ *Id.*

⁶⁸⁵ *Id.* at 6.

⁶⁸⁶ Colin Stretch’s Responses to Questions for the Record, Oct. 31, 2017, *available at* <https://www.judiciary.senate.gov/imo/media/doc/Stretch%20Responses%20to%20QFRs.pdf>.

⁶⁸⁷ *Id.*

⁶⁸⁸ Testimony of Sean J. Edgett Before the U.S. Senate Committee on the Judiciary Subcommittee on Crime and Terrorism at 11, Oct. 31, 2017, *available at* <https://www.judiciary.senate.gov/imo/media/doc/10-31-17%20Edgett%20Testimony.pdf>.

⁶⁸⁹ Sean J. Edgett’s Responses to Questions for the Record at 10, Oct. 31, 2017, *available at* <https://www.judiciary.senate.gov/imo/media/doc/Edgett%20Responses.pdf>.

⁶⁹⁰ *Id.*

⁶⁹¹ *Id.* at 1.

- “In total, IRA-linked accounts had approximately 2.7 million followers. Of those, @TEN_GOP had the highest number of followers—152,099 in total prior to suspension.”⁶⁹²

In prepared remarks and questions for the record, Google Directory of Law Enforcement and Information Security Richard Salgado discloses that:

- Two Russia-linked ad accounts “spent roughly \$4,700 in connection with the 2016 US Presidential election.”⁶⁹³
- Google identified 18 Russia-linked YouTube channels that are likely associated with this effort and contained political content.⁶⁹⁴

November 2, 2017: Carter Page testifies before the House Permanent Select Committee on Intelligence about his Russian contacts and work as an adviser to the Trump campaign.⁶⁹⁵

November 3, 2017: Alex Van Der Zwann, an attorney who helped write a report concerning the trial of Ukrainian politician Yulia Tymoshenko and an associate of Rick Gates and Paul Manafort, is interviewed by the Special Counsel’s Office. Van Der Zwann makes materially false statements during the interview about his communication with Gates and an associate of Manafort and Gates in Ukraine. Van Der Zwann also falsely stated that he did not know why the law firm he worked for had not produced a September 2016 email he had written when in fact he deleted it.⁶⁹⁶

November 14, 2017: Attorney General Jeff Sessions testifies before the House Judiciary Committee. When asked if he had shut down George Papadopoulos’ proposed outreach to Russia during the 2016 campaign, Sessions, then the head of the Trump campaign’s foreign policy team, said “Yes, I pushed back.” Later, three people who attended the 2016 campaign meeting contradicted Sessions’ claim, saying that Sessions did not express any objections to Papadopoulos’ pitch.⁶⁹⁷

November 19, 2017: ABC News reports that the Special Counsel’s Office has sought a “broad array of documents” from the Department of Justice, including emails relating to the firing of FBI Director Comey and Attorney General Jeff Sessions’ decision to recuse from campaign-related matters.⁶⁹⁸

⁶⁹² *Id.* at 12

⁶⁹³ Testimony of Richard Salgado, Senior Counsel, Law Enforcement and Information Security, Google Before the Senate Judiciary Subcommittee on Crime and Terrorism at *3, Oct. 31, 2017, available at <https://www.judiciary.senate.gov/imo/media/doc/10-31-17%20Salgado%20Testimony.pdf>.

⁶⁹⁴ *Id.*

⁶⁹⁵ Page Testimony.

⁶⁹⁶ Statement of the Offense, *U.S. v. Van Der Zwann*, No. 18-cr-031 (D.D.C. Feb. 20, 2018).

⁶⁹⁷ Karen Freifeld, Sarah N. Lynch, and Mark Hosenball, *Exclusive: Sources contradict Sessions’ testimony he opposed Russia outreach*, *Reuters*, Mar. 18, 2018, available at <https://www.reuters.com/article/us-usa-trump-russia-sessions-exclusive/exclusive-sources-contradict-sessions-testimony-he-opposed-russia-outreach-idUSKBN1GU0NC>.

⁶⁹⁸ Mike Levine, *Special counsel sends wide-ranging request for documents to Justice Department*, *ABC News*, Nov. 19, 2017, available at <http://abcnews.go.com/US/special-counsel-sends-wide-ranging-request-documents-justice/story?id=51261366>.

November 21, 2017: The *Wall Street Journal* reports that the Special Counsel's Office is investigating whether Jared Kushner advocated that FBI Director Comey be fired.⁶⁹⁹

November 30, 2017: Erik Prince testifies before the House Permanent Select Committee on Intelligence about his January 2017 trip to the Seychelles, where he met UAE Crown Prince Mohammed bin Zayed Al-Nahyan and Russian national Kirill Dmitriev.⁷⁰⁰ Prince testifies that he travelled to the Seychelles at the request of the Crown Prince, that did not know in advance that he was going to meet Dmitriev, that he did not know that Dmitriev was a representative of the Russian government, that he did not know that the investment fund run by Dmitriev was subject to U.S. sanctions, and that he and Dmitriev did not discuss sanctions.⁷⁰¹

December 2017: In advance of a Congressional hearing on December 13,⁷⁰² Deputy Attorney General Rod Rosenstein visits the White House to ask President Trump for his support in rejecting document request from House Intelligence Committee Chairman Devin Nunes. At the meeting, President Trump reportedly asks about the direction of the Special Counsel investigation and whether Rosenstein is "on my team."⁷⁰³ Rosenstein reportedly "demurred" to the first question and stated "Of course, we're all on your team, Mr. President" to the second.⁷⁰⁴ Although no decision is made at the meeting, Chief of Staff John Kelly later informs DOJ that President Trump will not help Rosenstein block access to the documents requested by Rep. Nunes.⁷⁰⁵

The same month, Tom Barrack, the chairman of President Trump's inaugural committee, is interviewed by the special counsel team. The interview reportedly focuses on Barrack's relationship with Manafort and Gates.⁷⁰⁶

December 1, 2017: Flynn pleads guilty to one count of making false statements to FBI investigators about his conversations with Russian Ambassador on December 22, and December 29, 2016.⁷⁰⁷

⁶⁹⁹ Peter Nicholas, Aruna Viswanatha and Rebecca Ballhaus, Special Counsel Mueller Probes Jared Kushner's Contacts With Foreign Leaders, *Wall Street Journal*, Nov. 21, 2017, available at <https://www.wsj.com/articles/special-counsel-mueller-probes-jared-kushners-contact-with-foreign-leaders-1511306515>.

⁷⁰⁰ Prince Testimony.

⁷⁰¹ *Id.* at 7, 22-23, 29, 36-37, and 75.

⁷⁰² Matt Zapotosky and Devlin Barrett, Rosenstein defends Mueller as GOP lawmakers raise questions of bias in Russia probe, *Washington Post*, Dec. 13, 2017, available at https://www.washingtonpost.com/world/national-security/rosenstein-likely-to-be-grilled-on-fbi-bias-in-appearance-on-capitol-hill/2017/12/13/9f1dc24a-e003-11e7-89e8-edec16379010_story.html?utm_term=.ed82022435d4.

⁷⁰³ Pamela Brown, Evan Perez and Laura Jarrett, Exclusive: Trump asked Rosenstein if he was 'on my team', *CNN* Feb. 1, 2018, available at <https://www.cnn.com/2018/01/31/politics/donald-trump-rod-roenstein-december-meeting/index.html>.

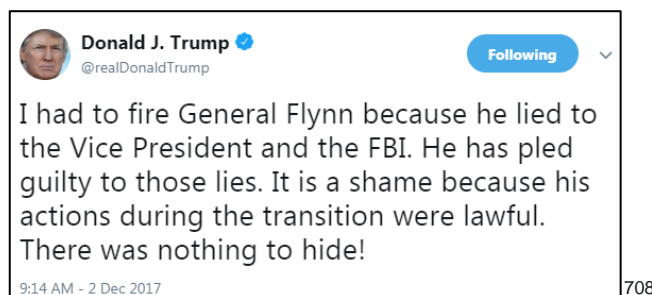
⁷⁰⁴ *Id.*

⁷⁰⁵ *Id.*

⁷⁰⁶ Gloria Borger and Clare Foran, Trump friend Tom Barrack was interviewed by special counsel team in December, *CNN*, <https://www.cnn.com/2018/05/05/politics/tom-barrack-russia-investigation-trump/index.html>.

⁷⁰⁷ Information, *U.S. v. Flynn*, No. 17-cr-232 (D.D.C. Nov. 30, 2017), available at <https://www.justice.gov/file/1015026/download>.

December 2, 2017: President Trump tweets, “I had to fire General Flynn because he lied to the Vice President and the FBI. He has pled guilty to those lies. It is a shame because his actions during the transition were lawful. There was nothing to hide!”



December 3, 2017: John Dowd, the President’s personal lawyer, claims that he wrote the President’s December 2 tweet about the firing of former White House national security advisor Michael Flynn. On the same day, President Trump tweets, “I never asked Comey to stop investigating Flynn. Just more Fake News covering another Comey lie!”



December 4, 2017: In an interview with *Axios*, Dowd claims that the “President cannot obstruct justice because he is the chief law enforcement officer under [the Constitution’s Article II] and has every right to express his view of any case.”⁷¹⁰

Mid December, 2017: George Nader emails Elliott Broidy, who has arranged for Nader to attend the Mar-a-Lago gala dinner celebrating President Trump’s inaugural anniversary.⁷¹¹

December 19, 2017: President Trump has lunch with former Chief of Staff Reince Priebus.⁷¹² Sometime in December (likely this day), President Trump reportedly asks Priebus about how his October interview with the Special Counsel’s Office had gone and whether they had been “nice.”⁷¹³ Priebus reportedly does not share what he told investigators.⁷¹⁴

⁷⁰⁸ <https://twitter.com/realDonaldTrump/status/937007006526959618>.

⁷⁰⁹ <https://twitter.com/realDonaldTrump/status/937279001684598784>.

⁷¹⁰ Mike Allen, *Exclusive: Trump lawyer claims the "President cannot obstruct justice*, *Axios*, Dec. 4, 2017, available at <https://www.axios.com/exclusive-trump-lawyer-claims-the-president-cannot-obstruct-justice-1513388369-032ba40d-55c3-42d6-bdf9-d6399ed7a2ce.html>.

⁷¹¹ Kirkpatrick and Mazzetti, *New York Times*, Mar. 21, 2018.

⁷¹² Josh Dawsey and Robert Costa, *Trump advisers vent frustrations about 2018 strategy as president listens*, *Washington Post*, Dec. 21, 2017, available at https://www.washingtonpost.com/politics/trump-advisers-vent-frustrations-about-2018-strategy-as-president-listens/2017/12/21/a7555788-e6a8-11e7-ab50-621fe0588340_story.html?utm_term=.1dae7014e9b5.

⁷¹³ Schmidt and Haberman, *New York Times*, Mar. 7, 2018.

⁷¹⁴ *Id.*

December 21, 2017: FBI Deputy Director Andrew McCabe testifies before a closed session of the House Intelligence Committee. McCabe reportedly confirms that former FBI Director Comey disclosed conversations he had with President Trump soon after they occurred.⁷¹⁵

December 28, 2017: In an interview with the New York Times, President Trump engages in the following exchanges:

TRUMP: Yeah. Virtually every Democrat has said there is no collusion. There is no collusion. And even these committees that have been set up. If you look at what's going on — and in fact, what it's done is, it's really angered the base and made the base stronger. My base is stronger than it's ever been. Great congressmen, in particular, some of the congressmen have been unbelievable in pointing out what a witch hunt the whole thing is. So, I think it's been proven that there is no collusion.

And by the way, I didn't deal with Russia. I won because I was a better candidate by a lot. I won because I campaigned properly and she didn't. She campaigned for the popular vote. I campaigned for the Electoral College. And you know, it is a totally different thing, Mike. You know the Electoral College, it's like a track star. If you're going to run the 100-yard dash, you work out differently than if you're going to run the 1,000 meters or the mile.

* * *

SCHMIDT: What's your expectation on Mueller? When do you —

TRUMP: I have no expectation. I can only tell you that there is absolutely no collusion. Everybody knows it. And you know who knows it better than anybody? The Democrats. They walk around blinking at each other.

* * *

SCHMIDT: You control the Justice Department. Should they reopen that email investigation?

TRUMP: What I've done is, I have absolute right to do what I want to do with the Justice Department. But for purposes of hopefully thinking I'm going to be treated fairly, I've stayed uninvolved with this particular matter.

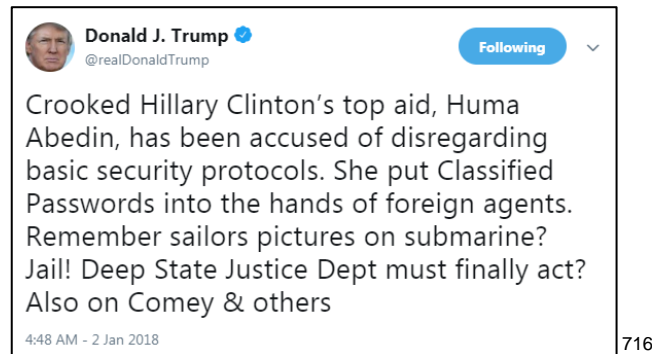
* * *

FBI Deputy Director McCabe's testimony reportedly corroborates former FBI Director Comey's accounts of his interactions with President Trump.

⁷¹⁵ Manu Raju and Jeremy Herb, [Top FBI official grilled on Comey, Clinton in Hill testimony](https://www.cnn.com/2017/12/21/politics/andrew-mccabe-congress-testimony/index.html), CNN, Dec. 22, 2017, available at <https://www.cnn.com/2017/12/21/politics/andrew-mccabe-congress-testimony/index.html>.

2018

January 2, 2018: President Trump tweets, “Crooked Hillary Clinton’s top aid, Huma Abedin, has been accused of disregarding basic security protocols. She put Classified Passwords into the hands of foreign agents. Remember sailors pictures on submarine? Jail! Deep State Justice Dept must finally act? Also on Comey & others”



January 17, 2018: George Nader, who attended a secret meeting in the Seychelles in January 2017 along with individuals with ties to the Trump transition team and the Russian President, is served with search warrants and a grand jury subpoena.⁷¹⁷

The same day, Attorney General Jeff Sessions is questioned by the Special Counsel’s Office.⁷¹⁸

January 18, 2018: *McClatchy* reports that the FBI is investigating whether Alexander Torshin, a Russian with ties to President Putin, organized crime, and Russian security services, funneled money to the National Rifle Association as part of an effort to support then-candidate Trump’s 2016 campaign.⁷¹⁹

Early to Mid-January: Special Counsel Mueller and President Trump’s legal team discuss a potential January 27, 2018 multi-hour interview of the president, to be held at Camp David. The plan was ultimately rejected.⁷²⁰

January 29, 2018: President Trump’s legal team sends the special counsel’s office a 20-page letter that “raised constitutional objections to requiring the President’s testimony.” *CNN* reports that the president reviewed and approved the letter.⁷²¹

Late January: President Trump tells then-White House Staff Secretary Rob Porter that White House Counsel Don McGahn should publicly deny a January 25, 2018 *New York Times* article claiming that McGahn told prosecutors that President Trump had asked him to fire Special Counsel Mueller.⁷²² Porter reportedly tells McGahn that the President wants him to release a statement that the story is untrue and that the President suggested that he might “get rid of”

⁷¹⁶ <https://twitter.com/realDonaldTrump/status/948174033882927104>.

⁷¹⁷ Mazzetti, Kirkpatrick, and Goldman, *New York Times*, Mar. 6, 2018.

⁷¹⁸ Cohen, Yellin, and Stark, *CNN*.

⁷¹⁹ Stone and Gordon, Jan. 18, 2018.

⁷²⁰ Gloria Borger and Evan Perez, *Trump’s legal team discussed January interview with Mueller*, *CNN Politics*, May 25, 2018, available at <https://www.cnn.com/2018/05/24/politics/trump-legal-team-january-2018-interview-robert-mueller/index.html>.

⁷²¹ *Id.*

⁷²² Schmidt and Haberman, *New York Times*, Mar. 7, 2018.

McGahn if he doesn't.⁷²³ When McGahn did not issue a statement, President Trump reportedly confronted him about it with Chief of Staff John Kelly.⁷²⁴

Late January or Early February: Qatari government officials visiting the U.S. reportedly consider turning over evidence to Special Counsel Mueller that they believe connects White House Special Adviser Jared Kushner to efforts made by other Persian Gulf countries to hurt Qatar. According to *NBC News*, the officials "decided against cooperating with Mueller...out of fear it would further strain the country's relations with the White House."⁷²⁵

February 9, 2018: Deputy Attorney General Rod Rosenstein calls the White House and informs White House Counsel Don McGahn that Jared Kushner's security clearance process will be subject to further delays due to significant information requiring additional investigation.⁷²⁶

February 12, 2018: Richard Pinedo pleads guilty to identity fraud, in violation of 18 U.S.C. 1028. Pinedo is a source of fraudulent bank account information used by Internet Research Agency to purchase social media advertisements during the 2016 election.⁷²⁷

The week of February 12, 2018: Steve Bannon, formerly the White House chief strategist, meets with the Special Counsel's Office twice over the course of the week.⁷²⁸

February 15, 2018: Mark Corallo, who served as a spokesperson for President Trump's legal team, is interviewed by the Special Counsel's Office.⁷²⁹

February 16, 2018: The Special Counsel's Office files an eight-count indictment against Internet Research Agency, two other corporate entities, and thirteen individuals on charges including conspiracy to defraud the United States by "impairing obstructing, and defeating the lawful functions of the Federal Election Commission, the U.S. Department of Justice, and the U.S. Department of State in administering federal requirements for disclosure of foreign involvement in certain domestic activities."⁷³⁰ The other charges are conspiracy to commit wire fraud and bank fraud and six counts of aggravated identity theft.

February 20, 2018: *CNN* reports that the Special Counsel's Office's investigation of Jared Kushner includes Kushner's efforts to secure financing for his family's company during the transition.⁷³¹

⁷²³ *Id.*

⁷²⁴ *Id.*

⁷²⁵ Carol E. Lee, Julia Ainsley and Robert Windrem, Mueller team asking if Kushner foreign business ties influenced Trump policy, *NBC News*, Mar. 2, 2018, *available at* <https://www.nbcnews.com/politics/white-house/mueller-team-asking-if-kushner-foreign-business-ties-influenced-trump-n852681>.

⁷²⁶ Carol D. Leonnig, Robert Costa and Josh Dawsey, Top Justice Dept. official alerted White House 2 weeks ago to ongoing issues in Kushner's security clearance, *Washington Post*, Feb. 23, 2018, *available at* https://www.washingtonpost.com/politics/top-justice-dept-official-alerted-white-house-2-weeks-ago-to-ongoing-issues-in-kushners-security-clearance/2018/02/23/aa9b37c8-17f4-11e8-92c9-376b4fe57ff7_story.html?utm_term=.e4c85aee1b0d.

⁷²⁷ Statement of the Office, *U.S. v. Pinedo*, No. 18-cr-24 (D.D.C. Feb. 12, 2018).

⁷²⁸ Cohen, Yellin, and Stark, *CNN*.

⁷²⁹ *Id.*

⁷³⁰ *Id.* at ¶9.

⁷³¹ Shimon Prokupecz, Kara Scannell and Gloria Borger, Exclusive: Mueller's interest in Kushner grows to include foreign financing efforts, *CNN*, Feb. 20, 2018, *available at* <https://amp.cnn.com/cnn/2018/02/19/politics/mueller-investigation-kushner-foreign-financing-efforts/index.html>.

On the same day, former Skadden Lawyer Alex van der Zwann pleads guilty to lying to investigators about a September 2016 conversation with Rick Gates.⁷³²

February 21, 2018: *NBC* reports that Special Counsel Mueller's team is asking whether former Trump campaign chair Paul Manafort promised Chicago Banker Stephen Calk a job in the Trump White House in exchange for \$16 million in home loans.⁷³³

February 22, 2018: Special Counsel Mueller's investigators interview Sam Nunberg, a Trump campaign adviser who was fired in August 2015 for racially charged Facebook posts.⁷³⁴

February 24, 2018: Democrats on the House Intelligence committee release a memorandum rebutting allegations made by Republicans on the committee about the process by which DOJ and FBI obtained a FISA warrant of Carter Page in the fall of 2016.⁷³⁵ The Democratic memo asserts that the FBI investigation into Russian interference was not based on intelligence collected by former British intelligence operative Christopher Steele.⁷³⁶

February 27, 2018: White House senior advisor Jared Kushner's temporary security clearance is downgraded.⁷³⁷ On the same day, the *Washington Post* reports that officials in the United Arab Emirates, China, Israel, and Mexico have privately discussed ways to manipulate Kushner by "taking advantage of his complex business arrangements, financial difficulties and lack of foreign policy experience."⁷³⁸

February 28, 2018: *CNN* reports that the Special Counsel's Office is asking witnesses about President Trump's business activities in Russia in 2015 when he was considering running for President.⁷³⁹

President Trump tweets, "Why is A.G. Jeff Sessions asking the Inspector General to investigate potentially massive FISA abuse. Will take forever, has no prosecutorial power and already late with reports on Comey etc. Isn't the I.G. an Obama guy? Why not use Justice Department lawyers? DISGRACEFUL!"

⁷³² Statement of the Offense, *U.S. v. Van Der Zwann*, No. 18-cr-031 (D.D.C. Feb. 20, 2018).

⁷³³ Tom Winter and Hallie Jackson, Mueller asking if Manafort promised banker White House job in return for loans, *NBC News*, Feb. 21, 2017, available at <https://www.nbcnews.com/politics/donald-trump/mueller-asking-if-manafort-promised-banker-white-house-job-return-n849916>.

⁷³⁴ Darren Samuelsohn, Former Trump campaign adviser Sam Nunberg to meet with Mueller team, *Politico*, Feb. 21, 2018, available at <https://www.politico.com/story/2018/02/21/mueller-russia-probe-sam-nunberg-420362>.

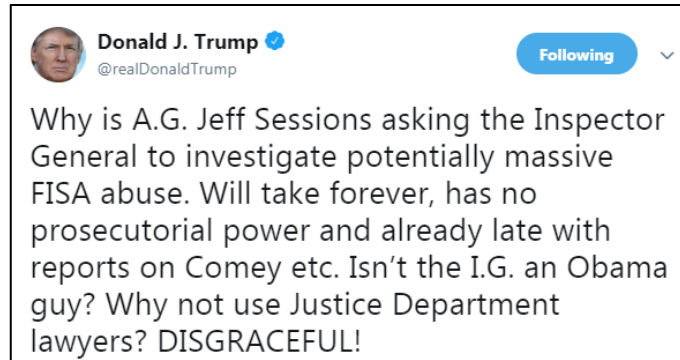
⁷³⁵ Intel Committee Ranking Member Schiff Releases Democratic Response Memo, *House Permanent Select Committee on Intelligence*, Feb. 24, 2018, available at <https://democrats-intelligence.house.gov/news/documentsingle.aspx?DocumentID=358>.

⁷³⁶ Minority Memo re: Correcting the Record – the Russia Investigation.

⁷³⁷ Elena Johnson and Andrew Restuccia, Kushner loses access to top-secret intelligence, *Politico*, Feb. 27, 2018, available at <https://www.politico.com/story/2018/02/27/jared-kushner-security-clearance-downgrade-427178>.

⁷³⁸ Shane Harris, Carol D. Leonnig, Greg Jaffe and Josh Dawsey, Kushner's overseas contacts raise concerns as foreign officials seek leverage, *Washington Post*, Feb. 27, 2018, available at https://www.washingtonpost.com/world/national-security/kushners-overseas-contacts-raise-concerns-as-foreign-officials-seek-leverage/2018/02/27/16bbc052-18c3-11e8-942d-16a950029788_story.html.

⁷³⁹ Kara Scannell, Pamela Brown, Gloria Borger and Jim Sciutto, Mueller team asks about Trump's Russian business dealings as he weighed a run for president, *CNN*, Feb. 28, 2018, available at <https://amp.cnn.com/cnn/2018/02/27/politics/trump-russia-investigation/index.html>.



After the President's Tweet, Attorney General Sessions states, "We have initiated the appropriate process that will ensure complaints against this Department will be fully and fairly acted upon if necessary. As long as I am the Attorney General, I will continue to discharge my duties with integrity and honor, and this Department will continue to do its work in a fair and impartial manner according to the law and Constitution."⁷⁴¹

On the same day, *NBC News* reports that Special Counsel's Office is also asking witnesses questions about whether then-candidate Trump was aware that Democratic emails had been stolen and whether he played any role in their release.⁷⁴²

The *Washington Post* also reports that the Special Counsel's Office has been investigating a period in the summer of 2017 when President Trump appeared to be trying to drive Attorney General Sessions from his job and whether that effort was part of a pattern of attempted obstruction of justice.⁷⁴³

March 2018: Members of the special counsel team stop Russian billionaire and oligarch Viktor F. Veskelberg at a New York-area airport, question him, and search his devices.⁷⁴⁴

Early March, 2018: During private negotiations about the possibility of a presidential interview, Special Counsel Mueller reportedly tells President Trump's attorneys that "he is continuing to investigate the president but does not consider him a criminal target at this point."⁷⁴⁵ Mueller

⁷⁴⁰ <https://twitter.com/realDonaldTrump/status/968856971075051521>.

⁷⁴¹ <https://twitter.com/JDiamond1/status/968914421274816513>.

⁷⁴² Katy Tur and Carol E. Lee, *Mueller asking what Trump knew about hacked emails*, *NBC News*, Feb. 28, 2018, available at https://www.nbcnews.com/politics/donald-trump/amp/mueller-asking-what-trump-knew-about-hacked-emails-n851941?_twitter_impression=true.

⁷⁴³ Devlin Barrett, Josh Dawsey and Rosalind S. Helderman, *Mueller investigation examining Trump's apparent efforts to oust Sessions in July*, *Washington Post*, Feb. 28, 2018, available at https://www.washingtonpost.com/world/national-security/mueller-investigation-examining-trumps-apparent-efforts-to-oust-sessions-in-july/2018/02/28/909cfa7c-1cd7-11e8-b2d9-08e748f892c0_story.html?utm_term=.a05547a3264d.

⁷⁴⁴ Adam Goldman, Ben Protess and William K. Rashbaum, *Viktor Vekselberg, Russian Billionaire, Was Questioned by Mueller's Investigators*, *New York Times*, May 4, 2018, available at <https://www.nytimes.com/2018/05/04/us/politics/viktor-vekselberg-mueller-investigation.html>.

⁷⁴⁵ Carol D. Leonnig and Robert Costa, *Mueller told Trump's attorneys the president remains under investigation but is not currently a criminal target*, *Washington Post*, Apr. 3, 2018, available at https://www.washingtonpost.com/politics/mueller-told-trumps-attorneys-the-president-remains-under-investigation-but-is-not-currently-a-criminal-target/2018/04/03/d7832cf0-36c1-11e8-acd5-35eac230e514_story.html?utm_term=.20e4be292578.

also tells the lawyers that he is preparing a report about the president's actions during his administration and potential obstruction of justice.⁷⁴⁶

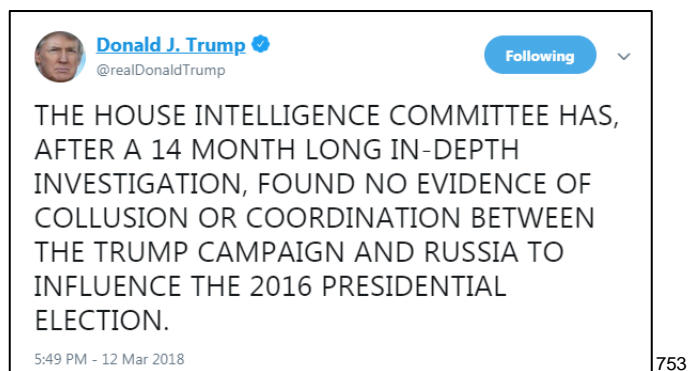
March 1, 2018: *NBC News* reports that the Special Counsel's Office is assembling a criminal case against Russians who participated in the hacking and leaking of the Democratic National Committee and Clinton campaign Chairman John Podesta.⁷⁴⁷

March 2, 2018: *NBC News* reports that the Special Counsel's Office is asking witnesses about White House Senior Adviser Jared Kushner's "efforts to secure financing for his family's real estate properties, focusing specifically on his discussions during the transition with individuals from Qatar and Turkey, as well as Russia, China, and the United Arab Emirates."⁷⁴⁸ The Qatari ambassador to the United States later denies that the government of Qatar has been approached or has had any contact with the Special Counsel's office.⁷⁴⁹

March 5, 2018: The special counsel's team meets with President Trump's legal team to discuss setting up an interview with the president. Mueller reportedly "made the case that only Trump himself can talk about what his intent was regarding certain actions he took after assuming the presidency."⁷⁵⁰

March 9, 2018: Sam Nunberg, a former Trump campaign aide, testifies before the special counsel grand jury.⁷⁵¹

March 12, 2018: The House Intelligence Committee votes along party lines to end an investigation into Russia's interference with the 2016 election.⁷⁵² President Trump tweets about the findings:



⁷⁴⁶ *Id.*

⁷⁴⁷ Ken Dilanian, William M. Arkin, and Julia Ainsely, Mueller eyes charges against Russians who stole, spread Democrats' emails, *NBC News*, Mar. 1, 2018, available at <https://www.nbcnews.com/politics/2016-election/mueller-eyes-charges-against-russians-who-stole-spread-democrats-emails-n852291>.

⁷⁴⁸ Lee, Ainsley, and Windrem, *NBC News*, Mar. 2, 2018.

⁷⁴⁹ Qatar: No contact with Mueller's team over Jared Kushner, *Al Jazeera*, Mar. 3, 2018, available at <https://www.aljazeera.com/news/2018/03/qatar-contact-mueller-team-jared-kushner-180303164653825.html>.

⁷⁵⁰ Borger and Perez, *CNN*, May 25, 2018.

⁷⁵¹ Cohen, Yellin, and Stark, *CNN*.

⁷⁵² Erin Kelly, Russia probe: House intel Republicans end investigation, find 'no evidence' of collusion, *USA Today*, Mar. 12, 2018, available at <https://www.usatoday.com/story/news/politics/2018/03/12/russia-probe-house-intel-republicans-end-investigation-despite-dem-protests/411745002/>.

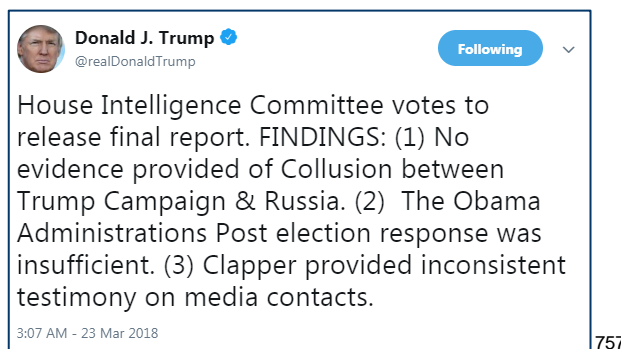
⁷⁵³ <https://twitter.com/realDonaldTrump/status/973360355790479361>.

On the same day, the special counsel's team meets with President Trump's legal team to discuss setting up an interview with the president.⁷⁵⁴

March 20, 2018: President Trump meets Saudi Arabian Crown Prince Mohammed bin Salman at the White House. President Trump tells reporters that "[t]he relationship is probably the strongest it's ever been."⁷⁵⁵

March 22, 2018: The House Intelligence Committee Republicans release a summary of their findings, concluding that there was no coordination between the Trump campaign and the Russian government during the 2016 election.⁷⁵⁶

March 23, 2018: President Trump tweets about the House Intelligence Committee findings.



March 26, 2018: Democrats on the House Intelligence Committee release a memorandum rebutting allegations made by Republicans. The Democratic minority alleges that the majority report's findings as detailed in a March 22, 2018 report "are misleading and unsupported by the facts and the investigative record. They have been crafted to advance a political narrative that exonerates the President, downplays Russia's preference and support for then-candidate Trump, explains away repeated contacts by Trump associates with Russia-aligned actors, and seeks to shift suspicion towards President Trump's political opponents and the prior administration."⁷⁵⁸

March 28, 2018: Ted Malloch is detained by the FBI and issued a subpoena to testify before Special Counsel Mueller. Malloch, who was considered to be a potential U.S. ambassador to

⁷⁵⁴ Borger and Perez, *CNN*, May 25, 2018.

⁷⁵⁵ Mark Landler, *Saudi Prince's White House Visit Reinforces Trump's Commitment to Heir Apparent*, *New York Times*, Mar. 20, 2018, available at <https://www.nytimes.com/2018/03/20/us/politics/saudi-crown-prince-arrives-at-white-house-to-meet-with-trump.html>.

⁷⁵⁶ Kyle Cheney, *House panel finds no Trump-Russia collusion, recommends leak crackdown*, *Politico*, Mar. 22, 2018, available at <https://www.politico.com/story/2018/03/22/house-intelligence-panel-votes-to-release-trump-russia-report-479406>.

⁷⁵⁷ <https://twitter.com/realdonaldtrump/status/977124622285066240?lang=en>.

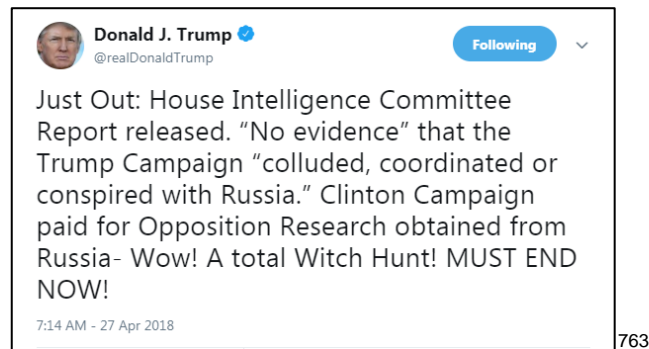
⁷⁵⁸ *Minority Memo re: Report on Russian Active Measures*, March 22, 2018 *House Permanent Select Committee on Intelligence Minority*, Mar. 26, 2018, https://www.justsecurity.org/wp-content/uploads/2018/04/House_minority.pdf.

the E.U. in 2016, later says in a statement that he was asked about his relationship with Roger Stone and whether he had visited Julian Assange's current residence.⁷⁵⁹

April 2018: White House Senior Adviser Jared Kushner reportedly spends nearly seven hours with the special counsel team in his second interview with the investigators.⁷⁶⁰

April 9, 2018: F.B.I. agents raid the office and hotel room of Michael Cohen, President Trump's longtime personal lawyer. The warrant for the raid was obtained by a referral from Special Counsel Mueller. When informed of the raid, President Trump accused his Justice Department of a "witch hunt" and, according to the *New York Times*, "mused about the possibility that he might soon fire Mr. Mueller."⁷⁶¹

April 27, 2018: Despite protests from House Democrats, the House Intelligence Committee releases its final report on Russian interference with the 2016 presidential election, concluding that Russia did not collude with the Trump campaign.⁷⁶² President Trump tweets about the report, concluding "Wow! A total Witch Hunt! MUST END NOW!"



May 2, 2018: The *New York Times* reports that government of Ukraine has ceased cooperating with Special Counsel Mueller for fear of irritating President Trump.⁷⁶⁴

Late in the week of May 6, 2018: Special Counsel Mueller issued two subpoenas to Jason Sullivan, Roger Stone's former social media adviser.⁷⁶⁵ Sullivan worked for Committee to

⁷⁵⁹ Stephanie Kirchgaessner, FBI questions Ted Malloch, Trump campaign figure and Farage ally, *The Guardian*, Mar. 30, 2018, available at <https://www.theguardian.com/us-news/2018/mar/30/fbi-questions-ted-malloch-trump-campaign-figure-and-farage-ally>.

⁷⁶⁰ Lucien Bruggeman and Pierre Thomas, Kushner spent 7 hours with Mueller investigators last month, *ABC News*, May 23, 2018, available at <https://abcnews.go.com/Politics/kushner-spent-hours-mueller-investigators-month/story?id=55389271>.

⁷⁶¹ Matt Apuzzo, F.B.I. Raids Office of Trump's Longtime Lawyer Michael Cohen; Trump Calls It 'Disgraceful', *New York Times*, Apr. 9, 2018, available at <https://www.nytimes.com/2018/04/09/us/politics/fbi-raids-office-of-trumps-longtime-lawyer-michael-cohen.html>.

⁷⁶² Zachary Fryer-Biggs, Read: House Russia investigation final report, *Vox*, Apr. 27, 2018, available at <https://www.vox.com/world/2018/4/27/17290628/russia-meddling-final-report-house-intel>.

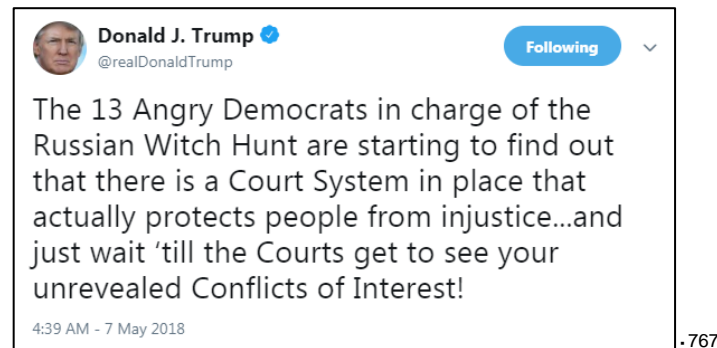
⁷⁶³ <https://twitter.com/realDonaldTrump/status/989870523042680832>.

⁷⁶⁴ Andrew E. Kramer, Ukraine, Seeking U.S. Missiles, Halted Cooperation With Mueller Investigation, *New York Times*, May 2, 2018, available at <https://www.nytimes.com/2018/05/02/world/europe/ukraine-mueller-manafort-missiles.html>.

⁷⁶⁵ Mark Hosenball, Mueller issues grand jury subpoenas to Trump adviser's social media consultant, *Reuters*, May 16, 2018, available at <https://www.reuters.com/article/us-usa-trump-mueller/mueller-issues-grand-jury-subpoenas-to-trump-advisers-social-media-consultant-idUSKCN1IH2OB>.

Restore America's Greatness, Stone's Political Action Committee (PAC), during the 2016 election.⁷⁶⁶

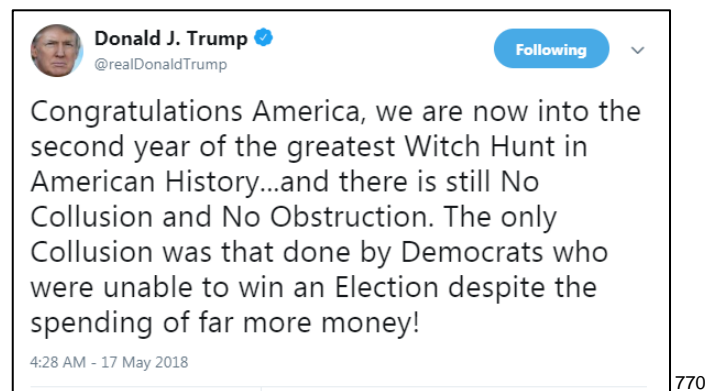
May 7, 2018: President Trump tweets about the ongoing special counsel investigation.



May 9, 2018: *The Daily Beast* reports that Special Counsel Mueller's team spoke with Erik Prince.⁷⁶⁸

May 17, 2018: *Reuters* reports that Jeffrey Yohai, former business partner and ex-son-in-law of Paul Manafort, had cut a plea deal with Special Counsel Mueller, requiring him to cooperate with other criminal investigations.⁷⁶⁹

The same day, President Trump tweets about the first anniversary of the ongoing special counsel investigation.



May 20, 2018: President Trump tweets his intention to launch an investigation into whether the FBI/DOJ infiltrated his 2016 election campaign for political purposes.

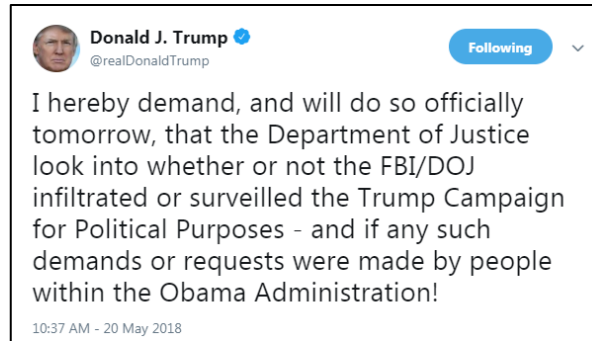
⁷⁶⁶ Shimon Prokupecz and Clare Foran, Robert Mueller subpoenas Roger Stone's former social media adviser, *CNN Politics*, May 16, 2018, available at <https://www.cnn.com/2018/05/16/politics/robert-mueller-subpoena-roger-stone-social-media-adviser/index.html>.

⁷⁶⁷ <https://twitter.com/realDonaldTrump/status/993455375755173892>.

⁷⁶⁸ Woodruff, *The Daily Beast*, May 9, 2018.

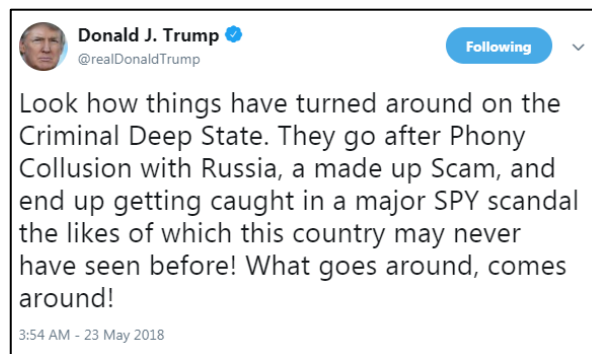
⁷⁶⁹ Nathan Layne, Exclusive: Manafort's former son-in-law cuts plea deal, to cooperate with government – sources, *Reuters*, May 17, 2018, available at <https://www.reuters.com/article/us-usa-trump-russia-manafort-exclusive/exclusive-manafort-former-son-in-law-cuts-plea-deal-to-cooperate-with-government-sources-idUSKCN1I12YM>.

⁷⁷⁰ <https://twitter.com/realDonaldTrump/status/997076300476055552>.



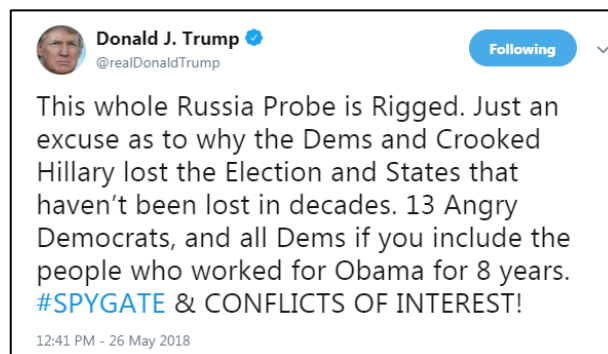
771

May 23, 2018: President Trump tweets, referencing allegations that the FBI infiltrated his 2016 presidential campaign for political reasons.



772

May 26, 2018: President Trump continues to tweet about the alleged Spygate, tying it to the ongoing special counsel investigation.



773

May 27, 2018: Rudy Giuliani agreed with an assessment that “Spygate” – President Trump’s allegation that the FBI infiltrated his 2016 presidential campaign for political reasons – had “helped erode public confidence” in Special Counsel Mueller’s investigation. He also notes that “they [Mueller’s team] are giving us the material to do it,” saying “we have to do it in defending

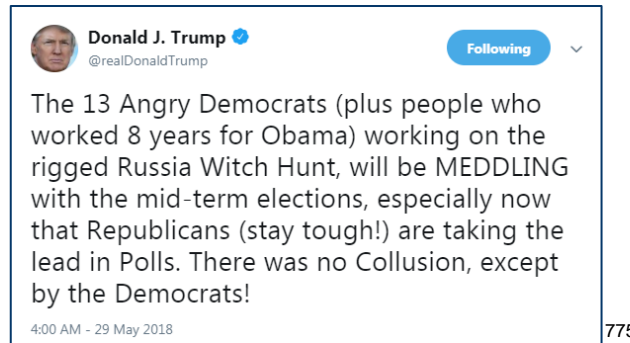
⁷⁷¹ <https://twitter.com/realDonaldTrump/status/998256454590193665>.

⁷⁷² <https://twitter.com/realdonaldtrump/status/999242039723163648>.

⁷⁷³ <https://twitter.com/realDonaldTrump/status/1000462031500099584>.

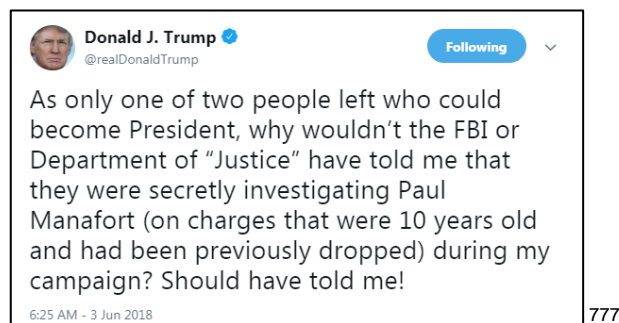
the president...it is for public opinion, because eventually the decision here is going to be impeach or not impeach.”⁷⁷⁴

May 29, 2018: President Trump tweets four times in an hour about the ongoing Special Counsel’s Office investigation. He suggests that the Special Counsel team, which he calls “The 13 Angry Democrats[.]” plan to interfere with the 2018 mid-term elections.



May 31, 2018: *Axios* reports that President Trump “pressured” Attorney General Jeff Sessions to un-recuse himself from the ongoing Russia investigation “on at least four separate occasions,” including the March 4, 2017 conversation at Mar-a-Lago.⁷⁷⁶

June 3, 2018: President Trump tweets about Paul Manafort:

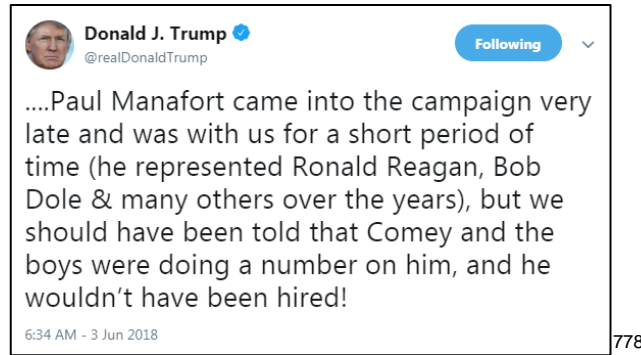


⁷⁷⁴ Natasha Bach, 'It Is for Public Opinion.' Rudy Giuliani May Have Admitted That Trump's 'Spygate' Is a PR Ploy, *Fortune*, May 28, 2018, available at <http://fortune.com/2018/05/28/rudy-giuliani-spygate-mueller-investigation/>.

⁷⁷⁵ Max Greenwood, Trump: I shouldn't be focusing on 'rigged Russia witch hunt,' *The Hill*, May 29, 2018, available at <http://thehill.com/homenews/administration/389660-trump-i-shouldnt-be-focusing-on-rigged-russia-witch-hunt>.

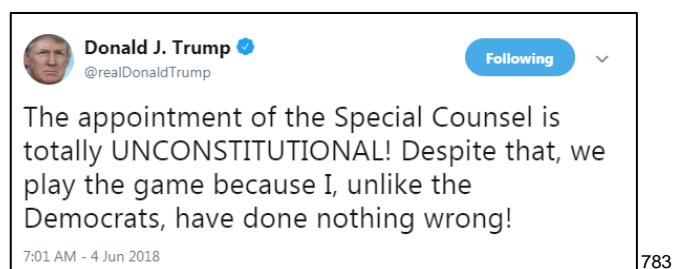
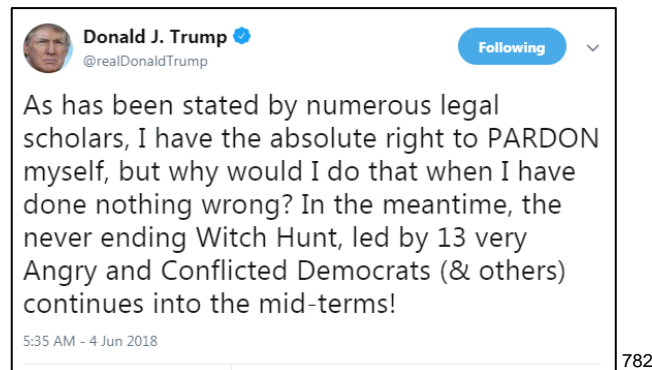
⁷⁷⁶ Jonathan Swan, Scoop: Trump repeatedly pressured Sessions on Mueller investigation, *Axios*, May 31, 2018, available at <https://www.axios.com/trump-pressure-sessions-mueller-investigation-30e0f930-e688-47da-8f20-411864cea471.html>.

⁷⁷⁷ <https://twitter.com/realDonaldTrump/status/1003266374473519105>



June 4, 2018: Federal prosecutors with Special Counsel Mueller accuse Manafort and “a longtime associate they linked to Russian intelligence,” which the *Washington Post* notes may be Konstantin Kilimnik, of witness tampering.⁷⁷⁹ Manafort and his associate reportedly contacted two members of the “Hapsburg group,” an informal name for a firm of former senior European officials, and asked them to falsely testify about unreported lobbying they did for Manafort on behalf of Ukraine.⁷⁸⁰ The prosecutors ask a federal judge to revise or revoke Manafort’s bail conditions on the basis of this information.⁷⁸¹

The same day, President Trump tweets multiple times about the investigation.



⁷⁷⁸ <https://twitter.com/realDonaldTrump/status/1003268646070874113>.

⁷⁷⁹ Spencer S. Hsu, Rosalind S. Helderman, Matt Zapotosky and Devlin Barrett, Mueller accuses Paul Manafort of witness tampering, *Washington Post*, Jun. 4, 2018, available at https://www.washingtonpost.com/local/public-safety/mueller-accuses-paul-manafort-of-witness-tampering/2018/06/04/df8fd2c4-685b-11e8-bf8c-f9ed2e672adf_story.html.

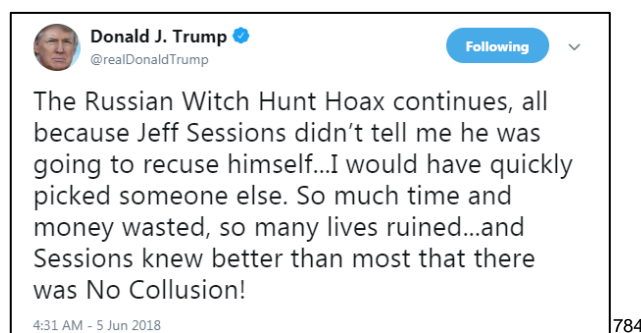
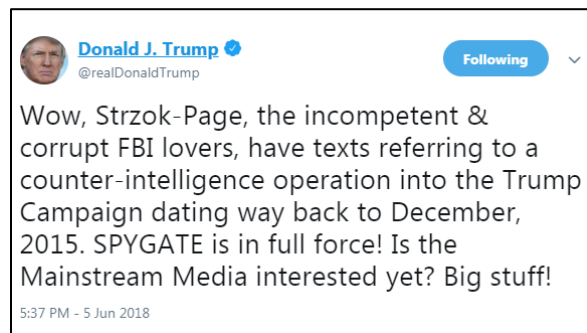
⁷⁸⁰ *Id.*

⁷⁸¹ *Id.*

⁷⁸² <https://twitter.com/realDonaldTrump/status/1003616210922147841>.

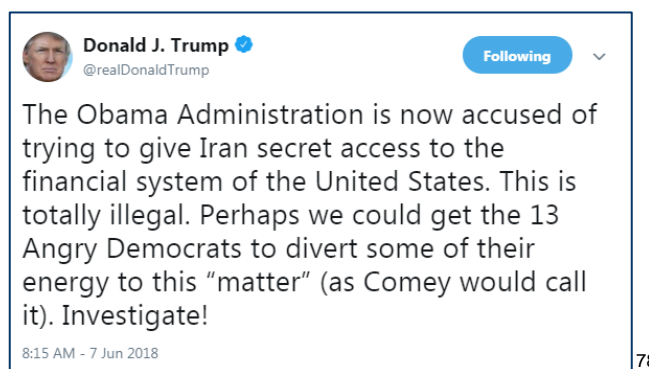
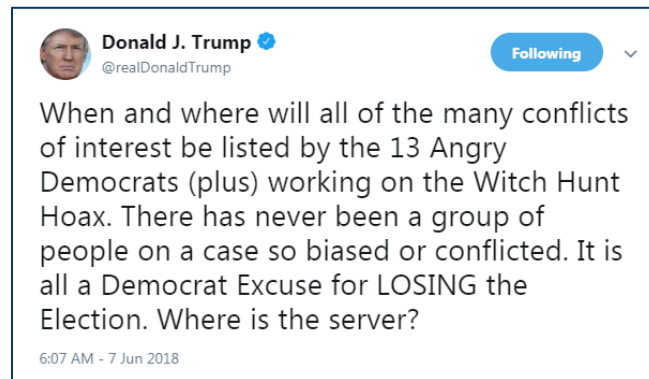
⁷⁸³ <https://twitter.com/realDonaldTrump/status/1003637916919320577>.

June 5, 2018: President Trump tweets about Attorney General Jeff Sessions, blaming him for the “Russian Witch Hunt Hoax,” as well as Peter Strzok, an FBI agent removed from the Russia probe for anti-Trump text messages, alleging a “spygate.”



⁷⁸⁴ <https://twitter.com/realDonaldTrump/status/1004160401658073090>; <https://twitter.com/realDonaldTrump/status/1003962584352030720>; Matt Zapotosky, *FBI agent removed from Russia probe for anti-Trump texts says he's willing to testify before Congress*, *New York Times*, Jun. 17, 2017, available at https://www.washingtonpost.com/world/national-security/fbi-agent-removed-from-russia-probe-for-anti-trump-texts-says-hes-willing-to-testify-before-congress/2018/06/17/8d144160-7256-11e8-805c-4b67019fcfe4_story.html.

June 7, 2018: President Trump tweets repeatedly about Special Counsel Mueller's ongoing investigation.



785

June 8, 2018: Special Counsel Mueller files new witness tampering charges against Manafort and Kilimnik.⁷⁸⁶ The superseding indictment maintains five prior charges against Manafort while adding two more charges for obstruction of justice and conspiracy to obstruct justice.⁷⁸⁷ The two charges are the first filed against Kilimnik.⁷⁸⁸

The same day, Andrii Artemenko is testifies before the special counsel's grand jury. He later says that many of the questions surrounded his interactions with Michael Cohen.⁷⁸⁹

June 14, 2018: Justice Department Inspector General Michael Horowitz releases a report about the FBI's actions during the 2016 presidential campaign, criticizing several FBI employees for expressing anti-Trump views—namely, Peter Strzok and Lisa Page—and then-FBI Director James Comey's decision to speak publicly about the probe of then-Candidate Hillary Clinton's emails. Overall, he concludes that the decisions made over the course of the email investigation

⁷⁸⁵ See <https://twitter.com/realDonaldTrump/status/1004743621587894272>, <https://twitter.com/realDonaldTrump/status/1004742470700322816>, <https://twitter.com/realDonaldTrump/status/1004711557291560960>, <https://twitter.com/realDonaldTrump/status/1004710919853760512>.

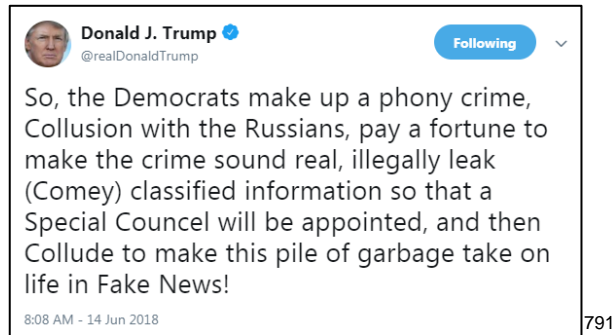
⁷⁸⁶ Dan Mangan and Kevin Breuninger, [Special counsel Robert Mueller files witness tampering indictment against Paul Manafort and Russian citizen Konstantin Kilimnik](https://www.cnbc.com/2018/06/08/special-counsel-robert-mueller-files-new-indictment-against-paul-manafort-nbc-news.html), *CNBC*, Jun. 8, 2018, available at <https://www.cnbc.com/2018/06/08/special-counsel-robert-mueller-files-new-indictment-against-paul-manafort-nbc-news.html>.

⁷⁸⁷ Third Superseding Indictment, *U.S. v. Manafort*, No. 17-cr-201 (D.D.C. Jun. 8, 2018), available at <https://www.justice.gov/file/1070306/download>.

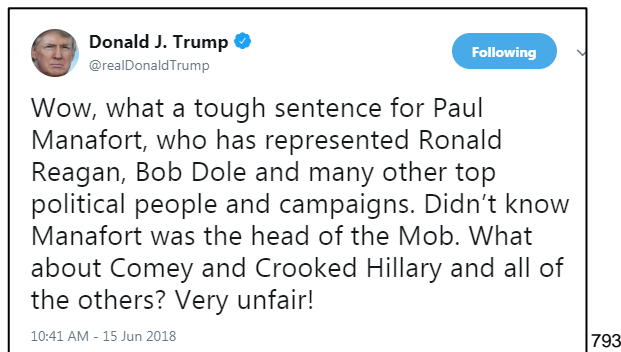
⁷⁸⁸ Mangan and Breuninger, *CNBC*, Jun. 8, 2018.

⁷⁸⁹ Helderman and Hamburger, *New York Times*, Jun. 13, 2018; Cohen, Yellin, and Stark, *CNN*.

were “not unreasonable.”⁷⁹⁰ The same day, President Trump tweets about the ongoing special investigation.



June 15, 2018: A federal judge orders that Manafort be sent to jail as a result of witness tampering charges.⁷⁹² President Trump tweets, protesting Paul Manafort’s “tough sentence.” At the time of the tweet, Manafort had not been sentenced.



June 15, 2018: Hours after a D.C. judge orders that Paul Manafort be kept in jail, Rudy Giuliani tells the *New York Daily News* that President Trump might issue presidential pardons after the conclusion of Special Counsel Mueller’s investigation: “When the whole thing is over, things might get cleaned up with some presidential pardons.”⁷⁹⁴

⁷⁹⁰ Andrew Prokop, Read: inspector general report on Comey, FBI, Clinton, and 2016 campaign, Vox, Jun. 14, 2018, available at <https://www.vox.com/2018/6/14/17455544/read-inspector-general-report-comey-clinton>; Andrew Prokop, 4 key takeaways from the inspector general’s report on the FBI, Comey, and Clinton emails, Vox, Jun. 14, 2018, available at <https://www.vox.com/2018/6/14/17465186/inspector-general-report-fbi-comey-executive-summary>.

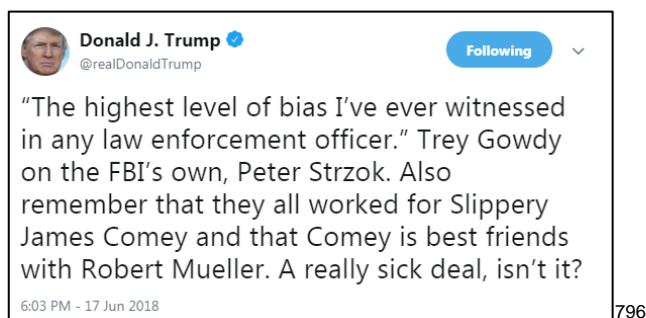
⁷⁹¹ <https://twitter.com/realDonaldTrump/status/1007278701996802048>.

⁷⁹² Spencer S. Hsu, Ellen Nakashima and Devlin Barrett, Paul Manafort ordered to jail after witness-tampering charges, *Washington Post*, Jun. 15, 2018, available at https://www.washingtonpost.com/local/public-safety/manafort-ordered-to-jail-after-witness-tampering-charges/2018/06/15/cc526cc-6e68-11e8-afd5-778aca903bbe_story.html.

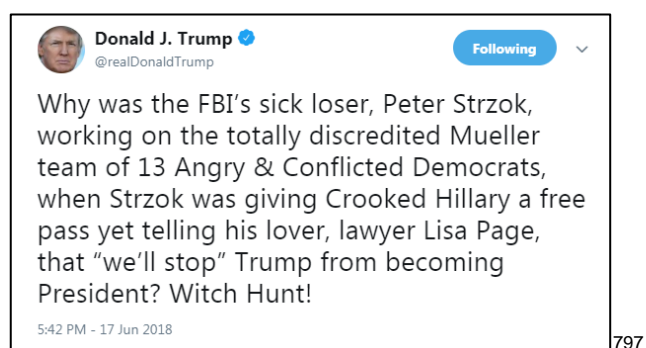
⁷⁹³ <https://twitter.com/realDonaldTrump/status/1007679422865006593>.

⁷⁹⁴ Chris Sommerfeldt, Rudy Giuliani says Mueller probe ‘might get cleaned up’ with ‘presidential pardons’ in light of Paul Manafort going to jail, *New York Daily News*, Jun. 15, 2018, available at <http://www.nydailynews.com/news/politics/ny-news-rudy-mueller-pardons-trump-manafort-20180615-story.html>.

June 17, 2018: Peter Strzok, an FBI agent removed from the Russia probe for anti-Trump text messages, says he would be willing to testify before the House Judiciary Committee after it is reported that the process to subpoena his testimony has been started.⁷⁹⁵ President Trump tweets multiple times, lambasting Strzok and connecting him to Special Counsel Mueller.



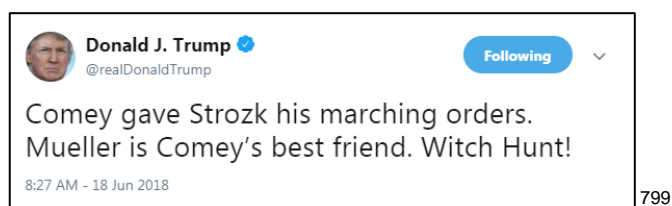
796



797

June 17, 2018: During an appearance on CNN's "State of the Union," Giuliani suggests that President Trump may pardon Manafort after the Special Counsel Mueller's investigation has concluded: "When it's over, hey, he's the president of the United States, he retains his pardon power, nobody's taking that away from him...I couldn't, and I don't want to take any prerogatives away from him."⁷⁹⁸

June 18, 2018: President Trump's tweets continue to mention Peter Strzok and connect him to Special Counsel Mueller.



799

⁷⁹⁵ Zapotosky, *Washington Post*, Jun. 17, 2018.

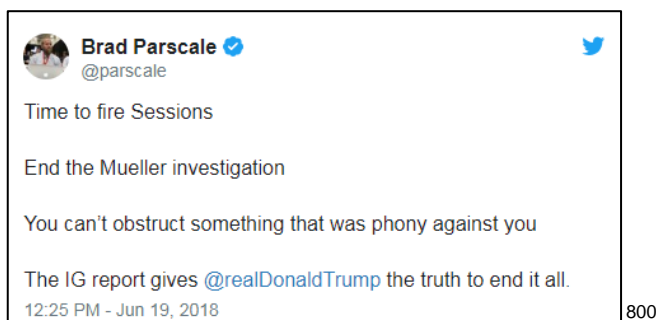
⁷⁹⁶ <https://twitter.com/realdonaldtrump/status/1008515606751084544>.

⁷⁹⁷ <https://twitter.com/realDonaldTrump/status/1008510118395293699>.

⁷⁹⁸ Karoun Demirjian, *Giuliani suggests Trump may pardon Manafort after Mueller's probe*, *Washington Post*, Jun. 17, 2018, available at https://www.washingtonpost.com/powerpost/giuliani-suggests-trump-may-pardon-manafort-after-muellers-probe/2018/06/17/0faa3874-7233-11e8-b4b7-308400242c2e_story.html?utm_term=.4b4258193c44.

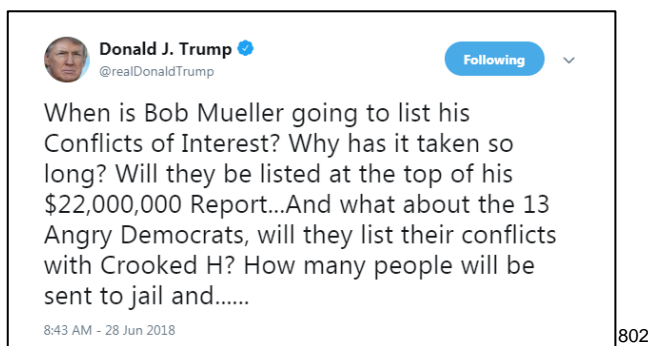
⁷⁹⁹ <https://twitter.com/realDonaldTrump/status/1008732992481710081>.

June 19, 2018: Brad Parscale, President Trump's digital director for the 2016 campaign and his 2020 campaign manager, tweeted that President Trump should fire Attorney Sessions and end Special Counsel Mueller's investigation.



June 20, 2018: Michael Cohen resigns from his position as the Republican National Committee's Finance Committee deputy finance chair.⁸⁰¹

June 28, 2018: President Trump tweets,



July 13, 2018: The special counsel obtains a criminal indictment of twelve Russian military officers. Eleven of the officers are indicted for their participation in a conspiracy to hack email accounts and computer networks associated with the Clinton campaign, DNC, and DCCC, the theft of emails and documents, and the release of them in a manner meant to interfere with the 2016 election.⁸⁰³

July 16, 2018: President Trump attends a summit with President Putin in Helsinki. After the two meet for over 2 hours alone except for interpreters, the two leaders hold a press conference.⁸⁰⁴ At the conference, a reporter for the *Associated Press* asks,

President Trump, you first. Just now, President Putin denied having anything to do with the election interference in 2016. Every U.S. intelligence agency has concluded that Russia did. My first

⁸⁰⁰ <https://twitter.com/parscale/status/1009109946242301952>.

⁸⁰¹ Eliana Larramendia and Zunaira Zaki, Michael Cohen resigns from RNC committee post, sources say, *ABC News*, Jun. 20, 2018, available at <https://abcnews.go.com/Politics/michael-cohen-resigns-rnc-committee-post/story?id=56033406>.

⁸⁰² <https://twitter.com/realdonaldtrump/status/1012315534220808192>.

⁸⁰³ Netyksho Indictment.

⁸⁰⁴ Jeremy Diamond, Trump sides with Putin over US intelligence, *CNN*, Jul. 16, 2018, available at <https://www.cnn.com/2018/07/16/politics/donald-trump-putin-helsinki-summit/index.html>.

question for you sir is, who do you believe? My second question is would you now, with the whole world watching, tell President Putin, would you denounce what happened in 2016 and would you warn him to never do it again?

President Trump responds,

So let me just say that we have two thoughts. You have groups that are wondering why the FBI never took the server. Why haven't they taken the server? Why was the FBI told to leave the office of the Democratic National Committee?

I've been wondering that. I've been asking that for months and months and I've been tweeting it out and calling it out on social media. Where is the server? I want to know where is the server and what is the server saying?

With that being said, all I can do is ask the question.

My people came to me, Dan Coates, came to me and some others they said they think it's Russia. I have President Putin. He just said it's not Russia.

I will say this: I don't see any reason why it would be. But I really do want to see the server but I have, I have confidence in both parties.

I really believe that this will probably go on for a while but I don't think it can go on without finding out what happened to the server. What happened to the servers of the Pakistani gentleman that worked on the DNC?

Where are those servers? They're missing. Where are they? What happened to Hillary Clinton's emails? 33,000 emails gone, just gone. I think in Russia they wouldn't be gone so easily.

I think it's a disgrace that we can't get Hillary Clinton's thirty three thousand e-mails.

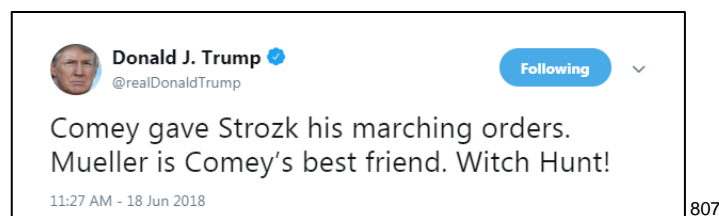
I have great confidence in my intelligence people but I will tell you that President Putin was extremely strong and powerful in his denial today and what he did is an incredible offer.

He offered to have the people working on the case come and work with their investigators, with respect to the 12 people. I think that's an incredible offer. Ok? Thank you.⁸⁰⁵

⁸⁰⁵ Transcript: Trump And Putin's Joint Press Conference, NPR, Jul. 16, 2018, available at <https://www.npr.org/2018/07/16/629462401/transcript-president-trump-and-russian-president-putins-joint-press-conference>.

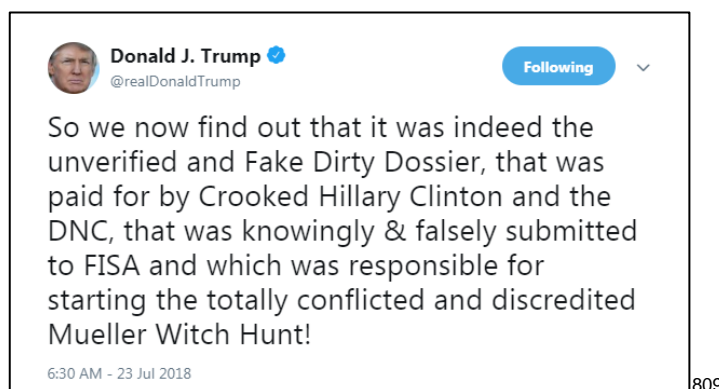
July 17, 2018: Federal prosecutors obtain a criminal indictment of Mariia Butina (also known as Maria Butina) for serving as an unregistered agent of the Russian government and for participating in a conspiracy to do so.⁸⁰⁶

July 18, 2018: President Trump tweets,



July 21, 2018: The *New York Times* reports that Kristin Davis, a longtime associate of Roger Stone, has been contacted by the special counsel's office about where to serve her with a subpoena.⁸⁰⁸

July 23, 2018: President Trump tweets,



In an additional series of tweets, President Trump quotes a series of discredited allegations⁸¹⁰ about the FBI investigation before writing, "A disgrace to America. They should drop the discredited Mueller Witch Hunt now!"⁸¹¹

July 26, 2018: According to a report by CNN, Michael Cohen claims that then-candidate Trump knew in advance about his son's June 9, 2016 Trump Tower meeting with Natalia Veselnitskaya. Per Cohen's claims, Trump approved going ahead with the meeting.⁸¹²

⁸⁰⁶ Butina Indictment.

⁸⁰⁷ <https://twitter.com/realDonaldTrump/status/1008732992481710081>.

⁸⁰⁸ Joseph Goldstein, *Ex-'Manhattan Madam,' Kristin Davis, Expects Subpoena From Mueller*, *New York Times*, Jul. 21, 2018, available at <https://www.nytimes.com/2018/07/21/nyregion/manhattan-madam-kristin-davis-mueller.html>.

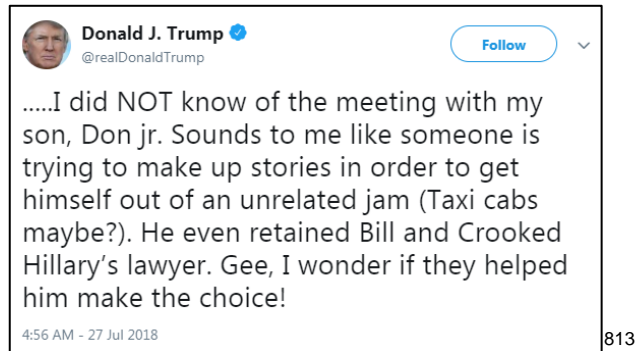
⁸⁰⁹ <https://twitter.com/realDonaldTrump/status/1021341698734030848>.

⁸¹⁰ John Wagner, *Trump calls for end of Mueller probe, saying it's 'discredited' by Carter Page surveillance*, *Washington Post*, Jul. 23, 2018, available at https://www.washingtonpost.com/politics/trump-calls-for-end-of-mueller-probe-saying-its-discredited-by-carter-page-surveillance/2018/07/23/c166c2a6-8e64-11e8-b769-e3fff17f0689_story.html.

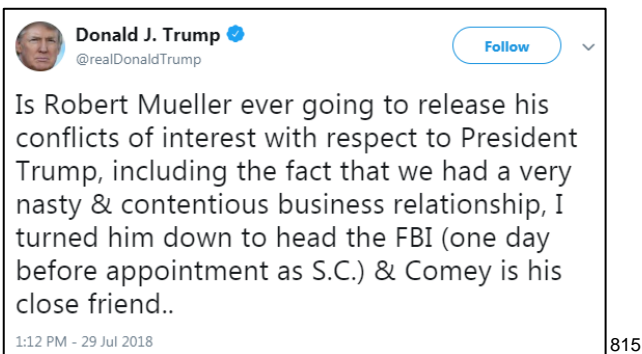
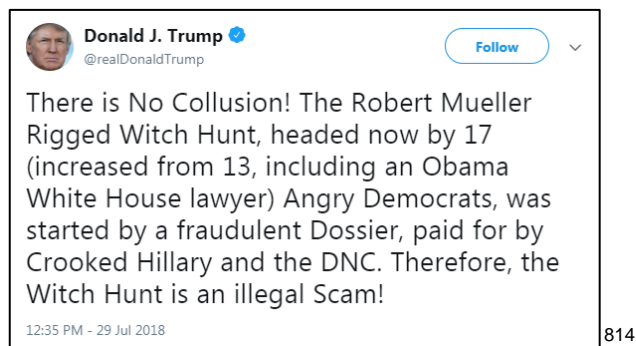
⁸¹¹ <https://twitter.com/realDonaldTrump/status/1021351630648815616>.

⁸¹² Jim Sciutto, Carl Bernstein, and Marshall Cohen, *Cohen claims Trump knew in advance of 2016*

July 27, 2018: In an early-morning tweet, President Trump denies knowing about the meeting in advance:



July 29, 2018: President Trump posts a series of tweets criticizing the Special Counsel investigation and claiming that Mueller has unspecified "conflicts of interest" relating to the probe:

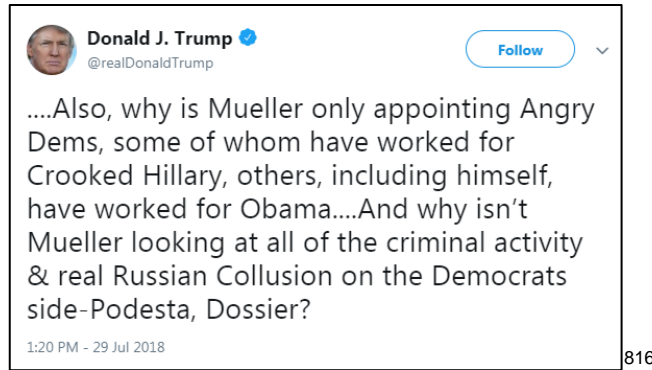


Trump Tower Meeting, *CNN*, Jul. 27, 2018, available at <https://www.cnn.com/2018/07/26/politics/michael-cohen-donald-trump-june-2016-meeting-knowledge/index.html>.

⁸¹³ <https://twitter.com/realDonaldTrump/status/1022812910702215169>.

⁸¹⁴ <https://twitter.com/realDonaldTrump/status/1023653191974625280>.

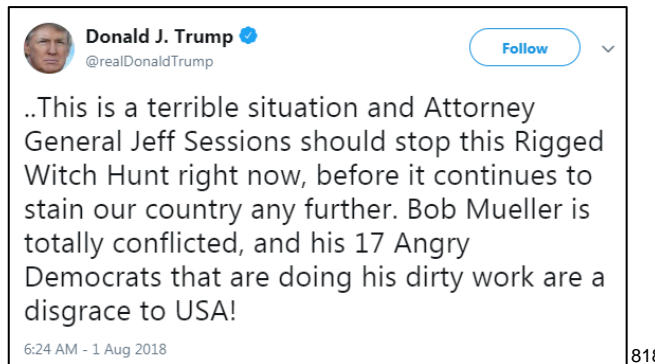
⁸¹⁵ <https://twitter.com/realDonaldTrump/status/1023662510371741696>.



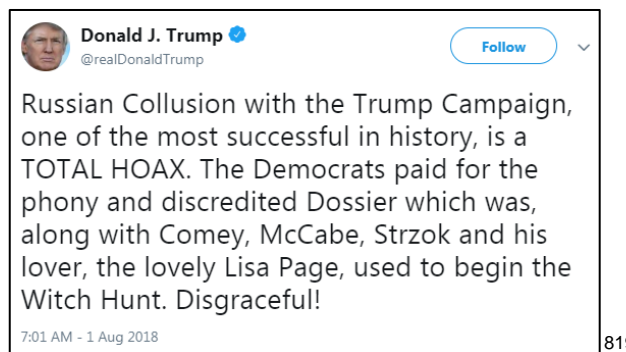
816

July 31, 2018: Mueller reportedly sends a letter to President Trump's lawyers offering an updated proposal for a Special Counsel interview with the president. This new proposal allows President Trump to submit some answers in writing, with follow-up questions to be answered in person. Around this time, according to the *New York Times*, the president has also pushed his lawyers to reach an agreement with the Special Counsel setting up an in-person interview.⁸¹⁷

August 1, 2018: In a series of early-morning tweets, President Trump suggests that Attorney General Jeff Sessions should "stop" the Special Counsel investigation and calls allegations of collusion between his 2016 campaign and Russia a "hoax":



818



819

⁸¹⁶ <https://twitter.com/realDonaldTrump/status/1023664624259014656>.

⁸¹⁷ Michael S. Schmidt and Maggie Haberman, *Trump Pushes for Interview With Mueller Against Lawyers' Advice*, *New York Times*, Aug. 1, 2018, available at <https://www.nytimes.com/2018/08/01/us/politics/trump-mueller-investigation-interview.html>.

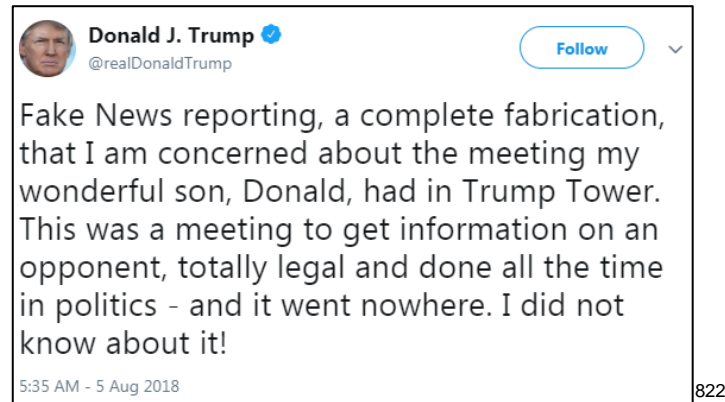
⁸¹⁸ <https://twitter.com/realDonaldTrump/status/1024646945640525826>.

⁸¹⁹ <https://twitter.com/realDonaldTrump/status/1024656465158721536>.

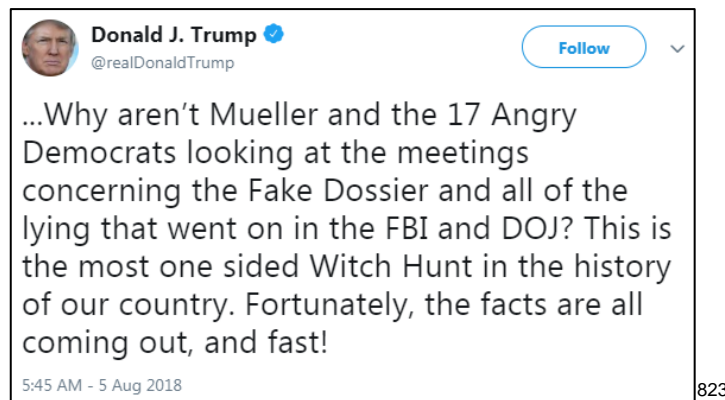
According to *CNN*, these tweets came after President Trump's legal team informed him of the latest developments in the Special Counsel investigation on the evening of July 31 and the morning of August 1.⁸²⁰

August 5, 2018: The *Washington Post* reports that President Trump has confided to friends and advisers that he is worried the Mueller probe could destroy the lives of what he calls "innocent and decent people," and that he has increasingly directed an "all-out public relations blitz" to discredit Mueller.⁸²¹

August 5, 2018: President Trump tweets:



822



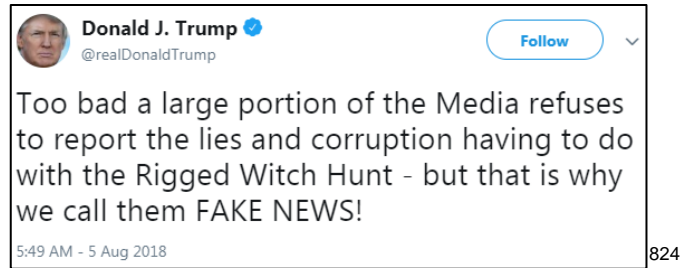
823

⁸²⁰ Clare Foran and Kevin Liptak, Trump's lawyers updated him on the Mueller investigation. Then Trump tweeted, *CNN*, Aug. 1, 2018, available at <https://www.cnn.com/2018/08/01/politics/trump-russia-jeff-sessions-mueller/index.html>.

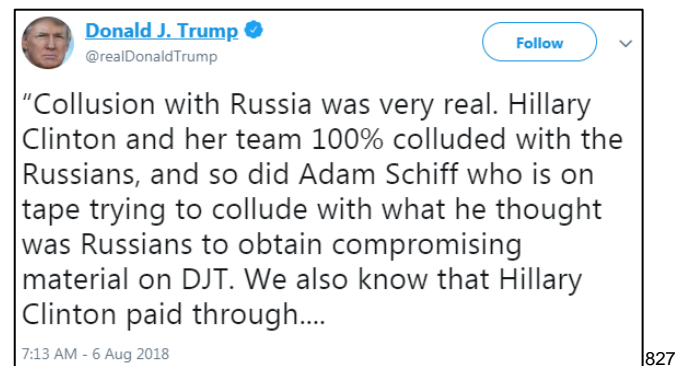
⁸²¹ Philip Rucker, Robert Costa and Ashley Parker, Trump at a precarious moment in his presidency: Privately brooding and publicly roaring, *Washington Post*, Aug. 5, 2018, available at https://www.washingtonpost.com/politics/trump-at-a-precarious-moment-in-his-presidency-privately-brooding-and-publicly-roaring/2018/08/04/4b463842-9736-11e8-810c-5fa705927d54_story.html?utm_term=.4b1b18271759.

⁸²² <https://twitter.com/realDonaldTrump/status/1026084333315153924>.

⁸²³ <https://twitter.com/realDonaldTrump/status/1026086905539174400>.



August 6, 2018: Former Secret Service Agent and current conservative talk radio host Dan Bongino appears on the Fox News daytime panel show *Fox and Friends*. He repeats the unsubstantiated theory that Hillary Clinton colluded with the Russians, and refers to a “tape” of Rep. Adam Schiff (D-CA) trying to collude with Russians for “compromising material” on President Trump.⁸²⁵ This refers to a prank that a Russian comedy show played on Rep. Schiff, pretending to be Andriy Parubiy, the speaker of the Ukrainian parliament.⁸²⁶ President Trump subsequently tweets:



⁸²⁴ <https://twitter.com/realDonaldTrump/status/1026087766071947265>.

⁸²⁵ Aaron Blake, *Trump is trying to argue collusion isn't illegal. But he's admitted it is—on multiple occasions*, *Washington Post*, Aug. 6, 2018, available at https://www.washingtonpost.com/news/the-fix/wp/2018/08/06/trump-is-trying-to-argue-collusion-isnt-illegal-but-hes-admitted-it-is-on-multiple-occasions/?utm_term=.67c46ab7c5eb.

⁸²⁶ Julia Ioffe, *What Putin Really Wants*, *The Atlantic*, Jan. 2018, available at <https://www.theatlantic.com/magazine/archive/2018/01/putins-game/546548/>.

⁸²⁷ <https://twitter.com/realDonaldTrump/status/1026471244949061632>.

⁸²⁸ <https://twitter.com/realDonaldTrump/status/1026474458326986752>.

August 21, 2018: Paul Manafort is convicted by a federal jury in the Federal District Court for the Eastern District of Virginia on eight felony counts, including five counts of subscribing to false federal income tax returns, one count of failing to file reports of foreign bank and financial accounts, and two counts of bank fraud.⁸²⁹ The jury fails to reach a verdict on ten other charges.⁸³⁰

The same day, Michael Cohen surrenders to the FBI and pleads guilty to eight felony counts, including tax evasion, bank fraud and campaign finance violations.⁸³¹ Michael Cohen's attorney, Lanny Davis, says that Cohen "is more than happy to tell the special counsel all that he knows, not just about the obvious possibility of a conspiracy to collude and corrupt the American Democracy system in the 2016 election ... but also knowledge about the computer crime of hacking and whether or not Mr. Trump knew ahead of time about that crime and even cheered it on."⁸³²

⁸²⁹ Sharon LaFraniere, Paul Manafort, Former Trump Campaign Chairman, Guilty of 8 Charges in Fraud Trial, *New York Times*, Aug. 21, 2018, available at <https://www.nytimes.com/2018/08/21/us/politics/paul-manafort-trial-verdict.html>.

⁸³⁰ *Id.*

⁸³¹ Statement of Offense, *United State v. Cohen*, No. 18-cr-602 (S.D.N.Y Aug. 21, 2018), available at <https://drive.google.com/file/d/1L7pL5W30GmMk0HMglgJdJrC4aYEgbq1I/view>.

⁸³² Adam Edelman, Michael Cohen willing to share 'all that he knows' with Mueller, lawyer says, *NBC News*, Aug. 22, 2018 available at <https://www.nbcnews.com/politics/white-house/michael-cohen-willing-share-all-he-knows-mueller-lawyer-says-n902801>.

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

**Statement for the Record
Senate Select Committee on Intelligence**

James B. Comey

June 8, 2017

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

January 6 Briefing

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

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

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

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

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

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

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

January 27 Dinner

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

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

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

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

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

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

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

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

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

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

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

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

February 14 Oval Office Meeting

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

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

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

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

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

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

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

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

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

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

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

March 30 Phone Call

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

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

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

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

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

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

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

April 11 Phone Call

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

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

That was the last time I spoke with President Trump.

#

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

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

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

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

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

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

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

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

This iphone speaks many languages

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

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

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

| trump.com

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

From: Rob Goldstone

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

Good morning

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

Best

Rob

This iphone speaks many languages

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

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

Sent from my iPhone

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

>

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

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

>

> best

>

> Rob

>

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

>>

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

>> D

>>

>>

>> Sent from my iPhone

>>

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

>>>

>>> Don

>>> Hope all is well

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

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

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

>>> Best

>>> Rob Goldstone

>>> This iphone speaks many languages

>>>

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

>>>

>>> Rob thanks for the help.

>>> D

>>>

>>>

>>> Sent from my iPhone

>>>

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

>>>>

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

>>>> am sure can call Rob

>>>>

>>>> This iphone speaks many languages

>>>>

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

>>>>

>>>> My cell thanks

>>>> d

>>>>

>>>>

>>>>

>>>> Donald J. Trump Jr.

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

>>>> Organization

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

>>>> | trump.com

>>>>

>>>>

>>>>

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

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

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

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

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

>>>>

>>>> Let me track him down in Moscow

>>>> What number he could call?

>>>>

>>>> This iphone speaks many languages

>>>>

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

>>>>

>>>> Rob could we speak now?

>>>> d

>>>>

>>>>

>>>>

>>>> Donald J. Trump Jr.

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

>>>> Organization

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

>>>> | trump.com

>>>>

>>>>

>>>>

>>>>

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

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

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

Appendix B.1
18 U.S.C. § 1503

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

AMENDMENTS

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

§ 1501. Assault on process server

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Mandatory provisions were rephrased in the alternative.

Minor changes were made in phraseology.

AMENDMENTS

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

CHANGE OF NAME

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

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

SHORT TITLE OF 2002 AMENDMENT

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

SHORT TITLE OF 1982 AMENDMENT

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

§ 1502. Resistance to extradition agent

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

Punishment provision was rephrased in the alternative.

AMENDMENTS

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

§ 1503. Influencing or injuring officer or juror generally

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Minor changes were made in phraseology.

AMENDMENTS

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

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

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

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

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

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

EFFECTIVE DATE OF 1982 AMENDMENT

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

§ 1504. Influencing juror by writing

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Minor changes were made in phraseology.

AMENDMENTS

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

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

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

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

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

Appendix B.2
18 U.S.C. § 1505

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Minor changes were made in phraseology.

AMENDMENTS

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

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

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

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

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

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

EFFECTIVE DATE OF 1982 AMENDMENT

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

§ 1504. Influencing juror by writing

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Minor changes were made in phraseology.

AMENDMENTS

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Minor changes were made in phraseology.

REFERENCES IN TEXT

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

AMENDMENTS

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

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

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

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

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

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

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

EFFECTIVE DATE OF 1982 AMENDMENT

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

EFFECTIVE DATE OF 1976 AMENDMENT

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Minor changes were made in phraseology.

AMENDMENTS

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

§ 1507. Picketing or parading

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

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

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

AMENDMENTS

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

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

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

Appendix B.3
18 U.S.C. § 1512

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

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

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

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

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

shall be punished as provided in paragraph (3).

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

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

(B) cause or induce any person to—

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

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

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

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

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

shall be punished as provided in paragraph (3).

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

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

(B) in the case of—

(i) an attempt to murder; or

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

imprisonment for not more than 30 years; and

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

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

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

(2) cause or induce any person to—

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

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

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

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

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

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

(c) Whoever corruptly—

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

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

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

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

(1) attending or testifying in an official proceeding;

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

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

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

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

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

(f) For the purposes of this section—

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

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

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

¹ So in original.

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

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

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

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

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

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

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

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHANGE OF NAME

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

EFFECTIVE DATE OF 1996 AMENDMENT

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

EFFECTIVE DATE

Section 9 of Pub. L. 97-291 provided that:

“(a) Except as provided in subsection (b), this Act and the amendments made by this Act [enacting this section and sections 1513 to 1515, 3579, and 3580 of this title, amending sections 1503, 1505, 1510, and 3146 of this title and Rule 32 of the Federal Rules of Criminal Procedure, and enacting provisions set out as notes under this section and sections 1501 and 3579 of this title] shall take effect on the date of the enactment of this Act [Oct. 12, 1982].

“(b)(1) The amendment made by section 2 of this Act [enacting provisions set out as a note under this section] shall apply to presentence reports ordered to be made on or after March 1, 1983.

“(2) The amendments made by section 5 of this Act [enacting sections 3579 and 3580 of this title] shall apply with respect to offenses occurring on or after January 1, 1983.”

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES

Section 2 of Pub. L. 97-291 provided that:

“(a) The Congress finds and declares that:

"(1) Without the cooperation of victims and witnesses, the criminal justice system would cease to function; yet with few exceptions these individuals are either ignored by the criminal justice system or simply used as tools to identify and punish offenders.

"(2) All too often the victim of a serious crime is forced to suffer physical, psychological, or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system unresponsive to the real needs of such victim.

"(3) Although the majority of serious crimes falls under the jurisdiction of State and local law enforcement agencies, the Federal Government, and in particular the Attorney General, has an important leadership role to assume in ensuring that victims of crime, whether at the Federal, State, or local level, are given proper treatment by agencies administering the criminal justice system.

"(4) Under current law, law enforcement agencies must have cooperation from a victim of crime and yet neither the agencies nor the legal system can offer adequate protection or assistance when the victim, as a result of such cooperation, is threatened or intimidated.

"(5) While the defendant is provided with counsel who can explain both the criminal justice process and the rights of the defendant, the victim or witness has no counterpart and is usually not even notified when the defendant is released on bail, the case is dismissed, a plea to a lesser charge is accepted, or a court date is changed.

"(6) The victim and witness who cooperate with the prosecutor often find that the transportation, parking facilities, and child care services at the court are unsatisfactory and they must often share the pretrial waiting room with the defendant or his family and friends.

"(7) The victim may lose valuable property to a criminal only to lose it again for long periods of time to Federal law enforcement officials, until the trial and sometimes and [sic] appeals are over; many times that property is damaged or lost, which is particularly stressful for the elderly or poor.

"(b) The Congress declares that the purposes of this Act [see Short Title of 1982 Amendment note set out under section 1501 of this title] are—

"(1) to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process;

"(2) to ensure that the Federal Government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant; and

"(3) to provide a model for legislation for State and local governments."

FEDERAL GUIDELINES FOR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

Section 6 of Pub. L. 97-291, as amended by Pub. L. 98-473, title II, § 1408(b), Oct. 12, 1984, 98 Stat. 2177, provided that:

"(a) Within two hundred and seventy days after the date of enactment of this Act [Oct. 12, 1982], the Attorney General shall develop and implement guidelines for the Department of Justice consistent with the purposes of this Act [see Short Title of 1982 Amendment note set out under section 1501 of this title]. In preparing the guidelines the Attorney General shall consider the following objectives:

"(1) SERVICES TO VICTIMS OF CRIME.—Law enforcement personnel should ensure that victims routinely receive emergency social and medical services as soon as possible and are given information on the following—

"(A) availability of crime victim compensation (where applicable);

"(B) community-based victim treatment programs;

"(C) the role of the victim in the criminal justice process, including what they can expect from the system as well as what the system expects from them; and

"(D) stages in the criminal justice process of significance to a crime victim, and the manner in which information about such stages can be obtained.

"(2) NOTIFICATION OF AVAILABILITY OF PROTECTION.—A victim or witness should routinely receive information on steps that law enforcement officers and attorneys for the Government can take to protect victims and witnesses from intimidation.

"(3) SCHEDULING CHANGES.—All victims and witnesses who have been scheduled to attend criminal justice proceedings should either be notified as soon as possible of any scheduling changes which will affect their appearances or have available a system for alerting witnesses promptly by telephone or otherwise.

"(4) PROMPT NOTIFICATION TO VICTIMS OF SERIOUS CRIMES.—Victims, witnesses, relatives of those victims and witnesses who are minors, and relatives of homicide victims should, if such persons provide the appropriate official with a current address and telephone number, receive prompt advance notification, if possible, of—

"(A) the arrest of an accused;

"(B) the initial appearance of an accused before a judicial officer;

"(C) the release of the accused pending judicial proceedings; and

"(D) proceedings in the prosecution and punishment of the accused (including entry of a plea of guilty, trial, sentencing, and, where a term of imprisonment is imposed, a hearing to determine a parole release date and the release of the accused from such imprisonment).

"(5) CONSULTATION WITH VICTIM.—The victim of a serious crime, or in the case of a minor child or a homicide, the family of the victim, should be consulted by the attorney for the Government in order to obtain the views of the victim or family about the disposition of any Federal criminal case brought as a result of such crime, including the views of the victim or family about—

"(A) dismissal;

"(B) release of the accused pending judicial proceedings;

"(C) plea negotiations; and

"(D) pretrial diversion program.

"(6) SEPARATE WAITING AREA.—Victims and other prosecution witnesses should be provided prior to court appearance a waiting area that is separate from all other witnesses.

"(7) PROPERTY RETURN.—Law enforcement agencies and prosecutor should promptly return victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it.

"(8) NOTIFICATION TO EMPLOYER.—A victim or witness who so requests should be assisted by law enforcement agencies and attorneys for the Government in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of cooperation with law enforcement agencies or attorneys for the Government, is subjected to serious financial strain, should be assisted by such agencies and attorneys in explaining to creditors the reason for such serious financial strain.

"(9) TRAINING BY FEDERAL LAW ENFORCEMENT TRAINING FACILITIES.—Victim assistance education and training should be offered to persons taking courses at Federal law enforcement training facilities and attorneys for the Government so that victims may be promptly, properly, and completely assisted.

"(10) GENERAL VICTIM ASSISTANCE.—The guidelines should also ensure that any other important assist-

ance to victims and witnesses, such as the adoption of transportation, parking, and translator services for victims in court be provided.

"(b) Nothing in this title shall be construed as creating a cause of action against the United States.

"(c) The Attorney General shall assure that all Federal law enforcement agencies outside of the Department of Justice adopt guidelines consistent with subsection (a) of this section."

[Amendment of section 6 of Pub. L. 97-291 by Pub. L. 98-473, set out above, effective 30 days after Oct. 12, 1984, see section 1409(a) of Pub. L. 98-473, set out as an Effective Date note under section 10601 of Title 42, The Public Health and Welfare.]

§ 1513. Retaliating against a witness, victim, or an informant

(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(B) providing to a law enforcement officer any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph (2).

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

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

(B) in the case of an attempt, imprisonment for not more than 30 years.

(b) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(2) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings given by a person to a law enforcement officer;

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

(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

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

(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be

fined under this title or imprisoned not more than 10 years, or both.

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

(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.

(Added Pub. L. 97-291, § 4(a), Oct. 12, 1982, 96 Stat. 1250; amended Pub. L. 103-322, title VI, § 60017, title XXXIII, § 330016(1)(U), Sept. 13, 1994, 108 Stat. 1975, 2148; Pub. L. 104-214, § 1(1), Oct. 1, 1996, 110 Stat. 3017; Pub. L. 107-204, title XI, § 1107(a), July 30, 2002, 116 Stat. 810; Pub. L. 107-273, div. B, title III, § 3001(b), (c)(2), title IV, § 4002(b)(4), Nov. 2, 2002, 116 Stat. 1804, 1807; Pub. L. 110-177, title II, §§ 204, 206, Jan. 7, 2008, 121 Stat. 2537.)

AMENDMENTS

2008—Subsec. (a)(1)(B). Pub. L. 110-177, § 206(1), inserted comma after "probation" and struck out comma after "release."

Subsec. (a)(2)(B). Pub. L. 110-177, § 206(2), substituted "30 years" for "20 years".

Subsec. (b). Pub. L. 110-177, § 206(3)(B), substituted "20 years" for "ten years" in concluding provisions.

Subsec. (b)(2). Pub. L. 110-177, § 206(3)(A), inserted comma after "probation" and struck out comma after "release."

Subsecs. (e), (f). Pub. L. 110-177, § 206(4), redesignated subsec. (e) relating to conspiracy to commit any offense under this section as (f).

Subsec. (g). Pub. L. 110-177, § 204, added subsec. (g).

2002—Subsecs. (a)(1)(B), (b)(2). Pub. L. 107-273, § 3001(c)(2), inserted "supervised release," after "probation".

Subsec. (d). Pub. L. 107-273, § 4002(b)(4), transferred subsec. (d) to appear after subsec. (c).

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

Pub. L. 107-204 added subsec. (e) relating to taking of action harmful to any person for providing law enforcement officer truthful information relating to commission of offense.

1996—Subsec. (c). Pub. L. 104-214, § 1(1)(B), added subsec. (c) at end.

Pub. L. 104-214, § 1(1)(A), redesignated subsec. (c) as (d).

Subsec. (d). Pub. L. 104-214, § 1(1)(A), redesignated subsec. (c) as (d).

1994—Subsec. (a). Pub. L. 103-322, § 60017(2), added subsec. (a). Former subsec. (a) redesignated (b).

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

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

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

EFFECTIVE DATE

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

§ 1514. Civil action to restrain harassment of a victim or witness

(a)(1) A United States district court, upon application of the attorney for the Government,

Appendix B.4
18 U.S.C. § 371

Pub. L. 103-322, § 320101(d)(2), inserted "the assault involved in the use of a dangerous weapon, or" after "and if".

Pub. L. 103-322, §§ 320101(d)(1), 330016(1)(K), amended subsec. (e) identically, substituting "shall be fined under this title" for "shall be fined not more than \$5,000" after "subsection (a) of this section".

1988—Subsec. (a). Pub. L. 100-690 inserted a comma after "section 3056 of this title".

1986—Subsec. (a). Pub. L. 99-646, § 62(1), inserted "a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title)".

Subsec. (h). Pub. L. 99-646, § 62(2), substituted "individual" for "official".

1982—Pub. L. 97-285, § 2(a), substituted "Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties" for "Congressional assassination, kidnaping, and assault" in section catchline.

Subsec. (a). Pub. L. 97-285, § 1(a), expanded coverage of subsec. (a) to cover the killing of any individual who is a member of the executive branch of the Government and the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination.

Subsecs. (h), (i). Pub. L. 97-285, § 1(b), added subsecs. (h) and (i).

EFFECTIVE DATE OF 1996 AMENDMENT

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

REPORT TO MEMBER OF CONGRESS ON INVESTIGATION CONDUCTED SUBSEQUENT TO THREAT ON MEMBER'S LIFE

Pub. L. 95-624, § 19, Nov. 9, 1978, 92 Stat. 3466, provided that: "The Federal Bureau of Investigation shall provide a written report to a Member of Congress on any investigation conducted based on a threat on the Member's life under section 351 of title 18 of the United States Code."

CHAPTER 19—CONSPIRACY

Sec.	
371.	Conspiracy to commit offense or to defraud United States.
372.	Conspiracy to impede or injure officer.
373.	Solicitation to commit a crime of violence.

AMENDMENTS

1984—Pub. L. 98-473, title II, § 1003(b), Oct. 12, 1984, 98 Stat. 2138, added item 373.

§ 371. Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

(June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 88, 294 (Mar. 4, 1909, ch. 321, § 37, 35 Stat. 1096; Mar. 4, 1909, ch. 321, § 178a, as added Sept. 27, 1944, ch. 425, 58 Stat. 752).

This section consolidates said sections 88 and 294 of title 18, U.S.C., 1940 ed.

To reflect the construction placed upon said section 88 by the courts the words "or any agency thereof" were inserted. (See *Haas v. Henkel*, 1909, 30 S. Ct. 249, 216 U. S. 462, 54 L. Ed. 569, 17 Ann. Cas. 1112, where court said: "The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing, or defeating the lawful functions of any department of government." Also, see *United States v. Walter*, 1923, 44 S. Ct. 10, 263 U. S. 15, 68 L. Ed. 137, and definitions of department and agency in section 6 of this title.)

The punishment provision is completely rewritten to increase the penalty from 2 years to 5 years except where the object of the conspiracy is a misdemeanor. If the object is a misdemeanor, the maximum imprisonment for a conspiracy to commit that offense, under the revised section, cannot exceed 1 year.

The injustice of permitting a felony punishment on conviction for conspiracy to commit a misdemeanor is described by the late Hon. Grover M. Moscovitz, United States district judge for the eastern district of New York, in an address delivered March 14, 1944, before the section on Federal Practice of the New York Bar Association, reported in 3 Federal Rules Decisions, pages 380-392.

Hon. John Paul, United States district judge for the western district of Virginia, in a letter addressed to Congressman Eugene J. Keogh dated January 27, 1944, stresses the inadequacy of the 2-year sentence prescribed by existing law in cases where the object of the conspiracy is the commission of a very serious offense.

The punishment provision of said section 294 of title 18 was considered for inclusion in this revised section. It provided the same penalties for conspiracy to violate the provisions of certain counterfeiting laws, as are applicable in the case of conviction for the specific violations. Such a punishment would seem as desirable for all conspiracies as for such offenses as counterfeiting and transporting stolen property in interstate commerce.

A multiplicity of unnecessary enactments inevitably leads to confusion and disregard of law. (See reviser's note under section 493 of this title.)

Since consolidation was highly desirable and because of the strong objections of prosecutors to the general application of the punishment provision of said section 294, the revised section represents the best compromise that could be devised between sharply conflicting views.

A number of special conspiracy provisions, relating to specific offenses, which were contained in various sections incorporated in this title, were omitted because adequately covered by this section. A few exceptions were made, (1) where the conspiracy would constitute the only offense, or (2) where the punishment provided in this section would not be commensurate with the gravity of the offense. Special conspiracy provisions were retained in sections 241, 286, 372, 757, 794, 956, 1201, 2271, 2384 and 2388 of this title. Special conspiracy provisions were added to sections 2153 and 2154 of this title.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000".

§ 372. Conspiracy to impede or injure officer

If two or more persons in any State, Territory, Possession, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from

Appendix C.1
Department of Justice Regulations, 28 C.F.R. § 600.1-600.10

PART 600—GENERAL POWERS OF SPECIAL COUNSEL

- Sec.
600.1 Grounds for appointing a Special Counsel.
600.2 Alternatives available to the Attorney General.
600.3 Qualifications of the Special Counsel.
600.4 Jurisdiction.
600.5 Staff.
600.6 Powers and authority.
600.7 Conduct and accountability.
600.8 Notification and reports by the Special Counsel.
600.9 Notification and reports by the Attorney General.
600.10 No creation of rights.

AUTHORITY: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

SOURCE: 64 FR 37042, July 9, 1999, unless otherwise noted.

§ 600.1 Grounds for appointing a Special Counsel.

The Attorney General, or in cases in which the Attorney General is recused, the Acting Attorney General, will appoint a Special Counsel when he or she determines that criminal investigation of a person or matter is warranted and—

(a) That investigation or prosecution of that person or matter by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department or other extraordinary circumstances; and

(b) That under the circumstances, it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter.

§ 600.2 Alternatives available to the Attorney General.

When matters are brought to the attention of the Attorney General that might warrant consideration of appointment of a Special Counsel, the Attorney General may:

(a) Appoint a Special Counsel;

(b) Direct that an initial investigation, consisting of such factual inquiry or legal research as the Attorney General deems appropriate, be conducted in order to better inform the decision; or

(c) Conclude that under the circumstances of the matter, the public

interest would not be served by removing the investigation from the normal processes of the Department, and that the appropriate component of the Department should handle the matter. If the Attorney General reaches this conclusion, he or she may direct that appropriate steps be taken to mitigate any conflicts of interest, such as recusal of particular officials.

§ 600.3 Qualifications of the Special Counsel.

(a) An individual named as Special Counsel shall be a lawyer with a reputation for integrity and impartial decisionmaking, and with appropriate experience to ensure both that the investigation will be conducted ably, expeditiously and thoroughly, and that investigative and prosecutorial decisions will be supported by an informed understanding of the criminal law and Department of Justice policies. The Special Counsel shall be selected from outside the United States Government. Special Counsels shall agree that their responsibilities as Special Counsel shall take first precedence in their professional lives, and that it may be necessary to devote their full time to the investigation, depending on its complexity and the stage of the investigation.

(b) The Attorney General shall consult with the Assistant Attorney General for Administration to ensure an appropriate method of appointment, and to ensure that a Special Counsel undergoes an appropriate background investigation and a detailed review of ethics and conflicts of interest issues. A Special Counsel shall be appointed as a "confidential employee" as defined in 5 U.S.C. 7511(b)(2)(C).

§ 600.4 Jurisdiction.

(a) *Original jurisdiction.* The jurisdiction of a Special Counsel shall be established by the Attorney General. The Special Counsel will be provided with a specific factual statement of the matter to be investigated. The jurisdiction of a Special Counsel shall also include the authority to investigate and prosecute federal crimes committed in the course of, and with intent to interfere with, the Special Counsel's investigation, such as perjury, obstruction of

§ 600.5

justice, destruction of evidence, and intimidation of witnesses; and to conduct appeals arising out of the matter being investigated and/or prosecuted.

(b) *Additional jurisdiction.* If in the course of his or her investigation the Special Counsel concludes that additional jurisdiction beyond that specified in his or her original jurisdiction is necessary in order to fully investigate and resolve the matters assigned, or to investigate new matters that come to light in the course of his or her investigation, he or she shall consult with the Attorney General, who will determine whether to include the additional matters within the Special Counsel's jurisdiction or assign them elsewhere.

(c) *Civil and administrative jurisdiction.* If in the course of his or her investigation the Special Counsel determines that administrative remedies, civil sanctions or other governmental action outside the criminal justice system might be appropriate, he or she shall consult with the Attorney General with respect to the appropriate component to take any necessary action. A Special Counsel shall not have civil or administrative authority unless specifically granted such jurisdiction by the Attorney General.

§ 600.5 Staff.

A Special Counsel may request the assignment of appropriate Department employees to assist the Special Counsel. The Department shall gather and provide the Special Counsel with the names and resumes of appropriate personnel available for detail. The Special Counsel may also request the detail of specific employees, and the office for which the designated employee works shall make reasonable efforts to accommodate the request. The Special Counsel shall assign the duties and supervise the work of such employees while they are assigned to the Special Counsel. If necessary, the Special Counsel may request that additional personnel be hired or assigned from outside the Department. All personnel in the Department shall cooperate to the fullest extent possible with the Special Counsel.

28 CFR Ch. VI (7-1-16 Edition)

§ 600.6 Powers and authority.

Subject to the limitations in the following paragraphs, the Special Counsel shall exercise, within the scope of his or her jurisdiction, the full power and independent authority to exercise all investigative and prosecutorial functions of any United States Attorney. Except as provided in this part, the Special Counsel shall determine whether and to what extent to inform or consult with the Attorney General or others within the Department about the conduct of his or her duties and responsibilities.

§ 600.7 Conduct and accountability.

(a) A Special Counsel shall comply with the rules, regulations, procedures, practices and policies of the Department of Justice. He or she shall consult with appropriate offices within the Department for guidance with respect to established practices, policies and procedures of the Department, including ethics and security regulations and procedures. Should the Special Counsel conclude that the extraordinary circumstances of any particular decision would render compliance with required review and approval procedures by the designated Departmental component inappropriate, he or she may consult directly with the Attorney General.

(b) The Special Counsel shall not be subject to the day-to-day supervision of any official of the Department. However, the Attorney General may request that the Special Counsel provide an explanation for any investigative or prosecutorial step, and may after review conclude that the action is so inappropriate or unwarranted under established Departmental practices that it should not be pursued. In conducting that review, the Attorney General will give great weight to the views of the Special Counsel. If the Attorney General concludes that a proposed action by a Special Counsel should not be pursued, the Attorney General shall notify Congress as specified in § 600.9(a)(3).

(c) The Special Counsel and staff shall be subject to disciplinary action for misconduct and breach of ethical duties under the same standards and to the same extent as are other employees of the Department of Justice. Inquiries into such matters shall be handled

Offices of Independent Counsel, Justice

§ 600.10

through the appropriate office of the Department upon the approval of the Attorney General.

(d) The Special Counsel may be disciplined or removed from office only by the personal action of the Attorney General. The Attorney General may remove a Special Counsel for misconduct, dereliction of duty, incapacity, conflict of interest, or for other good cause, including violation of Departmental policies. The Attorney General shall inform the Special Counsel in writing of the specific reason for his or her removal.

§ 600.8 Notification and reports by the Special Counsel.

(a) *Budget.* (1) A Special Counsel shall be provided all appropriate resources by the Department of Justice. Within the first 60 days of his or her appointment, the Special Counsel shall develop a proposed budget for the current fiscal year with the assistance of the Justice Management Division for the Attorney General's review and approval. Based on the proposal, the Attorney General shall establish a budget for the operations of the Special Counsel. The budget shall include a request for assignment of personnel, with a description of the qualifications needed.

(2) Thereafter, 90 days before the beginning of each fiscal year, the Special Counsel shall report to the Attorney General the status of the investigation, and provide a budget request for the following year. The Attorney General shall determine whether the investigation should continue and, if so, establish the budget for the next year.

(b) *Notification of significant events.* The Special Counsel shall notify the Attorney General of events in the course of his or her investigation in conformity with the Departmental guidelines with respect to Urgent Reports.

(c) *Closing documentation.* At the conclusion of the Special Counsel's work, he or she shall provide the Attorney General with a confidential report explaining the prosecution or declination decisions reached by the Special Counsel.

§ 600.9 Notification and reports by the Attorney General.

(a) The Attorney General will notify the Chairman and Ranking Minority Member of the Judiciary Committees of each House of Congress, with an explanation for each action—

(1) Upon appointing a Special Counsel;

(2) Upon removing any Special Counsel; and

(3) Upon conclusion of the Special Counsels investigation, including, to the extent consistent with applicable law, a description and explanation of instances (if any) in which the Attorney General concluded that a proposed action by a Special Counsel was so inappropriate or unwarranted under established Departmental practices that it should not be pursued.

(b) The notification requirement in paragraph (a)(1) of this section may be tolled by the Attorney General upon a finding that legitimate investigative or privacy concerns require confidentiality. At such time as confidentiality is no longer needed, the notification will be provided.

(c) The Attorney General may determine that public release of these reports would be in the public interest, to the extent that release would comply with applicable legal restrictions. All other releases of information by any Department of Justice employee, including the Special Counsel and staff, concerning matters handled by Special Counsels shall be governed by the generally applicable Departmental guidelines concerning public comment with respect to any criminal investigation, and relevant law.

§ 600.10 No creation of rights.

The regulations in this part are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative.

Appendix C.2
Deputy Attorney General Rosenstein's Order No. 3915-2017



Office of the Deputy Attorney General
Washington, D.C. 20530

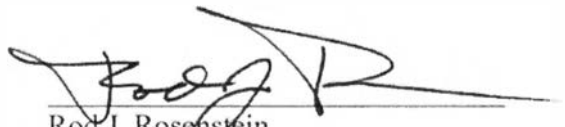
ORDER NO. 3915-2017

APPOINTMENT OF SPECIAL COUNSEL
TO INVESTIGATE RUSSIAN INTERFERENCE WITH THE
2016 PRESIDENTIAL ELECTION AND RELATED MATTERS

By virtue of the authority vested in me as Acting Attorney General, including 28 U.S.C. §§ 509, 510, and 515, in order to discharge my responsibility to provide supervision and management of the Department of Justice, and to ensure a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election, I hereby order as follows:

- (a) Robert S. Mueller III is appointed to serve as Special Counsel for the United States Department of Justice.
- (b) The Special Counsel is authorized to conduct the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including:
 - (i) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and
 - (ii) any matters that arose or may arise directly from the investigation; and
 - (iii) any other matters within the scope of 28 C.F.R. § 600.4(a).
- (c) If the Special Counsel believes it is necessary and appropriate, the Special Counsel is authorized to prosecute federal crimes arising from the investigation of these matters.
- (d) Sections 600.4 through 600.10 of Title 28 of the Code of Federal Regulations are applicable to the Special Counsel.

5/17/17
Date


Rod J. Rosenstein
Acting Attorney General

Appendix D.1
Articles of Impeachment against President Andrew Johnson

U.S. Congress, House,
"JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES:

BEING THE

SECOND SESSION OF THE FORTIETH CONGRESS;

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 2, 1867,

IN THE NINETY-SECOND YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1868.

By Mr. O'Neill: The memorial of the American Philosophical Society of Philadelphia, Pennsylvania, praying action for proper examinations upon the coast and within the Territory of Alaska.

By Mr. Delos R. Ashley: The resolutions of citizens of Nevada, relative to the protection of naturalized citizens.

Ordered, That said memorial and resolutions, &c., be referred to the Committee on Foreign Affairs.

By Mr. Laflin: The petition of J. A. Shearman and others, of the State of New York, praying for a reduction of the taxes.

By Mr. Robertson: A petition of similar import.

By Mr. Samuel Hooper: The petition of builders, owners, and shippers, of Boston, Massachusetts, praying Congress to remit duties on all articles used in building vessels.

Also, the petition of distillers, importers, and exporters of Boston, Massachusetts, praying for passage of a law to allow export of liquors.

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

By Mr. Mercur: The petition of the citizens of Danville, State of Pennsylvania, relative to the reduction of the taxes, and the navy and the army.

Ordered, That the said petitions, &c., be referred to the Committee of Ways and Means.

By Mr. Donnelly: The memorial of the legislature of Minnesota, relative to the Northern Pacific railroad; which was referred to the Committee on the Pacific Railroad.

By Mr. Pike: The protest of the officers of Maine regiments, relative to commutation of servants' pay; which was referred to the Committee on Military Affairs.

By Mr. Randall: The petition of bookbinders of Philadelphia, Pennsylvania, against international copyright bill; which was referred to the Committee on the Library.

By Mr. Windom: The concurrent resolution of the legislature of the State of Minnesota, relative to the protection of American citizens in foreign countries; which was referred to the Committee on Foreign Affairs.

A message from the Senate, by Mr. Forney, their Secretary:

Mr. Speaker: The Senate have passed a bill of the House of the following title, viz:

H. R. 368. Authorizing the sale of an unoccupied military site at Waterford, Pennsylvania; without amendment.

The Senate have indefinitely postponed a joint resolution (H. Res. 42) authorizing the employment of Brevet Brigadier General Seth Eastman on special service.

The President of the United States has notified the Senate that he did, on the 28th instant, approve and sign a joint resolution of the following title, viz:

S. Res. 114. A resolution directing that the government of Great Britain be supplied with certain volumes of the Narrative of the Exploring Expedition.

The House, in pursuance of the resolution of the House of Tuesday last, then resolved itself into a Committee of the Whole on the articles of impeachment of the President of the United States; and after some time spent therein the Speaker resumed the chair, and Mr. Dawes reported that the committee having had under consideration the said articles of impeachment, had directed him to report the same with an amendment in the nature of a substitute therefor.

The House then proceeded to the consideration of the said articles;

When

The said amendment was agreed to.

The question then recurring on the said articles as amended,

The first article was read as follows, viz :

ARTICLE I. That said Andrew Johnson, President of the United States, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the Constitution and laws of the United States, issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned, by and with the advice and consent of the Senate of the United States, as such Secretary, and said Andrew Johnson, President of the United States, on the twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-seven, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate, that is to say, on the twelfth day of December in the year last aforesaid, having reported to said Senate such suspension with the evidence and reasons for his action in the case and the name of the person designated to perform the duties of such office temporarily until the next meeting of the Senate, and said Senate thereafterwards on the thirteenth day of January, in the year of our Lord one thousand eight hundred and sixty-eight, having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, and having refused to concur in said suspension, whereby and by force of the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there due notice, and said Edwin M. Stanton, by reason of the premises, on said twenty-first day of February, being lawfully entitled to hold said office of Secretary for the Department of War, which said order for the removal of said Edwin M. Stanton is in substance as follows, that is to say :

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

SIR : By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon receipt of this communication.

You will transfer to Brevet Major General Lorenzo Thomas, Adjutant General of the army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

To the Hon. EDWIN M. STANTON, Washington, D. C.

Which order was unlawfully issued with intent then and there to violate the act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and with the further intent, contrary to the provisions of said act, in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove said Edwin M. Stanton from the office of Secretary for the Department of War, the said Edwin M. Stanton being then and there Secretary for the Department of War, and being then and there in the due and lawful execution and discharge of the duties of said office, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the question being put, Will the House agree thereto ?

It was decided in the affirmative,	{	Yeas	127
		Nays	42
		Not voting	20

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

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. William Lawrence	Mr. Philetus Sawyer
Oakes Ames	Ignatius Donnelly	William S. Lincoln	Robert C. Schenck
George W. Anderson	John F. Driggs	Benjamin F. Loan	Glenni W. Scofield
Samuel M. Arnell	Benjamin Eggleston	John A. Logan	John P. C. Shanks
Delos R. Ashley	Thomas D. Eliot	William Loughridge	Worthington C. Smith
James M. Ashley	John F. Farnsworth	John Lynch	Rufus P. Spalding
Alexander H. Bailey	Orange Ferriss	Rufus Mallory	H. H. Starkweather
John D. Baldwin	Thomas W. Ferry	James M. Marvin	Thaddeus Stevens
Nathaniel P. Banks	William C. Fields	Horace Maynard	William B. Stokes
Fernando C. Beaman	James A. Garfield	Dennis McCarthy	John Taffe
John Beatty	Joseph J. Gravely	Joseph W. McClurg	Caleb N. Taylor
Jacob Benton	John A. Griswold	Ulysses Mercur	Francis Thomas
John A. Bingham	George A. Halsey	George F. Miller	John Trimble
James G. Blaine	Abner C. Harding	William Moore	Row'd E. Trowbridge
Austin Blair	William Higby	Daniel J. Morrell	Glucery Twichell
George S. Boutwell	John Hill	James Mullins	Charles Upson
Henry P. H. Bromwell	Samuel Hooper	Leonard Myers	Henry Van Aernam
John M. Broomall	Benjamin F. Hopkins	Carman A. Newcomb	Burt Van Horn
Ralph P. Buckland	Chester D. Hubbard	David A. Nunn	Robert T. Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Charles O'Neill	Charles H. Van Wyck
Henry L. Cake	Morton C. Hunter	Godlove S. Orth	Hamilton Ward
John C. Churchill	Ebon C. Ingersoll	Halbert E. Paine	Cadwal'r C. Washburn
Reader W. Clarke	Thomas A. Jenckes	Sidney Perham	Ellihu B. Washburne
Sidney Clarke	Norman B. Judd	John A. Peters	William B. Washburn
Amasa Cobb	George W. Julian	Frederick A. Pike	Martin Welker
John Coburn	William D. Kelley	Tobias A. Plants	Thomas Williams
Burton C. Cook	William H. Kelsey	Luke P. Poland	James F. Wilson
Thomas Cornell	John H. Ketcham	Daniel Polsley	John T. Wilson
John Covode	Bethuel M. Kitchen	Theodore M. Pomeroy	Stephen F. Wilson
Shelby M. Cullom	William H. Koontz	Hiram Price	William Windom
Henry L. Dawes	Addison H. Laffin	Green B. Raum	Fred'k E. Woodbridge.
Nathan F. Dixon	George V. Lawrence	William H. Robertson	

Those who voted in the negative are—

Mr. George M. Adams	Mr. John Fox	Mr. Michael C. Kerr	Mr. Lewis W. Ross
Stevenson Archer	J. Lawrence Getz	J. Proctor Knott	Charles Sitgreaves
Samuel B. Axtell	Adam J. Glossbrenner	Samuel S. Marshall	Thomas E. Stewart
William H. Barnum	J. S. Golladay	James R. McCormick	Frederick Stone
James B. Beck	Asa P. Grover	George W. Morgan	Stephen Taber
Benjamin M. Boyer	Charles Haight	William Mungen	Lawrence S. Trimble
James Brooks	William S. Holman	William E. Niblack	Daniel M. Van Auken
Albert G. Burr	Julius Hotchkiss	John A. Nicholson	Philadelph Van Trump
Samuel F. Cary	James M. Humpbrey	John V. L. Pruyn	Fernando Wood
John W. Chanler	James A. Johnson	Samuel J. Randall	George W. Woodward.
Charles A. Eldridge	Thomas L. Jones		

Those not voting are—

Mr. Jehu Baker	Mr. Darwin A. Finney	Mr. James K. Moorhead	Mr. Lewis Selye
Demas Barnes	Isaac R. Hawkins	John Morrissey	Samuel Shellabarger
John F. Benjamin	Asahel W. Hubbard	Charles E. Phelps	Aaron F. Stevens
Ephraim R. Eckley	Richard D. Hubbard	William A. Pile	Henry D. Washburn
Jacob H. Ela	Hiram McCullough	William E. Robinson	William Williams.

So the first article was agreed to.

The second article was then read as follows, viz :

ARTICLE II. That on said twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the Constitution of the United States, and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say :

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

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

To Brevet Major General LORENZO THOMAS,
Adjutant General U. S. Army, Washington, D. C.

Then and there being no vacancy in said office of Secretary for the Department of War, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the question being put, Will the House agree thereto?

It was decided in the affirmative,	{	Yeas	124
		Nays	41
		Not voting	24

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

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. George V. Lawrence	Mr. Philetus Sawyer
Oakes Ames	Ignatius Donnelly	William Lawrence	Robert C. Schenck
George W. Anderson	John F. Driggs	William S. Lincoln	Glenn W. Scofield
Samuel M. Arnell	Benjamin Eggleston	Benjamin F. Loan	John P. C. Shanks
Delos R. Ashley	Thomas D. Eliot	John A. Logan	Worthington C. Smith
James M. Ashley	John F. Farnsworth	John Lynch	Rufus P. Spalding
Alexander H. Bailey	Orange Ferriss	Rufus Mallory	H. H. Starkweather
John D. Baldwin	Thomas W. Ferry	James M. Marvin	Thaddeus Stevens
Nathaniel P. Banks	William C. Fields	Horace Maynard	William B. Stokes
Fernando C. Beaman	James A. Garfield	Dennis McCarthy	John Taffe
John Beatty	Joseph J. Gravelly	Joseph W. McClurg	Caleb N. Taylor
Jacob Benton	John A. Griswold	Ulysses Mercur	Francis Thomas
John A. Bingham	George A. Halsey	George F. Miller	John Trimble
James G. Blaine	Abner C. Harding	William Moore	Row'd E. Trowbridge
Austin Blair	William Higby	Daniel J. Morrell	Ginery Twichell
George S. Boutwell	John Hill	Leonard Myers	Charles Upson
Henry P. H. Bromwell	Samuel Hooper	Carman A. Newcomb	Henry Van Aernam
John M. Broomall	Benjamin F. Hopkins	David A. Nunn	Burt Van Horn
Ralph P. Buckland	Chester D. Hubbard	Charles O'Neill	Robert T. Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Godlove S. Orth	Charles H. Van Wyck
Henry L. Cake	Morton C. Hunter	Halbert E. Paine	Hamilton Ward
John C. Churchill	Ebon C. Ingersoll	Sidney Perham	Cadwal'r C. Washburn
Reader W. Clarke	Thomas A. Jenckes	John A. Peters	Elihu B. Washburne
Sidney Clarke	Norman B. Judd	Frederick A. Pike	William B. Washburn
Amasa Cobb	George W. Julian	Tobias A. Plants	Martin Welker
John Coburn	William D. Kelley	Luke P. Poland	Thomas Williams
Burton C. Cook	William H. Kelsey	Daniel Polsley	James P. Wilson
Thomas Cornell	John H. Ketcham	Theodore M. Pomeroy	John T. Wilson
Shelby M. Cullom	Bethuel M. Kitchen	Hiram Price	Stephen F. Wilson
Henry L. Dawes	William H. Koontz	Green B. Raum	William Windom
Nathan F. Dixon	Addison H. Laffin	William H. Robertson	Fred'k E. Woodbridge.

Those who voted in the negative are—

Mr. George M. Adams	Mr. John Fox	Mr. Thomas L. Jones	Mr. Lewis W. Ross
Stevenson Archer	J. Lawrence Getz	J. Proctor Knott	Charles Sitgreaves
Samuel B. Axtell	Adam J. Glossbrenner	Samuel S. Marshall	Thomas E. Stewart
William H. Barnum	J. S. Golladay	James R. McCormick	Frederick Stone
James B. Beck	Asa P. Grover	George W. Morgan	Stephen Taber
Benjamin M. Boyer	Charles Haight	William Mungen	Lawrence S. Trimble
James Brooks	William S. Holman	William E. Niblack	Daniel M. Van Auken
Albert G. Burr	Julius Hotchkiss	John A. Nicholson	Philadelph Van Trump
Samuel F. Cary	James M. Humphrey	John V. L. Pruyn	Fernando Wood
John W. Chanler	James A. Johnson	Samuel J. Randall	George W. Woodward.
Charles A. Eldridge			

Those not voting are—

Mr. Jehu Baker	Mr. Darwin A. Finney	Mr. Hiram McCullough	Mr. William E. Robinson
Demas Barnes	Isaac R. Hawkins	James K. Moorhead	Lewis Selye
John F. Benjamin	Asahel W. Hubbard	John Morrissey	Samuel Shellabarger
John Covode	Richard D. Hubbard	James Mallins	Aaron F. Stevens
Ephraim R. Eckley	Michael C. Kerr	Charles E. Phelps	Henry D. Washburn
Jacob H. Ela	William Loughridge	William A. Pile	William Williams.

So the second article was agreed to.

The third article was then read as follows, viz:

ARTICLE III. That said Andrew Johnson, President of the United States, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did commit and was guilty of a high misdemeanor in office in this, that, without au-

thority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War *ad interim*, without the advice and consent of the Senate, and with intent to violate the Constitution of the United States, no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate, and no vacancy existing in said office at the time, and which said appointment, so made by said Andrew Johnson, of said Lorenzo Thomas, is in substance as follows, that is to say :

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

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

To Brevet Major General LORENZO THOMAS,
Adjutant General U. S. Army, Washington, D. C.

And the question being put, Will the House agree thereto?

It was decided in the affirmative,	{	Yeas	124
		Nays	40
		Not voting	25

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

Mr. William B. Allison	Mr. Nathan F. Dixon	Mr. George V. Lawrence	Mr. Hiram Price
Oakes Ames	Grenville M. Dodge	William Lawrence	Green B. Raum
George W. Anderson	Ignatius Donnelly	William S. Lincoln	William H. Robertson
Samuel M. Arnell	John F. Driggs	Benjamin F. Loan	Philetus Sawyer
Delos R. Ashley	Benjamin Eggleston	John A. Logan	Robert C. Schenck
James M. Ashley	Thomas D. Eliot	William Loughridge	Glenn W. Scofield
Alexander H. Bailey	John F. Farnsworth	John Lynch	John P. C. Shanks
John D. Baldwin	Orange Ferriss	Rufus Mallory	Worthington C. Smith
Nathaniel P. Banks	Thomas W. Ferry	James M. Marvin	Rufus P. Spalding
Fernando C. Beaman	William C. Fields	Horace Maynard	H. H. Starkweather
John Beatty	James A. Garfield	Dennis McCarthy	John Taffe
Jacob Benton	Joseph J. Gravelly	Joseph W. McClurg	Caleb N. Taylor
John A. Bingham	John A. Griswold	Ulysses Mercur	Francis Thomas
James G. Blaine	George A. Halsey	George F. Miller	John Trimble
Austin Blair	Abner C. Harding	William Moore	Row'd E. Trowbridge
George S. Boutwell	William Higby	George W. Morgan	Ginery Twichell
Henry P. H. Bromwell	John Hill	Daniel J. Morrell	Charles Upton
John M. Broomall	Benjamin F. Hopkins	James Mullins	Henry Van Aernam
Ralph P. Buckland	Chester D. Hubbard	Leonard Myers	Burt Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Carman A. Newcomb	Robert T. Van Horn
Henry L. Cake	Morton C. Hunter	David A. Nunn	Charles H. Van Wyck
John C. Churchill	Ebon C. Ingersoll	Charles O'Neill	Hamilton Ward
Reader W. Clarke	Thomas A. Jenckes	Godlove S. Orth	Ellihu B. Washburne
Sidney Clarke	Norman B. Judd	Halbert E. Paine	William B. Washburn
Amasa Cobb	George W. Juhan	Sidney Perham	Martin Welker
John Coburn	William D. Kelley	John A. Peters	Thomas Williams
Burton C. Cook	William H. Kelsey	Frederick A. Pike	James F. Wilson
Thomas Cornell	John H. Ketcham	Tobias A. Plants	John T. Wilson
John Covode	Bethuel M. Kitchen	Luke P. Poland	Stephen F. Wilson
Shelby M. Cullom	William H. Koontz	Daniel Polsley	William Windom
Henry L. Dawes	Addison H. Laflin	Theodore M. Pomeroy	Fred'k E. Woodbridge.

Those who voted in the negative are—

Mr. George M. Adams	Mr. John Fox	Mr. James A. Johnson	Mr. Lewis W. Ross
Stevenson Archer	J. Lawrence Getz	Thomas L. Jones	Charles Sitgreaves
Samuel B. Axtell	Adam J. Glossbrenner	Michael C. Kerr	Thomas E. Stewart
William H. Barnum	J. S. Golladay	J. Proctor Knott	Frederick Stone
James B. Beck	Asa P. Grover	Samuel S. Marshall	Stephen Taber
Benjamin M. Boyer	Charles Haight	James R. McCormick	Lawrence S. Trimble
James Brooks	William S. Holman	William E. Niblack	Daniel M. Van Auken
Albert G. Burr	Julius Hotchkiss	John A. Nicholson	Philadelph Van Trump
Samuel F. Cary	Richard D. Hubbard	John V. L. Pruyn	Fernando Wood
John W. Chanler	James M. Humphrey	Samuel J. Randall	George W. Woodward.
Charles A. Eldridge			

Those not voting are—

Mr. Jehu Baker	Mr. Isaac R. Hawkins	Mr. William Mungen	Mr. Aaron F. Stevens
Demas Barnes	Samuel Hooper	Charles E. Phelps	Thaddeus Stevens
John F. Benjamin	Asahel W. Hubbard	William A. Pile	William B. Stokes
Ephraim R. Eckley	Hiram McCullough	William E. Robinson	Cadwal'r C. Washburn
Jacob H. Ela	James K. Moorhead	Lewis Selye	Henry D. Washburn
Darwin A. Finney	John Morrissey	Samuel Shellabarger	William Williams.

So the third article was agreed to.

The fourth article was then read as follows. viz :

ARTICLE IV. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and laws of the United States, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, then and there the Secretary for the Department of War, duly appointed under the laws of the United States, from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States, and of the provisions of an act entitled "An act to define and punish certain conspiracies," approved July thirty-first, eighteen hundred and sixty-one, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high crime in office.

And the question being put, Will the House agree thereto?

It was decided in the affirmative, {	Yeas.....	117
	Nays	40
	Not voting.....	32

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Nathan F. Dixon	Mr. Bethuel M. Kitchen	Mr. Theodore M. Pomeroy
Oakes Ames	Grenville M. Dodge	William H. Koontz	Hiram Price
George W. Anderson	Ignatius Donnelly	Addison H. Laflin	Green B. Raun
Samuel M. Arnell	John F. Driggs	George V. Lawrence	William H. Robertson
Delos R. Ashley	Benjamin Eggleston	William Lawrence	Philetus Sawyer
James M. Ashley	Thomas D. Eliot	William S. Lincoln	Robert C. Schenck
Alexander H. Bailey	John F. Farnsworth	Benjamin F. Loan	Glenni W. Scofield
John D. Baldwin	Orange Ferriss	John A. Logan	John P. C. Shanks
Nathaniel P. Banks	Thomas W. Ferry	John Lynch	Worthington C. Smith
Fernando C. Beaman	William C. Fields	Rufus Mallory	H. H. Starkweather
John Beatty	James A. Garfield	James M. Marvin	John Taffe
Jacob Benton	Joseph J. Gravely	Horace Maynard	Caleb N. Taylor
John A. Bingham	John A. Griswold	Dennis McCarthy	Francis Thomas
James G. Blaine	Charles Haight	Joseph W. McClurg	John Trimble
Austin Blair	George A. Halsey	Ulysses Mercur	Row'd E. Trowbridge
George S. Boutwell	Abner C. Harding	George F. Miller	Ginery Twichell
Henry P. H. Bromwell	John Hill	William Moore	Charles Upson
John M. Broomall	Samuel Hooper	Daniel J. Morrell	Henry Van Aernam
Ralph P. Buckland	Benjamin F. Hopkins	James Mullins	Burt Van Horn
Henry L. Cake	Chester D. Hubbard	Leonard Myers	Robert T. Van Horn
John C. Churchill	Calvin T. Hulburt	David A. Nunn	Charles H. Van Wyck
Reader W. Clarke	Morton C. Hunter	Charles O'Neill	Hamilton Ward
Sidney Clarke	Ebon C. Ingersoll	Godlove S. Orth	William B. Washburn
Amasa Cobb	Thomas A. Jenckes	Halbert E. Paine	Martin Welker
John Coburn	Norman B. Judd	Sidney Perham	Thomas Williams
Burton C. Cook	George W. Julian	John A. Peters	James F. Wilson
Thomas Cornell	William D. Kelley	Frederick A. Pike	John T. Wilson
John Covode	William H. Kelsey	Tobias A. Plants	Stephen F. Wilson
Snelby M. Cullom	John H. Ketcham	Daniel Polsley	William Windom.
Henry L. Dawes			

Those who voted in the negative are—

Mr. George M. Adams	Mr. Charles A. Eldridge	Mr. Thomas L. Jones	Mr. Samuel J. Randall
Stevenson Archer	John Fox	Michael C. Kerr	Lewis W. Ross
Samuel B. Axtell	J. Lawrence Getz	J. Proctor Knott	Charles Sitgreaves
William H. Barnum	Adam J. Glossbrenner	Samuel S. Marshall	Frederick Stone
James B. Beck	J. S. Golladay	James R. McCormick	Stephen Taber
Benjamin M. Boyer	Asa P. Grover	George W. Morgan	Lawrence S. Trimble
James Brooks	William S. Holman	William Mungen	Daniel M. Van Auken
Albert G. Burr	Julius Hotchkiss	William E. Niblack	Philadelph Van Trump
Samuel F. Cary	Richard D. Hubbard	John A. Nicholson	Fernando Wood
John W. Chanler	James A. Johnson	John V. L. Pruyn	George W. Woodward.

Those not voting are—

Mr. Jehu Baker	Mr. William Higby	Mr. Charles E. Phelps	Mr. Thaddeus Stevens
Demas Barnes	Asahel W. Hubbard	William A. Pile	Thomas E. Stewart
John F. Benjamin	James M. Humphrey	Luke P. Poland	William B. Stokes
Benjamin F. Butler	William Loughridge	William E. Robinson	Cadwalr C. Washburn
Ephraim R. Eckley	Hiram McCullough	Lewis Selye	Elliuh B. Washburne
Jacob H. Ela	James K. Moorhead	Samuel Shellabarger	Henry D. Washburn
Darwin A. Finney	John Morrissey	Rufus P. Spalding	William Williams
Isaac R. Hawkins	Carman A. Newcomb	Aaron F. Stevens	Fred'k E. Woodbridge.

So the fourth article was agreed to.

The fifth article was read as follows, viz :

ARTICLE V. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and on divers other days and times in said year, before the second day of March, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, to prevent and hinder the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and in pursuance of said conspiracy did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, duly appointed and commissioned under the laws of the United States, from holding said office, whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the question being put, Will the House agree thereto ?

It was decided in the affirmative,	Yeas.....	127
	Nays.....	42
	Not voting.....	20

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. William Lawrence	Mr. Philetus Sawyer
Oakes Ames	Ignatius Donnelly	William S. Lincoln	Robert C. Schenck
George W. Anderson	John F. Driggs	Benjamin F. Loan	Glenni W. Scofield
Samuel M. Arnell	Benjamin Eggleston	John A. Logan	John P. C. Shanks
Delos R. Ashley	Thomas D. Eliot	William Loughridge	Worthington C. Smith
James M. Ashley	John F. Farnsworth	John Lynch	Rufus P. Spalding
Alexander H. Bailey	Orange Ferriss	Rufus Mallory	H. H. Starkweather
John D. Baldwin	Thomas W. Ferry	James M. Marvin	Thaddeus Stevens
Nathaniel P. Banks	William C. Fields	Horace Maynard	William B. Stokes
Fernando C. Beaman	James A. Garfield	Dennis McCarthy	John Taffe
John Beatty	Joseph J. Gravely	Joseph W. McClurg	Caleb N. Taylor
Jacob Benton	John A. Griswold	Ulysses Meaur	Francis Thomas
John A. Bingham	George A. Halsey	George F. Miller	John Trimble
James G. Blaine	Abner C. Harding	William Moore	Row'd E. Trowbridge
Austin Blair	William Higby	Daniel J. Morrell	Ginery Twichell
George S. Boutwell	John Hill	James Mullins	Charles Upson
Henry P. H. Brownell	Samuel Hooper	Leonard Myers	Henry Van Aernam
John M. Broomall	Benjamin F. Hopkins	Carman A. Newcomb	Burt Van Horn
Ralph P. Buckland	Chester D. Hubbard	David A. Nunn	Robert T. Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Charles O'Neill	Charles H. Van Wyck
Henry L. Cake	Morton C. Hunter	Godlove S. Orth	Hamilton Ward
John C. Churchill	Ebon C. Ingersoll	Halbert E. Paine	Cadwalr C. Washburn
Reader W. Clarke	Thomas A. Jenekes	Sidney Perham	Elliuh B. Washburne
Sidney Clarke	Norman B. Judd	John A. Peters	William B. Washburn
Amasa Cobb	George W. Julian	Frederick A. Pike	Martin Welker
John Coburn	William D. Kelley	Tobias A. Plants	Thomas Williams
Burton C. Cook	William H. Kelsey	Luke P. Poland	James F. Wilson
Thomas Cornell	John H. Ketcham	Daniel Polsley	John T. Wilson
John Covode	Bethuel M. Kitchen	Theodore M. Pomeroy	Stephen F. Wilson
Shelby M. Cullom	William H. Koontz	Hiram Price	William Windom
Henry L. Dawes	Addison H. Laffin	Green B. Raum	Fred'k E. Woodbridge.
Nathan F. Dixon	George V. Lawrence	William H. Robertson	

Those who voted in the negative are—

Mr. George M. Adams	Mr. Benjamin M. Boyer	Mr. Charles A. Eldridge	Mr. Asa P. Grover
Stevenson Archer	James Brooks	John Fox	Charles Haight
Samuel B. Axtell	Albert G. Burr	J. Lawrence Getz	William S. Holman
William H. Barnum	Samuel F. Cary	Adam J. Glossbrenner	Julius Hotchkiss
James B. Beck	John W. Chanler	J. S. Golladay	James M. Humphrey

Mr. James A. Johnson	Mr. George W. Morgan	Mr. Lewis W. Ross	Mr. Lawrence S. Trimble
Thomas L. Jones	William Mungen	Charles Sitgreaves	Daniel M. Van Auken
Michael C. Kerr	William E. Niblack	Thomas E. Stewart	Philadelph Van Trump
J. Proctor Knott	John A. Nicholson	Frederick Stone	Fernando Wood
Samuel S. Marshall	John V. L. Pruyn	Stephen Taber	George W. Woodward
James R. McCormick	Samuel J. Randall		

Those not voting are—

Mr. Jehu Baker	Mr. Darwin A. Finney	Mr. James K. Moorhead	Mr. Lewis Selye
Demas Barnes	Isaac R. Hawkins	John Morrissey	Samuel Shellabarger
John F. Benjamin	Asahel W. Hubbard	Charles E. Phelps	Aaron F. Stevens
Ephraim R. Eckley	Richard D. Hubbard	William A. Pile	Henry D. Washburn
Jacob H. Ela	Hiram McCullough	William E. Robinson	William Williams

So the fifth article was agreed to.

The sixth article was read as follows, viz :

ARTICLE VI. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, by force to seize, take, and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said department, contrary to the provisions of an act entitled "An act to define and punish certain conspiracies," approved July thirty-one, eighteen hundred and sixty-one, and with intent to violate and disregard an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

And the question being put, Will the House agree thereto?

It was decided in the affirmative,	Yeas	127
	Nays	42
	Not voting	20

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. William Lawrence	Mr. Philetus Sawyer
Oakes Ames	Ignatius Donnelly	William S. Lincoln	Robert C. Schenck
George W. Anderson	John F. Driggs	Benjamin F. Loan	Glenn W. Scofield
Samuel M. Arnell	Benjamin Eggleston	John A. Logan	John P. C. Shanks
Delos R. Ashley	Thomas D. Eliot	William Loughridge	Worthington C. Smith
James M. Ashley	John F. Farnsworth	John Lynch	Rufus P. Spalding
Alexander H. Bailey	Orange Ferriss	Rufus Mallory	H. H. Starkweather
John D. Baldwin	Thomas W. Ferry	James M. Marvin	Thaddeus Stevens
Nathaniel P. Banks	William C. Fields	Horace Maynard	William B. Stokes
Fernando C. Beaman	James A. Garfield	Dennis McCarthy	John Taffe
John Beatty	Joseph J. Gravelly	Joseph W. McClurg	Caleb N. Taylor
Jacob Benton	John A. Griswold	Ulysses Mercur	Francis Thomas
John A. Bingham	George A. Halsey	George F. Miller	John Trimble
James G. Blaine	Abner C. Harding	William Moore	Row'd E. Trowbridge
Austin Blair	William Higby	Daniel J. Morrell	Ginery Twichell
George S. Boutwell	John Hill	James Mullins	Charles Upson
Henry P. H. Bromwell	Samuel Hooper	Leonard Myers	Henry Van Aernam
John M. Broomall	Benjamin F. Hopkins	Carman A. Newcomb	Burt Van Horn
Ralph P. Buckland	Chester D. Hubbard	David A. Nunn	Robert T. Van Horn
Benjamin F. Butler	Calvin T. Hulburd	Charles O'Neill	Charles H. Van Wyck
Henry L. Cake	Morton C. Hunter	Godlove S. Orth	Hamilton Ward
John C. Churchill	Ebon C. Ingersoll	Halbert E. Paine	Cadwal'r C. Washburn
Reader W. Clarke	Thomas A. Jenekes	Sidney Perham	Ellihu B. Washburne
Sidney Clarke	Norman B. Judd	John A. Peters	William B. Washburn
Amasa Cobb	George W. Julian	Frederick A. Pike	Martin Welker
John Coburn	William D. Kelley	Tobias A. Plants	Thomas Williams
Burton C. Cook	William H. Kelsey	Luke P. Poland	James F. Wilson
Thomas Cornell	John H. Ketcham	Daniel Polsley	John T. Wilson
John Covode	Bethuel M. Kitchen	Theodore M. Pomeroy	Stephen F. Wilson
Shelby M. Cullom	William H. Koontz	Hiram Price	William Windom
Henry L. Dawes	Addison H. Laflin	Green B. Raum	Fred'k E. Woodbridge.
Nathan F. Dixon	George V. Lawrence	William H. Robertson	

Those who voted in the negative are—

Mr. George M. Adams	Mr. Benjamin M. Boyer	Mr. Charles A. Eldridge	Mr. Asa P. Grover
Stevenson Archer	James Brooks	John Fox	Charles Haight
Samuel B. Axtell	Albert G. Burr	J. Lawrence Getz	William S. Holman
William H. Barnum	Samuel F. Cary	Adam J. Glossbrenner	Julius Hotchkiss
James B. Beck	John W. Chanler	J. S. Golladay	James M. Humphrey

Mr. James A. Johnson
Thomas L. Jones
Michael C. Kerr
J. Proctor Knott
Samuel S. Marshall
James R. McCormick

Mr. George W. Morgan
William Mungen
William E. Niblack
John A. Nicholson
John V. L. Pruyn
Samuel J. Randall

Mr. Lewis W. Ross
Charles Sitgreaves
Thomas E. Stewart
Frederick Stone
Stephen Taber

Mr. Lawrence S. Trimble
Daniel M. Van Trump
Philadelph Van Auker
Fernando Wood
George W. Woodward.

Those not voting are—

Mr. Jehu Baker
Demas Barnes
John F. Benjamin
Ephraim R. Eckley
Jacob H. Ela

Mr. Darwin A. Finney
Isaac R. Hawkins
Asahel W. Hubbard
Richard D. Hubbard
Hiram McCullough

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

Mr. Lewis Selye
Samuel Shellabarger
Aaron F. Stevens
Henry D. Washburn
William Williams.

So the sixth article was agreed to.

The seventh article having been read as follows, viz :

ARTICLE VII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas with intent unlawfully to seize, take, and possess the property of the United States in the department of War, in the custody and charge of Edwin M. Stanton, Secretary for said department, with intent to violate and disregard the act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, whereby said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

The question was put, Will the House agree thereto ?

And it was decided in the affirmative,	{	Yeas	127
		Nays	42
		Not voting	20

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison
Oakes Ames
George W. Anderson
Samuel M. Arnell
Delos R. Ashley
James M. Ashley
Alexander H. Bailey
John D. Baldwin
Nathaniel P. Banks
Fernando C. Beaman
John Beatty
Jacob Benton
John A. Bingham
James G. Blaine
Austin Blair
George S. Boutwell
Henry P. H. Bromwell
John M. Broomall
Ralph P. Buckland
Benjamin F. Butler
Henry L. Cake
John C. Churchill
Reader W. Clarke
Sidney Clarke
Amasa Cobb
John Coburn
Burton C. Cook
Thomas Cornell
John Covode
Shelby M. Cullom
Henry L. Dawes
Nathan F. Dixon

Mr. Grenville M. Dodge
Ignatius Donnelly
John F. Driggs
Benjamin Eggleston
Thomas D. Eliot
John F. Farnsworth
Orange F. Friss
Thomas W. Ferry
William C. Fields
James A. Garfield
Joseph J. Gravely
John A. Griswold
George A. Halsey
Abner C. Harding
William Higby
John Hill
Samuel Hooper
Benjamin F. Hopkins
Chester D. Hubbard
Calvin T. Hulburd
Morton C. Hunter
Ebon C. Ingersoll
Thomas A. Jenckes
Norman B. Judd
George W. Julian
William D. Kelley
William H. Kelsey
John H. Ketchum
Bethuel M. Kitchen
William H. Koontz
Addison H. Laffin
George V. Lawrence

Mr. William Lawrence
William S. Lincoln
Benjamin F. Loan
John A. Logan
William Loughbridge
John Lynch
Rufus Mallory
James M. Marvin
Horace Maynard
Dennis McCarthy
Joseph W. McClurg
Ulysses Mercur
George F. Miller
William Moore
Daniel J. Morrell
James Mullins
Leonard Myers
Carman A. Newcomb
David A. Nunn
Charles O'Neill
Godlove S. Orth
Halbert E. Paine
Sidney Perham
John A. Peters
Frederick A. Pike
Tobias A. Plants
Luke P. Poland
Daniel Polsley
Theodore M. Pomeroy
Hiram Price
Green B. Raum
William H. Robertson

Mr. Philetus Sawyer
Robert C. Schenck
Glenn W. Scofield
John P. C. Shanks
Worthington C. Smith
Rufus P. Spalding
H. H. Starkweather
Thaddeus Stevens
William B. Stokes
John Taffe
Caleb N. Taylor
Francis Thomas
John Trimble
Row'd E. Trowbridge
Ginery Twichell
Charles Upson
Henry Van Aernam
Burt Van Horn
Robert T. Van Horn
Charles H. Van Wyck
Hamilton Ward
Cadwal'r C. Washburn
Ellihu B. Washburne
William B. Washburn
Martin Welker
Thomas Williams
James F. Wilson
John T. Wilson
Stephen F. Wilson
William Windom
Fred'k E. Woodbridge.

Those who voted in the negative are—

Mr. George M. Adams
Stevenson Archer
Samuel B. Axtell
William H. Barnum
James B. Beck
Benjamin M. Boyer
James Brooks
Albert G. Burr
Samuel F. Cary
John W. Chanler
Charles A. Eldridge

Mr. John Fox
J. Lawrence Getz
Adam J. Glossbreuner
J. S. Golladay
Asa P. Grover
Charles Haight
William S. Holman
Julius Hotchkiss
James M. Humphrey
James A. Johnson
Thomas L. Jones

Mr. Michael C. Kerr
J. Proctor Knott
Samuel S. Marshall
James R. McCormick
George W. Morgan
William Mungen
William E. Niblack
John A. Nicholson
John V. L. Pruyn
Samuel J. Randall

Mr. Lewis W. Ross
Charles Sitgreaves
Thomas E. Stewart
Frederick Stone
Stephen Taber
Lawrence S. Trimble
Daniel M. Van Auker
Philadelph Van Trump
Fernando Wood
George W. Woodward

Those not voting are—

Mr. Jehu Baker	Mr. Darwin A. Finney	Mr. James K. Moorhead	Mr. Lewis Selye
Demas Barnes	Isaac R. Hawkins	John Morrissey	Samuel Shellabarger
John F. Benjamin	Asahel W. Hubbard	Charles E. Phelps	Aaron F. Stevens
Ephraim R. Eckley	Richard D. Hubbard	William A. Pile	Henry D. Washburn
Jacob H. Ela	Hiram McCullough	William E. Robinson	William Williams.

So the seventh article was agreed to.

The eighth article having been read as follows, viz :

ARTICLE VIII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, with intent unlawfully to control the disbursements of the moneys appropriated for the military service and for the Department of War, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and in violation of the Constitution of the United States, and without the advice and consent of the Senate of the United States, and while the Senate was then and there in session, there being no vacancy in the office of Secretary for the Department of War, and with intent to violate and disregard the act aforesaid, then and there issue and deliver to one Lorenzo Thomas a letter of authority in writing, in substance as follows, that is to say :

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

SIR : The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully yours,

ANDREW JOHNSON.

To Brevet Major General LORENZO THOMAS,
Adjutant General U. S. Army, Washington, D. C.

Whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

The question was put, Will the House agree thereto ?

And it was decided in the affirmative, { Yeas 127
Nays 42
Not voting 20

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. John Coburn	Mr. Chester D. Hubbard	Mr. Ulysses Mercur
Oakes Ames	Burton C. Cook	Calvin T. Hulburd	George F. Miller
George W. Anderson	Thomas Cornell	Morton C. Hunter	William Moore
Samuel M. Arnell	John Covode	Ebon C. Ingersoll	Daniel J. Morrell
Delos R. Ashley	Sholby M. Cullom	Thomas A. Jenckes	James Mullins
James M. Ashley	Henry L. Dawes	Norman B. Judd	Leonard Myers
Alexander H. Bailey	Nathan F. Dixon	George W. Julian	Carman A. Newcomb
John D. Baldwin	Gronville M. Dodge	William D. Kelley	David A. Nunn
Nathaniel P. Banks	Ignatius Donnelly	William H. Kelsey	Charles O'Neill
Fernando C. Beaman	John F. Driggs	John H. Ketcham	Godlove S. Orth
John Beatty	Benjamin Eggleston	Bethuel M. Kitchen	Halbert E. Paine
Jacob Benton	Thomas D. Eliot	William H. Koontz	Sidney Perham
John A. Bingham	John F. Farnsworth	Addison H. Laffin	John A. Peters
James G. Blaine	Orange Ferriss	George V. Lawrence	Frederick A. Pike
Austin Blair	Thomas W. Ferry	William Lawrence	Tobias A. Plants
George S. Boutwell	William C. Fields	William S. Lincoln	Luke P. Poland
Henry P. H. Bromwell	James A. Garfield	Benjamin F. Loan	Daniel Polsley
John M. Broomall	Joseph J. Gravely	John A. Logan	Theodore M. Pomeroy
Ralph P. Buckland	John A. Griswold	William Loughridge	Hiram Price
Benjamin F. Butler	George A. Halsey	John Lynch	Green B. Raum
Henry L. Cake	Abner C. Harding	Rufus Mallory	William H. Robertson
John C. Churchill	William Higby	James M. Marvin	Philetus Sawyer
Reader W. Clarke	John Hill	Horace Maynard	Robert C. Schenck
Sidney Clarke	Samuel Hooper	Dennis McCarthy	Glenn W. Scofield
Amasa Cobb	Benjamin F. Hopkins	Joseph W. McClurg	John P. C. Shanks

Mr. Worthington C. Smith	Mr. Francis Thomas	Mr. Robert T. Van Horn	Mr. Thomas Williams
Rufus P. Spalding	John Trimble	Charles H. Van Wyck	James F. Wilson
H. H. Starkweather	Row'd E. Trowbridge	Hamilton Ward	John T. Wilson
Thaddeus Stevens	Ginery Twichell	Cadwal'r C. Washburn	Stephen F. Wilson
William B. Stokes	Charles Upson	Ellihu B. Washburne	William Windom
John Taffe	Henry Van Aernam	William B. Washburn	Fred'k E. Woodbridge.
Caleb N. Taylor	Burt Van Horn	Martin Welker	

Those who voted in the negative are—

Mr. George M. Adams	Mr. John Fox	Mr. Michael C. Kerr	Mr. Lewis W. Ross
Stevenson Archer	J. Lawrence Getz	J. Proctor Knott	Charles Sitgreaves
Samuel B. Axtell	Adam J. Glossbrenner	Samuel S. Marshall	Thomas E. Stewart
William H. Barnum	J. S. Golladay	James R. McCormick	Frederick Stone
James B. Beck	Asa P. Grover	George W. Morgan	Stephen Taber
Benjamin M. Boyer	Charles Haight	William Mungen	Lawrence S. Trimble
James Brooks	William S. Holman	William E. Niblack	Daniel M. Van Anken
Albert G. Burr	Julius Hotchkiss	John A. Nicholson	Philadelph Van Trump
Samuel F. Cary	James M. Humphrey	John V. L. Pruyn	Fernando Wood
John W. Chanler	James A. Johnson	Samuel J. Randall	George W. Woodward.
Charles A. Eldridge	Thomas L. Jones		

Those not voting are—

Mr. Jehn Baker	Mr. Darwin A. Finney	Mr. James K. Moorhead	Mr. Lewis Selye
Demas Barnes	Isaac R. Hawkins	John Morrissey	Samuel Shellabarger
John F. Benjamin	Asahel W. Hubbard	Charles E. Phelps	Aaron F. Stevens
Ephraim R. Eckley	Richard D. Hubbard	William A. Pile	Henry D. Washburn
Jacob H. Ela	Hiram McCullough	William E. Robinson	William Williams.

So the eighth article was agreed to.

The ninth article having been read as follows, viz :

ARTICLE IX. That said Andrew Johnson, President of the United States, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, in disregard of the Constitution and the laws of the United States duly enacted, as commander-in-chief of the army of the United States, did bring before himself then and there William H. Emory, a major general by brevet in the army of the United States, actually in command of the department of Washington and the military forces thereof, and did then and there, as such commander-in-chief, declare to and instruct said Emory that part of a law of the United States, passed March second, eighteen hundred and sixty-seven, entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes," especially the second section thereof, which provides, among other things, that "all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the army, and in case of his inability through the next in rank," was unconstitutional, and in contravention of the commission of said Emory, and which said provision of law had been theretofore duly and legally promulgated by General Order for the government and direction of the army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory in his official capacity as commander of the department of Washington to violate the provisions of said act, and to take and receive, act upon, and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the army of the United States, according to the provisions of said act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of the act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

The question was put, Will the House agree thereto ?

And it was decided in the affirmative,	{	Yeas.....	108
		Nays.. ..	41
		Not voting.....	40

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

Mr. William B. Allison	Mr. Grenville M. Dodge	Mr. George V. Lawrence	Mr. Hiram Price
Oakes Ames	Ignatius Donnelly	William Lawrence	Green B. Raum
Samuel M. Arnell	John F. Driggs	William S. Lincoln	William H. Robertson
Delos R. Ashley	Benjamin Eggleston	Benjamin F. Loan	Philetus Sawyer
James M. Ashley	Thomas D. Eliot	John A. Logan	Robert C. Schenck
Alexander H. Bailey	Orange Ferriss	John Lynch	Glenni W. Scofield
Fernando C. Beaman	Thomas W. Ferry	Rufus Mallory	John P. C. Shanks
John Beatty	William C. Fields	James M. Marvin	Worthington C. Smith
Jacob Benton	James A. Garfield	Horace Maynard	H. H. Starkweather
John A. Bingham	Joseph J. Gravely	Dennis McCarthy	Thaddeus Stevens
Austin Blair	George A. Halsey	Joseph W. McClurg	John Taffe
George S. Boutwell	Abner C. Harding	Ulysses Mercur	Caleb N. Taylor
Henry P. H. Bromwell	John Hill	George F. Miller	Francis Thomas
John M. Broomall	Samuel Hooper	William Moore	John Trimble
Ralph P. Buckland	Benjamin F. Hopkins	Daniel J. Morrell	Row'd E. Trowbridge
Benjamin F. Butler	Chester D. Hubbard	James Mullins	Ginery Twichell
Henry L. Cake	Calvin T. Hulburd	Leonard Myers	Charles Upson
John C. Churchill	Morton C. Hunter	Carman A. Newcomb	Henry Van Aernam
Sidney Clarke	Ebon C. Ingersoll	David A. Nunn	Robert T. Van Horn
Amasa Cobb	Thomas A. Jenckes	Charles O'Neill	Hamilton Ward
John Coburn	Norman B. Judd	Godlove S. Orth	William B. Washburn
Burton C. Cook	George W. Julian	Halbert E. Paine	Martin Welker
Thomas Cornell	William D. Kelley	Sidney Perham	Thomas Williams
John Covode	William H. Kelsey	John A. Peters	James F. Wilson
Shelby M. Cullom	John H. Ketcham	Frederick A. Pike	John T. Wilson
Henry L. Dawes	William H. Koontz	Daniel Polsley	Stephen F. Wilson
Nathan F. Dixon	Addison H. Laffin	Theodore M. Pomeroy	William Windom.

Those who voted in the negative are—

Mr. George M. Adams	Mr. J. Lawrence Getz	Mr. Thomas L. Jones	Mr. Lewis W. Ross
Stevenson Archer	Adam J. Glossbrenner	Michael C. Kerr	Charles Sitgreaves
Samuel B. Axtell	J. S. Golladay	J. Proctor Knott	Thomas E. Stewart
William H. Barnum	Asa P. Grover	Samuel S. Marshall	Frederick Stone
James B. Beck	Charles Haight	James R. McCormick	Stephen Taber
Benjamin M. Boyer	William S. Holman	George W. Morgan	Lawrence S. Trimble
James Brooks	Julius Hotchkiss	William Mungen	Daniel M. Van Auker
Samuel F. Cary	Richard D. Hubbard	William E. Niblack	Philadelph Van Trump
John W. Chanler	James M. Humphrey	John V. L. Pruyn	Fernando Wood
Charles A. Eldridge	James A. Johnson	Samuel J. Randall	George W. Woodward.
John Fox			

Those not voting are—

Mr. George W. Anderson	Mr. Jacob H. Ela	Mr. James K. Moorhead	Mr. Rufus P. Spalding
John Baker	John F. Farnsworth	John Morrissey	Aaron F. Stevens
John D. Baldwin	Darwin A. Finney	John A. Nicholson	William B. Stokes
Nathaniel P. Banks	John A. Griswold	Charles E. Phelps	Burt Van Horn
Demas Barnes	Isaac R. Hawkins	William A. Pile	Charles H. Van Wyck
John F. Benjamin	William Higby	Tobias A. Plants	Cadwal'r C. Washburn
James G. Blaine	Asahel W. Hubbard	Luke P. Poland	Ellihu B. Washburne
Albert G. Burr	Bethuel M. Kitchen	William E. Robinson	Henry D. Washburn
Reader W. Clarke	William Loughridge	Lewis Selye	William Williams
Ephraim R. Eckley	Hiram McCullough	Samuel Shellabarger	Fred'k E. Woodbridge.

So the ninth article was agreed to.

The remainder of the report of the committee to report articles of impeachment was then agreed to.

Subsequently Mr. Boutwell moved a reconsideration of the several votes on the said articles and report; which motion was passed over.

The House then proceeded, in further execution of the resolution of the House of Tuesday last, to the election, by ballot, of seven managers to conduct the said impeachment.

The Speaker having appointed Mr. Poland, Mr. Spalding, Mr. Jenckes, and Mr. Blair, tellers;

And nominations having been made, as follows, viz :

By Mr. Poland: Mr. John A. Bingham, Mr. George S. Boutwell, Mr. Benjamin F. Butler, Mr. James F. Wilson, Mr. Thaddeus Stevens, Mr. John A. Logan, and Mr. Thomas Williams;

And Mr. Kerr having been excused from voting,

The tellers reported that—

Mr. Bingham received.....	114 votes.
Mr. Boutwell received.....	113 "
Mr. James F. Wilson received.....	112 "

Mr. Benjamin F. Butler received	108 votes.
Mr. Thomas Williams received	107 "
Mr. Logan received	106 "
Mr. Thaddeus Stevens received	105 "
Mr. Jenckes received	22 "
Mr. Scofield received	3 "
Mr. Poland received	2 "
Mr. Orth received	2 "
Mr. Peters received	1 vote.
Mr. Churchill received	1 "
Mr. Blair received	1 "
Mr. Benjamin received	1 "
Mr. Upson received	1 "

That the whole number of votes given was 118; and necessary to a choice, 60.

Whereupon

The Speaker declared Mr. Bingham, Mr. Boutwell, Mr. James F. Wilson, Mr. Benjamin F. Butler, Mr. Thomas Williams, Mr. Logan, and Mr. Thaddeus Stevens duly elected managers to conduct the impeachment against Andrew Johnson, President of the United States, on the part of the House.

Mr. Boutwell, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Printing, viz :

Resolved, That one thousand copies of the articles of impeachment against Andrew Johnson, President of the United States, adopted by the House, be printed for the use of the House.

Mr. Boutwell submitted the following resolutions; which were read, considered, and under the operation of the previous question agreed to, viz :

Resolved, That the articles agreed to by this house, to be exhibited in the name of themselves and of all the people of the United States, against Andrew Johnson, President of the United States, in maintenance of their impeachment against him of high crimes and misdemeanors in office, be carried to the Senate by the managers appointed to conduct said impeachment.

Resolved, That a message be sent to the Senate to inform them that this house have appointed managers to conduct the impeachment against the President of the United States, and have directed the said managers to carry to the Senate the articles agreed upon by this house, to be exhibited in maintenance of their impeachment against said Andrew Johnson, and that the Clerk of the House do go with said message.

Mr. Boutwell moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. Schenck moved that the rules be suspended so that the business of Monday may be transacted to-morrow.

And the question being put,

It was decided in the affirmative,	Yeas	97
	Nays	32
	Not voting	60

Two-thirds voting in favor thereof.

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. William B. Allison	Mr. John A. Bingham	Mr. Amasa Cobb	Mr. John F. Farnsworth
Oakes Ames	James G. Blaine	John Coburn	Orange Ferriss
Samuel M. Arnell	Austin Blair	Burton C. Cook	Thomas W. Ferry
Delos R. Ashley	George S. Boutwell	Shelby M. Cullom	William C. Fields
James M. Ashley	John M. Broomall	Nathan F. Dixon	James A. Garfield
Alexander H. Bailey	Ralph P. Buckland	Grenville M. Dodge	Joseph J. Gravelly
John D. Baldwin	Benjamin F. Butler	Ignatius Donnelly	John A. Griswold
Nathaniel P. Banks	Henry L. Calk	John F. Driggs	George A. Halsey
Fernando C. Beaman	John C. Churchill	Ephraim R. Eckley	Abner C. Harding
John Beatty	Reader W. Clarke	Thomas D. Eliot	John Hill

Appendix D.2
Articles of Impeachment against President Richard M. Nixon

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^d CONGRESS
SECOND SESSION

VOLUME 120—PART 22

AUGUST 16, 1974 TO AUGUST 22, 1974

(PAGES 28675 TO 30170)

21 1976 OCT

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1974



Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3044, FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns, with the House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none, and appoints the following conferees: Messrs. HAYS, THOMPSON of New Jersey, DENT, BRADEN, JONES of Tennessee, MOLLOHAN, MATHIS of Georgia, DICKINSON, DEVINE, WARE, and FRENZEL.

PRIVILEGED REPORT ON IMPEACHMENT

Mr. RODINO, from the Committee on the Judiciary, pursuant to H. Res. 803, submitted the following privileged report (Report No. 93-1305), which was referred to the House Calendar and ordered to be printed:

[93d CONGRESS, 2d SESSION, HOUSE OF REPRESENTATIVES, REPORT NO. 93-1305]

REPORT ON THE IMPEACHMENT OF RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES

Mr. RODINO, from the Committee on the Judiciary, submitted the following report together with supplemental, additional, separate, dissenting, minority, individual, and concurring views:

The Committee on the Judiciary, to whom was referred the consideration of recommendations concerning the exercise of the constitutional power to impeach Richard M. Nixon, President of the United States, having considered the same, reports thereon pursuant to H. Res. 803 as follows and recommends that the House exercise its constitutional power to impeach Richard M. Nixon, President of the United States, and that articles of impeachment be exhibited to the Senate as follows:

RESOLUTION

Impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors.

Resolved, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all of the people of the United States of America, against Richard M. Nixon, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article I

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

On June 17, 1972, and prior thereto, agents of the Committee for the Re-election of the President committed unlawful entry of the headquarters of the Democratic National Committee in Washington, District of Columbia, for the purpose of securing political intelligence. Subsequent thereto, Richard M. Nixon, using the powers of his high office, engaged personally and through his subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such unlawful entry; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

The means used to implement this course of conduct or plan included one or more of the following:

(1) making or causing to be made false or misleading statements to lawfully authorized investigative officers and employees of the United States;

(2) withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;

(3) approving, condoning, acquiescing in, and counseling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the United States and false or misleading testimony in duly instituted judicial and congressional proceedings;

(4) interfering or endeavoring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of Investigation, the Office of Watergate Special Prosecution Force, and Congressional Committees;

(5) approving, condoning, and acquiescing in, the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participated in such unlawful entry and other illegal activities;

(6) endeavoring to misuse the Central Intelligence Agency, an agency of the United States;

(7) disseminating information received from officers to the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;

(8) making false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the executive branch of the United States and personnel of the Committee for the Re-election of the President, and that there was

no involvement of such personnel in such misconduct; or

(9) endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

Article II

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposes of these agencies.

This conduct has included one or more of the following:

(1) He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes not authorized by law, and to cause, in violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner.

(2) He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; he did direct, authorize, or permit the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance.

(3) He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.

(4) He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavored to impede and frustrate lawful inquiries by duly constituted executive, judicial, and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities, including those relating to the confirmation of

Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.

(5) In disregard of the rule of law, he knowingly misused the executive power by interfering with agencies of the executive branch, including the Federal Bureau of Investigation, the Criminal Division, and the Office of Watergate Special Prosecution Force, of the Department of Justice, and the Central Intelligence Agency, in violation of his duty to take care that the laws be faithfully executed.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

Article III

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has failed without lawful cause or excuse to produce papers and things as directed by duly authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives on April 11, 1974, May 15, 1974, May 30, 1974, and June 24, 1974, and willfully disobeyed such subpoenas. The subpoenaed papers and things were deemed necessary by the Committee in order to resolve by direct evidence fundamental, factual questions relating to Presidential direction, knowledge, or approval of actions demonstrated by other evidence to be substantial grounds for impeachment of the President. In refusing to produce these papers and things, Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

CONTENTS

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:

Introduction.

Adoption of a Political Intelligence Plan Including the Use of Electronic Surveillance. The Implementation of the Political Intelligence Plan.

President Nixon's Response to the Arrests, Containment—July 1, 1972, to Election.

Payments.

Favored Treatment of Defendants and Prospective Defendants.

Deception and Concealment.

The President's Interference with the De-

partment of Justice in March and April, 1973.

The President's Interference with the Senate Select Committee on Presidential Campaign Activities.

April 30, 1973 to the Present.

Conclusion.

Article II:

Introduction.

Paragraph 1.

Paragraph 2.

Paragraph 3.

Paragraph 4.

Paragraph 5.

Conclusion.

Article III:

Introduction.

The Committee Subpoenas and the President's Response.

Justification of the Committee's Subpoenas.

Untrustworthiness of Editor Transcripts Produced by the President.

The Claim of Executive Privilege.

Conclusion.

Other Matters:

Proposed Article on Concealment of Information About Bombing.

Operations in Cambodia.

Proposed Article on Emoluments and Tax Evasion.

Appendices:

Appendix A—Analysis of the Technical Report on the 18½ Minute Gap.

Appendix B—Subpoenas Issued to President Richard M. Nixon by the Committee on the Judiciary and Justification Memoranda. Supplemental, Additional, Separate, Dissenting, Minority, Individual and Concurring Views.

COMMITTEE CONSIDERATION

The Constitution provides in Article I, Section 2, Clause 5, that "the House of Representatives shall have the sole power of impeachment." Article II, Section 4 provides, "The President, Vice President and all civil officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Resolutions to impeach President Richard M. Nixon were introduced by members of the House in the last session of Congress and referred to the Committee on the Judiciary. On November 15, 1973, the House adopted H. Res. 702 to provide additional funds for the Committee for purposes of considering these resolutions. On December 20, 1973, special counsel was employed to assist the Committee in its inquiry.

On February 6, 1974, the Committee recommended that the House explicitly authorize the Committee's investigation to determine whether the House should exercise its constitutional power to impeach President Nixon.

On February 6, 1974, the House of Representatives, by a vote of 410 to 4, adopted H. Res. 803. That resolution authorized and directed the Committee on the Judiciary "to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The Committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper."

As part of the resolution the Committee was granted the power of subpoena for its investigation. In its report to the House on H. Res. 803, the Committee had stated:

"The Committee's investigative authority is intended to be fully coextensive with the power of the House in an impeachment investigation—with respect to the persons who may be required to respond, the methods by

which response may be required, and the types of information and materials required to be furnished and produced."

On February 21, 1974, the Committee received a report from its impeachment inquiry staff entitled, "Constitutional Grounds for Presidential Impeachment." The report reviewed the historical origins of impeachment, the intentions of the framers of the Constitution, and the American impeachment cases. The report also addressed the question whether grounds for impeachment, "high crimes and misdemeanors," must be crimes under the ordinary criminal statutes. The report concluded as follows:

"Impeachment is a constitutional remedy addressed to serious offenses against the system of government. The purpose of impeachment under the Constitution is indicated by the limited scope of the remedy (removal from office and possible disqualification from future office) and by the stated grounds for impeachment (treason, bribery and other high crimes and misdemeanors). It is not controlling whether treason and bribery are criminal. More important, they are constitutional wrongs that subvert the structure of government, or undermine the integrity of office and even the Constitution itself, and thus are 'high' offenses in the sense that word was used in English impeachments.

"The framers of our Constitution consciously adopted a particular phrase from the English practice to help define the constitutional grounds for removal. The content of the phrase 'high Crimes and Misdemeanors' for the framers is to be related to what the framers knew, on the whole, about the English practice—the broad sweep of English constitutional history and the vital role impeachment had played in the limitation of royal prerogative and the control of abuses of ministerial and judicial power.

"Impeachment was not a remote subject for the framers. Even as they labored in Philadelphia, the impeachment trial of Warren Hastings, Governor-General of India, was pending in London, a fact to which George Mason made explicit reference in the Convention. Whatever may be said on the merits of Hastings' conduct, the charges against him exemplified the central aspect of impeachment—the parliamentary effort to reach grave abuses of governmental power.

"The framers understood quite clearly that the constitutional system they were creating must include some ultimate check on the conduct of the executive, particularly as they came to reject the suggested plural executive. While insisting that balance between the executive and legislative branches be maintained so that the executive would not become the creature of the legislature, dismissible at its will, the framers also recognized that some means would be needed to deal with excesses by the executive. Impeachment was familiar to them. They understood its essential constitutional functions and perceived its adaptability to the American context.

"While it may be argued that some articles of impeachment have charged conduct that constituted crime and thus that criminality is an essential ingredient, or that some have charged conduct that was not criminal and thus that criminality is not essential, the fact remains that in the English practice and in several of the American impeachments the criminality issue was not raised at all. The emphasis has been on the significant effects of the conduct—undermining the integrity of office, disregard of constitutional duties and oath of office, arrogation of power, abuse of the governmental process, adverse impact on the system of government. Clearly, these effects can be brought about in ways

Appendix D.3
Articles of Impeachment against President Willian J. Clinton

105TH CONGRESS
2D SESSION

H. RES. 611

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 1998

Received

RESOLUTION

Impeaching William Jefferson Clinton, President of the
United States, for high crimes and misdemeanors.

1 *Resolved*, That William Jefferson Clinton, President
2 of the United States, is impeached for high crimes and
3 misdemeanors, and that the following articles of impeach-
4 ment be exhibited to the United States Senate:

5 Articles of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of
8 America, against William Jefferson Clinton, President of
9 the United States of America, in maintenance and support
10 of its impeachment against him for high crimes and mis-
11 demeanors.

ARTICLE I

1
2 In his conduct while President of the United States,
3 William Jefferson Clinton, in violation of his constitutional
4 oath faithfully to execute the office of President of the
5 United States and, to the best of his ability, preserve, pro-
6 tect, and defend the Constitution of the United States,
7 and in violation of his constitutional duty to take care that
8 the laws be faithfully executed, has willfully corrupted and
9 manipulated the judicial process of the United States for
10 his personal gain and exoneration, impeding the adminis-
11 tration of justice, in that:

12 On August 17, 1998, William Jefferson Clinton swore
13 to tell the truth, the whole truth, and nothing but the
14 truth before a Federal grand jury of the United States.
15 Contrary to that oath, William Jefferson Clinton willfully
16 provided perjurious, false and misleading testimony to the
17 grand jury concerning one or more of the following: (1)
18 the nature and details of his relationship with a subordi-
19 nate Government employee; (2) prior perjurious, false and
20 misleading testimony he gave in a Federal civil rights ac-
21 tion brought against him; (3) prior false and misleading
22 statements he allowed his attorney to make to a Federal
23 judge in that civil rights action; and (4) his corrupt efforts
24 to influence the testimony of witnesses and to impede the
25 discovery of evidence in that civil rights action.

1 In doing this, William Jefferson Clinton has under-
2 mined the integrity of his office, has brought disrepute
3 on the Presidency, has betrayed his trust as President,
4 and has acted in a manner subversive of the rule of law
5 and justice, to the manifest injury of the people of the
6 United States.

7 Wherefore, William Jefferson Clinton, by such con-
8 duct, warrants impeachment and trial, and removal from
9 office and disqualification to hold and enjoy any office of
10 honor, trust, or profit under the United States.

11 ARTICLE II

12 In his conduct while President of the United States,
13 William Jefferson Clinton, in violation of his constitutional
14 oath faithfully to execute the office of President of the
15 United States and, to the best of his ability, preserve, pro-
16 tect, and defend the Constitution of the United States,
17 and in violation of his constitutional duty to take care that
18 the laws be faithfully executed, has prevented, obstructed,
19 and impeded the administration of justice, and has to that
20 end engaged personally, and through his subordinates and
21 agents, in a course of conduct or scheme designed to delay,
22 impede, cover up, and conceal the existence of evidence
23 and testimony related to a Federal civil rights action
24 brought against him in a duly instituted judicial proceed-
25 ing.

1 The means used to implement this course of conduct
2 or scheme included one or more of the following acts:

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

8 (2) On or about December 17, 1997, William
9 Jefferson Clinton corruptly encouraged a witness in
10 a Federal civil rights action brought against him to
11 give perjurious, false and misleading testimony if
12 and when called to testify personally in that proceed-
13 ing.

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

19 (4) Beginning on or about December 7, 1997,
20 and continuing through and including January 14,
21 1998, William Jefferson Clinton intensified and suc-
22 ceeded in an effort to secure job assistance to a wit-
23 ness in a Federal civil rights action brought against
24 him in order to corruptly prevent the truthful testi-
25 mony of that witness in that proceeding at a time

1 when the truthful testimony of that witness would
2 have been harmful to him.

3 (5) On January 17, 1998, at his deposition in
4 a Federal civil rights action brought against him,
5 William Jefferson Clinton corruptly allowed his at-
6 torney to make false and misleading statements to
7 a Federal judge characterizing an affidavit, in order
8 to prevent questioning deemed relevant by the judge.
9 Such false and misleading statements were subse-
10 quently acknowledged by his attorney in a commu-
11 nication to that judge.

12 (6) On or about January 18 and January 20-
13 21, 1998, William Jefferson Clinton related a false
14 and misleading account of events relevant to a Fed-
15 eral civil rights action brought against him to a po-
16 tential witness in that proceeding, in order to cor-
17 ruptly influence the testimony of that witness.

18 (7) On or about January 21, 23, and 26, 1998,
19 William Jefferson Clinton made false and misleading
20 statements to potential witnesses in a Federal grand
21 jury proceeding in order to corruptly influence the
22 testimony of those witnesses. The false and mislead-
23 ing statements made by William Jefferson Clinton
24 were repeated by the witnesses to the grand jury,

1 causing the grand jury to receive false and mislead-
2 ing information.

3 In all of this, William Jefferson Clinton has under-
4 mined the integrity of his office, has brought disrepute
5 on the Presidency, has betrayed his trust as President,
6 and has acted in a manner subversive of the rule of law
7 and justice, to the manifest injury of the people of the
8 United States.

9 Wherefore, William Jefferson Clinton, by such con-
10 duct, warrants impeachment and trial, and removal from
11 office and disqualification to hold and enjoy any office of
12 honor, trust, or profit under the United States.

Passed the House of Representatives December 19,
1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

Attest:

ROBIN H. CARLE,
Clerk.

Appendix D.4
Articles of Impeachment against Judge Harry E. Claiborne

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS
SECOND SESSION

VOLUME 132—PART 12

JULY 15, 1986 TO JULY 28, 1986

(PAGES 16405 TO 17867)



UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1986

just before Christmas last year. Under this raid, some \$13 billion in Government securities held by the Social Security trust funds were disinvested in order for the Government to meet its obligations caused by the temporary failure of Congress to raise the public debt.

It was a dangerous and unwarranted action. It showed a fundamental disregard of the fiduciary responsibility which the Treasury Secretary has over Social Security.

This raid caused great apprehension and anger among millions of seniors who felt that Social Security trust funds were for one thing and one thing only—to pay benefits.

H.R. 5050 is necessary legislation because it removes Social Security administratively and fiscally from the world of politics. Social Security should be an independent agency—and the trust funds which provide income for 36 million seniors—should be free from mishandling and diversion by anyone.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of America's senior citizens and their right to have their investment in the Social Security trust fund returned to the authority of an independent agency. For far too many years Social Security funds have been held captive to the political whims of this Congress, and our senior citizens have lived with the constant threat of Government meddling with their retirement income.

As recently as last November, the Treasury Department was using funds reserved for the Social Security trust fund to pay the Government's debts, and forcing the sale of the trust fund's long-term investments. Although these funds have been restored by the Congress, I do not feel that we should be allowed to evade our responsibility to provide this Nation with a sound fiscal plan by borrowing money from our Nation's senior citizens.

The bill before us today will reestablish Social Security as an independent agency outside of the unified budget process and protect its funds from future raids by the Treasury Department. It will also remove Social Security from the political arena and reestablish it as an actuarially sound trust fund for both present and future retirees. Americans who have contributed and who continue to contribute to the fund deserve no less from this distinguished body.

I urge my colleagues to support this measure and vote today for its passage.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.R. 5050, legislation to establish the Social Security Administration as an independent agency and to prevent any further disinvestment of the Social Security trust funds. As a member of the Social Security Subcommittee and an original cosponsor of the legislation to establish this independent agency, I am greatly encouraged by the seemingly unanimous support of this body to depoliticize and place on secure managerial foundations the Social Security agency. H.R. 5050 goes even further and places on an even sounder financial base the Social Security trust funds by preventing the Secretary of the Treasury from again ignoring the responsibility of Congress to raise the debt ceiling, as he did last fall, by disinvesting the trust funds in order to raise the debt ceiling without congressional approval.

The idea to separate the Social Security Administration out from the gargantuan Department of Health and Human Services is an idea which Congress should have acted upon long ago. The Social Security Program, plagued by the politicization of its principal function, made inefficient by the unfathomable and burdensome bureaucratic maze caused by incorporation into HHS, approaching managerial nightmare due to sheer size of the program—all evidenced by the revolving door in the Office of the Commissioner which has witnessed no less than 10 commissioners in the last 13 years—is in great need of the immeasurable benefits which status as an independent agency has to offer.

My chairman and ranking member of the Social Security Subcommittee, Mr. JONES and Mr. ARCHER, have explained in detail what these benefits are, but allow me to make a few points. First, by appointing a Social Security Board of three members, with staggered 6-year terms, which appoints a Commissioner for a 5-year term, stable authority will be preserved. By separating the Social Security Administration from the Department of Health and Human Services, the program's efficiency will increase and the SSA's position as an object of political bickering over deficit reduction will be greatly reduced. In addition, the separation will clarify the Social Security Administration's independence in terms of being a program that pays for itself and in no circumstance borrows funds from other Federal programs. Most important, it will bring a level of certainty about the program to those millions of honest American retirees who depend upon the monthly Social Security checks which their years of hard work have earned.

In regards to the portion of the bill which prevents disinvestment of the Social Security trust funds, I rise in strong support. My colleagues might recall the actions taken by the Secretary of the Treasury, James A. Baker III in September, October, and November of 1985. Faced by a debt ceiling which was reached by a Congress which had spent more money than it had budgeted Secretary Baker disinvested the Social Security trust funds by ordering the cancellation of 28 billion dollars' worth of long-term bonds held by the trust funds. He took this action so that Congress' failure to pass a debt limit extension would not prevent the U.S. Treasury from honoring Social Security benefit checks. Secretary Baker justified his failure of not ensuring that the Social Security trust funds were not fully invested by arguing that his duty to ensure that Social Security beneficiaries received their monthly checks superceded his duty to fully invest the Social Security trust funds.

While Secretary Baker's actions may have been well intended, I question the Secretary's decision to try to work around the failure of Congress to pass an extension of the debt limit, and thus stretch out the activities of the Federal Government beyond that which Congress had allowed for when it limited the public debt to \$1.82 trillion. His actions did not allow Congress to take the blame for its exceeding its own debt limit by spending far beyond what the citizens are willing to pay for through already overburdensome taxes. Instead, Secretary Baker took the extraordinary action of disinvesting the Social Security trust

funds and thus focused criticism on the actions of the U.S. Treasury, instead of where it should belong: On the unwillingness of Congress to deal responsibly with the deficit. More important than allowing Congress to escape blame for its fiscal irresponsibility, the tinkering with the trust funds greatly deteriorated the thin confidence which retirees have in the program. For those retirees who depend upon their monthly Social Security check to pay for the most basic amenities of food, clothing, and shelter, the disinvestment nightmare of last fall was totally unnecessary if this legislation was in place and thus caused Congress to face its responsibility in light of the ever-nearing debt ceiling. No trust fund must be used to circumvent the debt ceiling.

H.R. 5050 deserves strong support from this body. H.R. 5050 will safeguard the Social Security Administration and its trust fund from the type of political tinkering which only threatens its financial stability. Let us bring a level of confidence back to the system and pass this important piece of legislation.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 5050, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVILEGES OF THE HOUSE—IMPEACHMENT OF JUDGE HARRY E. CLAIBORNE

Mr. RODINO. Mr. Speaker, I rise to a question of the privileges of the House, and I call up a privileged resolution (H. Res. 461) impeaching Harry E. Claiborne, judge of the U.S. District Court for the District of Nevada, of high crimes and misdemeanors.

The Clerk read the resolution, as follows:

H. RES. 461

Resolved, That Harry E. Claiborne, Judge of the United States District Court for the District of Nevada, is impeached of high crimes and misdemeanors.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore [Mr. NATCHER]. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert in lieu thereof the following:

That Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, be impeached for misbehavior, and for high crimes and misdemeanors; that the evidence heretofore taken by a subcommittee of the Committee on the Judiciary of the House of Representatives sustains articles of impeachment, which are hereinafter set out; and that the articles be adopted by the House of Representatives and exhibited to the Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Judge Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, in maintenance and support of its impeachment against him for misbehavior and for high crimes and misdemeanors.

ARTICLE I

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1980, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1979, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of \$80,227.04 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE II

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1981, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individ-

ual Income Tax Return for the calendar year 1980, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of \$54,251 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE III

That Judge Harry E. Claiborne having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes in office in a manner and form as follows:

On August 10, 1984, in the United States District Court for the District of Nevada, Judge Harry E. Claiborne was found guilty by a twelve-person jury of making and subscribing a false income tax return for the calendar years 1979 and 1980 in violation of section 7206(1) of title 26, United States Code.

Thereafter, a judgement of conviction was entered against Judge Harry E. Claiborne for each of the violations of section 7206(1) of title 26, United States Code, and a sentence of two years imprisonment for each violation was imposed, to be served concurrently, together with a fine of \$5000 for each violation.

Wherefore, Judge Harry F. Claiborne was and is guilty of misbehavior and was and is guilty of high crimes.

ARTICLE IV

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of misdemeanors in office in a manner and form as follows:

Judge Harry E. Claiborne took the oath for the office of judge of the United States and is required to discharge and perform all the duties incumbent on him and to uphold and obey the Constitution and laws of the United States.

Judge Harry E. Claiborne, by virtue of his office, is required to uphold the integrity of the judiciary and to perform the duties of his office impartially.

Judge Harry E. Claiborne, by willfully and knowingly falsifying his income on his Federal tax returns for 1979 and 1980, has betrayed the trust of the people of the United States and reduced confidence in the integrity and impartiality of the judiciary, thereby bringing disrepute on the Federal courts and the administration of justice by the courts.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is

guilty of misdemeanors and, by such conduct, warrants impeachment and trial and removal from office.

□ 1710

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. RODINO] is recognized for 1 hour.

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today this House must decide whether to exercise its constitutional power to impeach Judge Harry E. Claiborne. In carrying out this duty, our decision must be guided by both the clear purpose of the constitutional impeachment provision as well as by the history of its application over 200 years of the Republic.

Impeachment is always a serious and solemn matter for Members of this body—as it must be. For, this unique constitutional remedy is expressly reserved for those serious offenses by public officials that subvert the structure of government and undermine the integrity of high office by a betrayal of the public trust.

Unlike some passages of the Constitution that charted entirely new directions in government practice and procedure for the infant Nation, impeachment was a familiar subject upon which the framers could project almost 500 years of English experience. The English experience, at a minimum, had taught two things: first, that criminal conduct by a high official could never be tolerated in government; and second, that conduct not specifically criminal, but nonetheless harmful, to the integrity of high office must also be brought within the reach of the remedy.

With the formal ratification of the articles, the new Republic was soon faced with applying the remedy in the concrete. In February of 1803, President Thomas Jefferson sent to the House of Representatives a message offering evidence of the misconduct of a U.S. district judge. Over the next 180 years, 10 of the 13 impeachments voted by the House have involved members of the Federal judiciary, 4 of which progressed to a Senate trial and conviction and removal from office. In this century, all five impeachments, including the most recent in 1936, have been directed at Federal judges.

But while the power of impeachment has been exercised infrequently, it has, as the Founding Fathers intended, played a special and essential role in maintaining the integrity of the Federal judiciary. As Members of this body have recognized in prior judicial impeachments, the judges of our Federal courts of law occupy a unique position of trust and responsibility in our system of government: They are the only members of any branch that hold their office for life; they are purposely insulated from the immediate

Mr. MORRISON of Connecticut. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I rise in support of House Resolution 461, a privileged resolution providing for the impeachment of U.S. District Court Judge Harry E. Claiborne.

The facts in this matter are as clear as they are regrettable. Judge Claiborne was convicted in August 1984 by a jury in the U.S. district court in Nevada of filing false income tax returns in 1979 and 1980 and for failing to report more than \$106,000 of income which he derived from legal work he had performed prior to being appointed to the Federal bench. Judge Claiborne was subsequently sentenced to a 2-year prison term and a \$10,000 fine. The Ninth U.S. Circuit Court of Appeals in San Francisco reviewed Judge Claiborne's conviction and upheld the verdict. The U.S. Supreme Court denied certiorari. In short, Judge Claiborne has been found guilty of a felony and he has exhausted all of his judicial appeals.

It is regrettable that under these circumstances Judge Claiborne has refused to voluntarily resign his office and has continued to draw his salary. In this instance, the House has no choice but to impeach Judge Claiborne pursuant to the process set forth in article I of the Constitution.

Appointment to the Federal bench represents perhaps the highest honor which can come to any lawyer. It is all the more tragic when that trust and confidence is betrayed. I am hopeful that the House will pass this resolution and that the Senate will act promptly to dispose of this matter.

Mr. KASTENMEIER. Mr. Speaker, I yield 1½ minutes, for the purposes of debate only, to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. Mr. Speaker, the issue before the House today is very simple. What in the world do we do with a Federal judge who has been convicted of two major felonies, who has had the best lawyers he could have—three at the trial—who has gone through a very lengthy and exhaustive trial, and who has gone through exhaustive direct appeals and whose conviction has been upheld?

We have no choice. What we do with that Federal judge is what we are going to do in a moment, and that is vote articles of impeachment.

It is a public scandal. What do we think the American people would say if they knew that a Federal judge was still a Federal judge after he had been indicted and convicted of two major felonies, and that he was sitting in the penitentiary drawing his pay, your tax dollars and their tax dollars?

This is the very type case that our Founding Fathers envisioned as crying out for impeachment.

There is no other remedy. The buck stops here. There is no other way to remove him from office. There is no other way to stop him from drawing taxpayers' dollars.

The evidence is very clear. I have read a great portion of the transcript, as have a number of my colleagues.

The evidence is overwhelming. A jury of 12 found beyond a reasonable doubt that this judge was guilty, and, frankly, to do that they had to find that he lied on the witness stand. They had to find that he had no credibility. They had to find that what he told that jury was a falsehood, an out-and-out lie, and that he was guilty beyond a reasonable doubt of two major felonies.

Mr. Speaker, our duty today is very clear, and I am sure we are going to do that and file the articles of impeachment.

The SPEAKER pro tempore. The Chair will inform the gentleman from Wisconsin [Mr. KASTENMEIER] that he has 30 seconds remaining.

Mr. KASTENMEIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, on July 16, 1986, the Committee on the Judiciary filed a report, House Report 99-688, on the impeachment of Judge Harry E. Claiborne. Unfortunately, the report contains some typographical and other printing errors. Rather than subjecting the taxpayers to the expense of seeking another print for this report, I am submitting a list of corrections to that report. Hopefully these clarifications—none of them which are of critical importance—will be useful:

a. Page 7, the fifth line of the ninth full paragraph should read "thirty-four" instead of "thirty-two".

b. Page 10, on the last line (before the footnote), "Tr." should appear before "475-489".

c. Page 18, the fourth line of the fourth full paragraph should read "return" instead of "returns".

d. Page 18, the ninth line of the last paragraph should read "1979" instead of "1977".

e. Page 20, on the second line of Count V, delete "the".

f. Page 24, the first line of the third full paragraph should read "Article I" instead of "Article 1."

g. Page 30, after item 43(h), insert "i. Transcript of Jury Instructions, Aug. 9, 1984, pp. 1-22," and redesignate the original "i." to be "j."

h. Page 31, Government's exhibit 34 should read "9/29/78" instead of "9/29/70".

i. Page 31, second line from the last, "2-A" should read "1-A".

j. Page 31, the pages listed for Government's exhibit 47 and Defendant's exhibits 47, 3, 41, 1-A, and 4 should be under "Admitted", not "identified".

k. Page 32, the pages listed for Defense and Government's exhibits should be under "Admitted", not "identified".

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, the Constitution of the United States provides this body with a most serious responsibility, a responsibility to ensure public confidence in Government officials and the very integrity of government itself. Article I, section 2 of the Constitution provides the House of Representatives with "the sole power of impeachment".

Regrettably, we are today faced with a situation that calls on us to exercise that grave responsibility.

U.S. District Court Judge Harry E. Claiborne has been convicted by a jury of failing to report some \$106,000 in income on his Federal tax returns. The Ninth U.S. Circuit Court of Appeals upheld that verdict, and the Supreme Court has subsequently refused to hear the case. He is the first Federal judge to have been convicted of an offense committed while on the bench. On May 16, Judge Claiborne became the first sitting Federal judge to go to prison. He was sentenced to 2 years in prison and fined \$10,000.

Incredibly, and despite his conviction, Judge Claiborne refuses to resign his office. Not only does he expect to return to the Federal bench when he gets out of prison, but he continues to draw a fat check from the Federal Government—amounting to \$78,200 a year—while he is serving his prison term.

Mr. Speaker, this situation makes a mockery of our judicial system. It is an insult to the hard-working men and women of the Nation whose tax dollars will pay for his incarceration as well as his \$78,200 annual salary.

Public confidence in our judicial system will surely suffer unless we take action to rid the judiciary of Judge Claiborne.

He must be removed. Since he will not resign, we must exercise our constitutional responsibilities and vote this impeachment resolution.

Law-abiding, tax-paying Americans demand it.

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

Mr. KASTENMEIER. I yield to the gentleman from Nevada.

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, today is one of those rare and not so glorious moments in the history of the House of Representatives—today we must cast a vote for or against the impeachment of a convicted Federal judge. Quite honestly, I never anticipated having to cast such a vote while serving in this Chamber. But truth—and the incontrovertible facts make my decision quite simple to make.

Harry Claiborne, a sitting Federal judge, was convicted and began serving his prison sentence in May while continuing to receive his \$78,700 annual salary. He has been asked to resign, but has consistently refused to do so. This is the most contemptible form of dishonesty by anyone who has taken an oath of public office.

The framers of our Constitution sought to protect the independence of our judicial system by appointing for life and a judge remains a judge until death, resignation, or impeachment. For this very reason, impeachment is never taken lightly.

Judge Claiborne has elected to lock horns with our Constitution and force justice aside. His arrogant insistence on burdening the House and the Senate, and in fact the American people, is a callous disregard of our system of government, and seriously undermines the integrity of our judiciary. We must not let one man play havoc with the intent

and spirit of the hallmark of human rights—our Constitution.

What is at issue is not whether or not Judge Claiborne is guilty of falsifying his tax returns—a jury has already ruled that the charges are true—what is to be decided is whether or not he should be impeached because he was convicted by a jury.

Judge Claiborne had his day in court and has exhausted his direct appeals of the tax conviction. He has benefited from all the protections afforded anyone else so charged, and was found guilty.

Judge Claiborne's refusal to resign after being convicted mocks our system of justice and violates the public trust. The American people deserve the highest standards of integrity from judges. It is clear that the Constitution was never intended to protect convicted felons.

And now, after being convicted, refusing to resign so he can continue receiving a paycheck while in prison, Judge Claiborne left Congress with no alternative.

I will vote for restoration of faith in our system—I will vote my conscience—I will vote to stop paying a convicted felon a salary of our tax dollars—in short, I will vote to impeach. I urge my colleagues to join me and vote for the impeachment of Judge Harry Claiborne.

Mr. REID. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Nevada.

[Mr. REID addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. TALLON. Mr. Speaker, I rise today in strong support of House Resolution 461, to impeach Harry Claiborne, judge of the U.S. District Court for the District of Nevada. The facts are not in dispute. Harry Claiborne, a Federal district judge for the District of Nevada, was convicted of two felony counts of making and filing false statements on his 1979 and 1980 Federal income tax returns. He was found guilty beyond a reasonable doubt by jury of his peers. All of his direct appeals have been exhausted, and he is currently serving a 2-year sentence in a Federal penitentiary.

We are not here to discuss Judge Claiborne's guilt or innocence, for that has been determined. What is at hand here today, is his fitness as an arbitrator of our judicial system. Although he has not acted in an official capacity since 1983, Judge Claiborne has consistently and adamantly refused to resign his position and continues to collect a \$78,100 per year salary. Every day Judge Claiborne sits in jail the taxpayers are fleeced another \$215. This is an outrage. No public official should draw taxpayers' dollars while being incarcerated. The idea that a Federal judge could betray such a public trust makes a mockery of our system of justice. I believe we should proceed as quickly as possible to get this felon off the bench.

Democracy is about the people who determine and make up its institutions. Conversely, the strength and integrity of its institutions is drawn from the people. A convicted felon who continues to hold public office degrades our

democratic institutions and reflects poorly on those of us who allow it to occur.

Mr. FRENZEL. Mr. Speaker, I rise in strong support of House Resolution 461, a resolution to impeach Judge Harry Claiborne. I do so with great regret that such a resolution is needed.

Judge Claiborne has done a disservice to himself and to the Federal judiciary. By refusing to resign despite his conviction and prison sentence for tax evasion, he has turned the constitutional protection of judicial tenure into a personal license for outrageous behavior. Because he cannot summon the dignity to resign from his post, Mr. Claiborne has left Congress with no other recourse than to take the distasteful step of impeachment.

Mr. Speaker, I join my colleagues in condemning Judge Claiborne's actions, and in supporting his impeachment.

Mr. REID. Mr. Speaker, the House of Representatives has initiated the historic impeachment process of Federal Judge Harry Claiborne. The Claiborne impeachment, like the 13 previous impeachments of Federal officials, unequivocally demonstrates one fact: After 200 years, through numerous wars, civil turmoil, and technological advancement, the processes outlined in the Constitution still function smoothly.

The case of a Federal judge is unique. While any other official can be dismissed from office, Federal judges are appointed for life and can only be removed from office by impeachment. Eleven of the 14 House impeachments have involved Federal judges.

Impeachment can be a time-consuming and involved process, but it is the necessary complement to the appointment for life of Federal judges. Federal judges are appointed for life to protect them from public and political pressures when presiding on crucial legal questions. This lifetime appointment has only one caveat: Judges are appointed for lifetime "during good behavior." Under our system, Federal judges have the protection they deserve, but are denied carte blanche to do as they please.

Our Founding Fathers knew how important the process of impeachment would be. Although they did not outline every last detail, they went out of their way to include provisions in the Constitution creating a general structure for the impeachment process. According to the Constitution, the House of Representatives has "the sole power of impeachment," the equivalent of an indictment. The Senate is granted "the sole power to try all impeachments," the power to acquit or convict. The Constitution stipulates that a Federal official can be impeached for "Treason, Bribery, or other high Crimes and Misdemeanors." A person who is impeached is subject to the laws of the land just like any other citizen.

With every passing year, Americans become increasingly aware of the finesse of our Founding Fathers in drafting the Constitution. Countries throughout the world draft several new constitutions every century, often looking to ours as a model of success. They look to ours because our forefathers carefully crafted a Constitution that was flexible enough so that it would work as well in 1986 as it did in 1787.

Mr. KASTENMEIER. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KASTENMEIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 24, as follows:

[Roll No. 234]

YEAS—406

Ackerman	Combest	Gaydos
Alexander	Conte	Gejdenson
Anderson	Cooper	Gekas
Andrews	Coughlin	Gephardt
Annuzio	Courter	Gibbons
Anthony	Coyne	Gilman
Applegate	Craig	Gingrich
Archer	Crane	Glickman
Armey	Crockett	Gonzalez
Aspin	Daniel	Gordon
Atkins	Dannemeyer	Gradison
AuCoin	Darden	Gray (IL)
Badham	Daschle	Green
Barnard	Daub	Gregg
Bartlett	Davis	Guarini
Barton	de la Garza	Gunderson
Bateman	DeLay	Hall (OH)
Bates	Dellums	Hall, Ralph
Bedell	Derrick	Hamilton
Bellenson	DeWine	Hammerschmidt
Bennett	Dickinson	Hansen
Bentley	Dicks	Hatcher
Bereuter	Dingell	Hawkins
Berman	DioGuardi	Hayes
Bevill	Dixon	Hefner
Blaggi	Donnelly	Hendon
Billrakis	Dorgan (ND)	Henry
Bliley	Dornan (CA)	Hertel
Boehlert	Dowdy	Hiler
Boggs	Downey	Hillis
Boland	Dreier	Hopkins
Bonior (MI)	Duncan	Horton
Bonker	Durbin	Howard
Borski	Dwyer	Hoyer
Bosco	Dymally	Hubbard
Boucher	Dyson	Hughes
Boulter	Early	Hunter
Boxer	Eckart (OH)	Hutto
Brooks	Eckert (NY)	Hyde
Broomfield	Edwards (CA)	Ireland
Brown (CA)	Edwards (OK)	Jacobs
Brown (CO)	Emerson	Jeffords
Bruce	English	Jenkins
Bryant	Erdreich	Johnson
Burton (CA)	Evans (IA)	Jones (NC)
Burton (IN)	Evans (IL)	Jones (OK)
Bustamante	Fascell	Kanjorski
Byron	Fawell	Kaptur
Callahan	Fazio	Kasich
Campbell	Feighan	Kastenmeier
Carper	Fiedler	Kennelly
Carr	Fields	Kildee
Chandler	Fish	Kindness
Chapman	Flippo	Kleczka
Chappell	Florio	Kolbe
Chapple	Foglietta	Kolter
Cheney	Foley	Kostmayer
Clay	Ford (MI)	Kramer
Clinger	Frank	LaFalce
Coats	Franklin	Lagomarsino
Cobey	Frenzel	Lantos
Coble	Frost	Latta
Coelho	Fuqua	Leach (IA)
Coleman (TX)	Gallo	Leath (TX)
Collins	Garcia	Lehman (FL)

Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinar
Molloy
Monahan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oaker
Oberstar
Obey

Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slatery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
(OR)
Smith, Robert
(NH)

Smith, Robert
(OR)
Snowe
Snyder
Solarez
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tausin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—24

Akaka
Barnes
Boner (TN)
Breau
Carney
Coleman (MO)
Conyers
Edgar

Ford (TN)
Fowler
Goodling
Gray (PA)
Grotberg
Hartnett
Holt
Huckaby

Jones (TN)
Kemp
Lehman (CA)
Lent
Long
Lundine
Richardson
Stangeland

□ 1840

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROVIDING CERTAIN AUTHORITIES AND PROCEDURES RELATING TO THE IMPEACHMENT OF HARRY E. CLAIBORNE

Mr. RODINO. Mr. Speaker, I offer three privileged resolutions (H. Res. 501, H. Res. 502, and H. Res. 503), and ask unanimous consent that they be considered en bloc.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read the resolutions, as follows:

H. Res. 501.

Resolved, That Peter W. Rodino, Jr., Robert W. Kastenmeier, William J. Hughes, Romano L. Mazzoli, Dan Glickman, Hamilton Fish, Jr., Henry J. Hyde, Thomas N. Kindness, Michael DeWine, Members of the House of Representatives, are hereby appointed managers to conduct the impeachment trial against Harry E. Claiborne, judge of the United States District Court for the District of Nevada. These managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to try the impeachment of Harry E. Claiborne of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against the judge which have been agreed upon by the House of Representatives. These managers shall demand that the Senate take order for the appearance of Harry E. Claiborne to answer such impeachment, and demand his conviction and appropriate judgment thereon.

H. Res. 502.

Resolved, That a message be sent to the Senate to inform the Senate that—

(1) the House of Representatives has impeached for high crimes and misdemeanors Harry E. Claiborne, judge of the United States District Court for the District of Nevada;

(2) the House of Representatives adopted articles of impeachment against Harry E. Claiborne, which the managers on the part of the House of Representatives have been directed to carry to the Senate; and

(3) Peter W. Rodino, Jr., Robert W. Kastenmeier, William J. Hughes, Romano L. Mazzoli, Dan Glickman, Hamilton Fish, Jr., Henry J. Hyde, Thomas N. Kindness, Michael DeWine, Members of the House of Representatives, have been appointed such managers.

H. Res. 503

Resolved, That the managers on the part of the House of Representatives in the matter of the impeachment of Harry E. Claiborne, judge of the United States Dis-

trict Court for the District of Nevada, are hereby authorized to do the following in the preparation and conduct of the impeachment trial:

(1) To employ legal, clerical, and other necessary assistants and to incur such expenses as may be necessary. Expenses under this paragraph shall be paid out of the contingent fund of the House of Representatives on vouchers approved by the managers.

(2) To send for persons and papers, and to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

The total expenditures under this resolution shall not exceed \$50,000.

□ 1850

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. FRENZEL. Mr. Speaker, I reserve the right to object.

Mr. Speaker I am not going to explain these resolutions. I only wish to bring to the attention the fact that the last resolution just read provides for a direct dip into the contingency funds of the House for \$50,000 for the Committee on the Judiciary for the costs on conducting this trial from start to finish.

Mr. Speaker, there is precedence for this kind of resolution. It is also true that the committee has incurred expenses for which it could not plan. There have been extra costs. The committee has been put through some extra detail.

Nevertheless, I believe that to bring to the floor of the House a \$50,000 extra shot for this committee dishonors the process by which we allocate funds between our committees for their use and, indeed, butchers the process under which we normally perform that allocation.

Further, I believe that each committee has responsibility to accept for itself extra costs when it incurs them, however unforeseen they may be.

Against this, of course, there was the perhaps not fully expected GRAMM-RUDMAN cut early in the year. Be that as it may, I strongly disapprove of the continuing precedent of using a resolution under a privileged status that follows a resolution for impeachment to give money to a committee which did not have to prove up the use of those funds in the normal way.

I have used this reservation to express my disapproval because I believe it is unnecessary for the House to spend more time voting, and at this moment, I think it is unnecessary for the House to spend more time listening.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Appendix D.5
Articles of Impeachment against Judge Samuel B. Kent

111TH CONGRESS
1ST SESSION

H. RES. 520

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2009

Received

RESOLUTION

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

1 *Resolved*, That Samuel B. Kent, a judge of the United
2 States District Court for the Southern District of Texas,
3 is impeached for high crimes and misdemeanors, and that
4 the following articles of impeachment be exhibited to the
5 Senate:

6 Articles of impeachment exhibited by the House of
7 Representatives of the United States of America in the
8 name of itself and all of the people of the United States
9 of America, against Samuel B. Kent, a judge of the United
10 States District Court for the Southern District of Texas,
11 in maintenance and support of its impeachment against
12 him for high crimes and misdemeanors.

ARTICLE I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

ARTICLE II

1

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

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

13 (2) Donna Wilkerson was an employee of the
14 United States District Court for the Southern Dis-
15 trict of Texas.

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

21 Wherefore, Judge Samuel B. Kent is guilty of high
22 crimes and misdemeanors and should be removed from of-
23 fice.

ARTICLE III

Samuel B. Kent corruptly obstructed, influenced, or impeded an official proceeding as follows:

(1) On or about May 21, 2007, Cathy McBroom filed a judicial misconduct complaint with the United States Court of Appeals for the Fifth Circuit. In response, the Fifth Circuit appointed a Special Investigative Committee (hereinafter in this article referred to as "the Committee") to investigate Cathy McBroom's complaint.

(2) On or about June 8, 2007, at Judge Kent's request and upon notice from the Committee, Judge Kent appeared before the Committee.

(3) As part of its investigation, the Committee sought to learn from Judge Kent and others whether he had engaged in unwanted sexual contact with Cathy McBroom and individuals other than Cathy McBroom.

(4) On or about June 8, 2007, Judge Kent made false statements to the Committee regarding his unwanted sexual contact with Donna Wilkerson as follows:

(A) Judge Kent falsely stated to the Committee that the extent of his unwanted sexual contact with Donna Wilkerson was one kiss,

1 when in fact and as he knew he had engaged
2 in repeated sexual contact with Donna
3 Wilkerson without her permission.

4 (B) Judge Kent falsely stated to the Com-
5 mittee that when told by Donna Wilkerson his
6 advances were unwelcome no further contact oc-
7 curred, when in fact and as he knew, Judge
8 Kent continued such advances even after she
9 asked him to stop.

10 (5) Judge Kent was indicted and pled guilty
11 and was sentenced to imprisonment for the felony of
12 obstruction of justice in violation of section
13 1512(c)(2) of title 18, United States Code, on the
14 basis of false statements made to the Committee.
15 The sentencing judge described his conduct as “a
16 stain on the justice system itself”.

17 Wherefore, Judge Samuel B. Kent is guilty of high
18 crimes and misdemeanors and should be removed from of-
19 fice.

20 ARTICLE IV

21 Judge Samuel B. Kent made material false and mis-
22 leading statements about the nature and extent of his non-
23 consensual sexual contact with Cathy McBroom and
24 Donna Wilkerson to agents of the Federal Bureau of In-
25 vestigation on or about November 30, 2007, and to agents

1 of the Federal Bureau of Investigation and representatives
2 of the Department of Justice on or about August 11,
3 2008.

4 Wherefore, Judge Samuel B. Kent is guilty of high
5 crimes and misdemeanors and should be removed from of-
6 fice.

Attest: NANCY PELOSI,
Speaker of the House of Representatives.

Attest: LORRAINE C. MILLER,
Clerk.