

**Previously,
In the Mueller Report...**



VOLUME I

Russian “Active Measures” via Social Media

The Russian org, IRA (Internet Research Agency):

- Used social media in attempt to influence U.S. Elections.
- Recruited U.S. persons to organize pro-Trump rallies.

Members of Trump campaign:

- Engaged with IRA-controlled social media accounts, spreading their disinformation.

VOLUME I

Russian “Hacking & Dumping”

The GRU (similar to the KGB):

- Hacked Clinton Campaign, DNC, and DCCC email accounts.
- Disseminated this data via DCLeaks, Guccifer 2.0, and WikiLeaks.

The Trump Campaign:

- Displayed an interest in the WikiLeaks releases.

The DOJ:

- Indicted GRU officers for election-related hacking.

VOLUME I

Russian Contacts with Trump Campaign

Candidate Trump, assisted by Michael Cohen, pursued the Trump Tower Moscow project well into the summer of 2016.

George Papadopoulos was told of "dirt" on Hillary Clinton.

Trump Campaign members met with Russian attorney in Trump Tower for "dirt" on Hillary Clinton.

Paul Manafort, who had extensive ties to the Ukraine and Russia, was hired as Trump campaign chairman.

VOLUME I

Russian Contacts with Trump Campaign (CONT)

Immediately after election, Russian officials and businessmen began trying to make inroads with the administration.

Putin attempted to set up back channel communications with the Trump admin via members of the "oligarchs," a group of wealthy Russian businessmen.

Michael Flynn negotiated with Ambassador Kislyak so Russia would not retaliate against sanctions placed by the Obama administration.

VOLUME I

Prosecution and Declination Decisions

Federal grand jury in D.C. indicted 13 Russian nationals and three Russian entities.

The Office did not charge any individual associated with the Trump Campaign with conspiracy to commit a federal offense arising from Russia contacts.

The Office determined that certain individuals (Flynn, Cohen, Manafort) lied to investigators about Campaign contacts with Russia and took other actions to interfere with the investigation.

VOLUME II

OBSTRUCTION INVESTIGATION

VOLUME II

Considerations That Guided the Investigation

1. The Special Counsel did NOT make a traditional prosecutorial judgment:

“[T]he indictment or criminal prosecution of a sitting President would impermissibly undermine the capacity of the executive branch to perform its constitutionally assigned functions” in violation of “the constitutional separation of powers.” - OLC Opinion

2. The OLC opinion also recognized:

- *A criminal investigation is permissible.*
- *A president does NOT have immunity after he leaves office.*
- *Individuals other than the president may be prosecuted at this time if they have committed an offense.*

3. Special Counsel chose certain investigative process b/c:

- *OLC opinion prevented charges against the President.*
- *President would have no opportunity for “public name-clearing” before an impartial adjudicator.*
- *Difficult to preserve secrecy of a sealed indictment*
- *Charges could “imperil the President’s ability to govern.”*

VOLUME II

Considerations That Guided the Investigation

“[I]f we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, **we would so state**. Based on the facts and the applicable legal standards, however, we are unable to reach that judgment. The evidence we obtained about the President's actions and intent presents difficult issues that prevent us from conclusively determining that no criminal conduct occurred. Accordingly, while this report does not conclude that the President committed a crime, **it also does not exonerate him**.” (Emphasis added.)

VOLUME II

3 Elements Common to Obstruction Statutes

An Obstructive Act

“Reaches all corrupt conduct capable of producing an effect that prevents justice from being duly administered, regardless of the means employed.”

Nexus to an Official Proceeding

The government must demonstrate “a relationship in time, causation, or logic” between the obstructive act and the proceeding or inquiry to be obstructed.

Corrupt Intent

Acting “knowingly and dishonestly” or “with an improper motive.”

VOLUME II

Additional Obstruction Statute Considered

Witness Tampering

To “knowingly use intimidation ...
or corruptly persuade another person,”
with the intent to “influence, delay, or prevent
the testimony of any person in an official proceeding.”

VOLUME II

Obstruction Related Events

- Trump continues to deny his connections with Russia.
- Michael Flynn lies about his discussions about sanctions with Ambassador Kislyak.
- President asks K.T. McFarland to write statement denying he directed Flynn's discussion with Kislyak (she does not write one).
- Jeff Sessions recuses himself from overseeing the Special Counsel's investigation.
- President asks intelligence community leaders to make public statements that he has no connections to Russia.
- Trump asks Comey to "lift the cloud" created by the Russia investigation.

Redactions Defined...

Harm to Ongoing Matter (HOM)

Information that pertains to ongoing investigations stemming from special counsel's original probe.

Investigative Techniques

Information that would disclose secret intelligence sources and methods.

Personal Privacy

Information that could be damning to "peripheral third parties" - specifically unindicted individuals.

Grand Jury

Material collected in grand jury interviews with witnesses. Used to protect secrecy of federal investigations and people under investigation not charged with a crime.



indivisibleaustin.com/gunlaws

**MUELLER
LIVE!**

part

5 / 6

TONIGHT!

VOLUME II

PART II

Sections

D - J

MUELLER LIVE!

part

5 / 6

TONIGHT'S READERS

DAVID HIGGINS (host)

SUSAN "GEORGE" SCHORN

JULIE OLIVER

JASON ROMERO

BETH BACKMAN

HANK SCHWIMMER

VOLUME II

Analysis of Evidence in Each Section

An Obstructive Act

“Reaches all corrupt conduct capable of producing an effect that prevents justice from being duly administered, regardless of the means employed.”

Nexus to an Official Proceeding

The government must demonstrate “a relationship in time, causation, or logic” between the obstructive act and the proceeding or inquiry to be obstructed.

Corrupt Intent

Acting “knowingly and dishonestly” or “with an improper motive.”

**EVENTS LEADING UP
TO AND SURROUNDING
THE TERMINATION OF
FBI DIRECTOR COMEY**



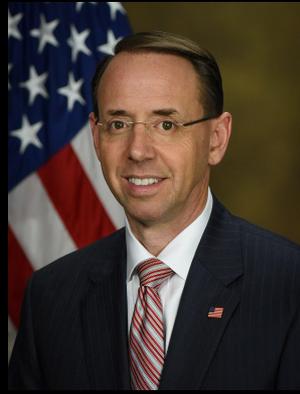
In this section:



Donald J. Trump



James Comey



Rod Rosenstein



Donald McGahn



Jeff Sessions



Jody Hunt



Reince Priebus



Utlam Dhillon



Andrew McCabe



Sergey Lavrov



Sergey Kislyak



Dana Boente

EVIDENCE

The act of firing James Comey.

The President's drafted letter.

Notes taken by witnesses during conversations with the President (by Jody Hunt, Don McGahn, Andrew McCabe).

The President's statement during the Lester Holt Interview.

ANALYSIS

1. Obstructive Act

Firing Comey + public statements
about it

2. Nexus to a Proceeding

DNC hacking investigation

3. Intent

President's motive to protect himself from
personal & political consequences

was pursuing the proposed Trump Tower Moscow project through June 2016 and candidate Trump was repeatedly briefed on the progress of those efforts.⁴⁹⁸ In addition, some witnesses said that Trump was aware that **Harm to Ongoing Matter**

at a time when public reports stated that Russian intelligence officials were behind the hacks, and that Trump privately sought information about future WikiLeaks releases.⁴⁹⁹ More broadly, multiple witnesses described the President's preoccupation with press coverage of the Russia investigation and his persistent concern that it raised questions about the legitimacy of his election.⁵⁰⁰

Finally, the President and White House aides initially advanced a pretextual reason to the press and the public for Comey's termination. In the immediate aftermath of the firing, the President dictated a press statement suggesting that he had acted based on the DOJ recommendations, and White House press officials repeated that story. But the President had decided to fire Comey before the White House solicited those recommendations. Although the President ultimately acknowledged that he was going to fire Comey regardless of the Department of Justice's recommendations, he did so only after DOJ officials made clear to him that they would resist the White House's suggestion that they had prompted the process that led to Comey's termination. The initial reliance on a pretextual justification could support an inference that the President had concerns about providing the real reason for the firing, although the evidence does not resolve whether those concerns were personal, political, or both.

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

Overview

The Acting Attorney General appointed a Special Counsel on May 17, 2017, prompting the President to state that it was the end of his presidency and that Attorney General Sessions had failed to protect him and should resign. Sessions submitted his resignation, which the President ultimately did not accept. The President told senior advisors that the Special Counsel had conflicts of interest, but they responded that those claims were "ridiculous" and posed no obstacle to the Special Counsel's service. Department of Justice ethics officials similarly cleared the Special Counsel's service. On June 14, 2017, the press reported that the President was being personally investigated for obstruction of justice and the President responded with a series of tweets

⁴⁹⁸ See Volume II, Section II.K.1, *infra*.

⁴⁹⁹ See Volume I, Section III.D.1, *supra*.

⁵⁰⁰ In addition to whether the President had a motive related to Russia-related matters that an FBI investigation could uncover, we considered whether the President's intent in firing Comey was connected to other conduct that could come to light as a result of the FBI's Russian-interference investigation. In particular, Michael Cohen was a potential subject of investigation because of his pursuit of the Trump Tower Moscow project and involvement in other activities. And facts uncovered in the Russia investigation, which our Office referred to the U.S. Attorney's Office for the Southern District of New York, ultimately led to the conviction of Cohen in the Southern District of New York for campaign-finance offenses related to payments he said he made at the direction of the President. See Volume II, Section II.K.5, *infra*. The investigation, however, did not establish that when the President fired Comey, he was considering the possibility that the FBI's investigation would uncover these payments or that the President's intent in firing Comey was otherwise connected to a concern about these matters coming to light.

**THE PRESIDENT'S
EFFORTS TO REMOVE
THE SPECIAL
COUNSEL**



EVIDENCE

The President's reaction to the appointment of the Special Counsel

The President attempts, multiple times, to assert the SC has "conflicts of interest" and should be removed.

The President tweets criticisms of the investigation.

The President directs Don McGahn to have the SC removed (McGahn does not do so).

ANALYSIS

1. Obstructive Act

2. Nexus to a Proceeding

3. Intent

**THE PRESIDENT'S
EFFORTS TO CURTAIL
THE SPECIAL COUNSEL
INVESTIGATION**



EVIDENCE

Trump attempts to have Sessions limit investigation to “future” elections only, via Corey Lewandowski.

Trump publicly criticizes Sessions in a New York Times interview.

Trump demands the resignation of Jeff Sessions.



Corey Lewandowski

ANALYSIS

1. Obstructive Act

2. Nexus to a Proceeding

3. Intent

Analysis

In analyzing the President's efforts to have Lewandowski deliver a message directing Sessions to publicly announce that the Special Counsel investigation would be confined to future election interference, the following evidence is relevant to the elements of obstruction of justice:

a. **Obstructive act.** The President's effort to send Sessions a message through Lewandowski would qualify as an obstructive act if it would naturally obstruct the investigation and any grand jury proceedings that might flow from the inquiry.

The President sought to have Sessions announce that the President "shouldn't have a Special Prosecutor/Counsel" and that Sessions was going to "meet with the Special Prosecutor to explain this is very unfair and let the Special Prosecutor move forward with investigating election meddling for future elections so that nothing can happen in future elections." The President wanted Sessions to disregard his recusal from the investigation, which had followed from a formal DOJ ethics review, and have Sessions declare that he knew "for a fact" that "there were no Russians involved with the campaign" because he "was there." The President further directed that Sessions should explain that the President should not be subject to an investigation "because he hasn't done anything wrong." Taken together, the President's directives indicate that Sessions was being instructed to tell the Special Counsel to end the existing investigation into the President and his campaign, with the Special Counsel being permitted to "move forward with investigating election meddling for future elections."

b. **Nexus to an official proceeding.** As described above, by the time of the President's initial one-on-one meeting with Lewandowski on June 19, 2017, the existence of a grand jury investigation supervised by the Special Counsel was public knowledge. By the time of the President's follow-up meeting with Lewandowski, **grand jury**

[REDACTED] See Volume II, Section II.G, *infra*. To satisfy the nexus requirement, it would be necessary to show that limiting the Special Counsel's investigation would have the natural and probable effect of impeding that grand jury proceeding.

c. **Intent.** Substantial evidence indicates that the President's effort to have Sessions limit the scope of the Special Counsel's investigation to future election interference was intended to prevent further investigative scrutiny of the President's and his campaign's conduct.

As previously described, see Volume II, Section II.B, *supra*, the President knew that the Russia investigation was focused in part on his campaign, and he perceived allegations of Russian interference to cast doubt on the legitimacy of his election. The President further knew that the investigation had broadened to include his own conduct and whether he had obstructed justice. Those investigations would not proceed if the Special Counsel's jurisdiction were limited to future election interference only.

The timing and circumstances of the President's actions support the conclusion that he sought that result. The President's initial direction that Sessions should limit the Special Counsel's investigation came just two days after the President had ordered McGahn to have the Special Counsel removed, which itself followed public reports that the President was personally under

"Substantial evidence indicates that the President's effort to have Sessions limit the scope of the Special Counsel's investigation to future election interference was intended to prevent further investigative scrutiny of the President's and his campaign's conduct."

**THE PRESIDENT'S EFFORTS TO
PREVENT DISCLOSURE OF
EMAILS ABOUT THE JUNE 9TH
MEETING BETWEEN RUSSIANS
AND SENIOR CAMPAIGN
OFFICIALS**

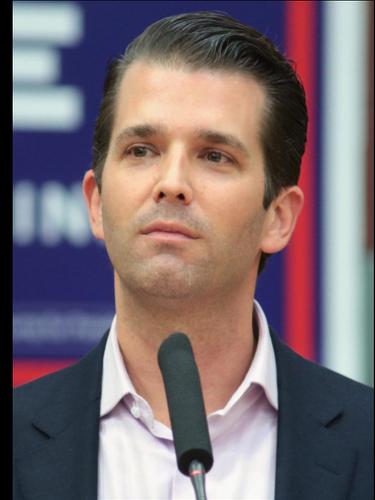


EVIDENCE

Trump becomes aware of emails setting up the June 27th Trump Tower meeting.

Trump directs communications staff to not publicly disclose information about the Trump Tower meeting.

Trump directs Don Jr.'s response about the meeting to state it is only about Russian adoption and not to mention the “dirt” on Hillary Clinton.



Donald Trump Jr.

inaccurately denied that the President played any role in drafting Trump Jr.'s statement.⁷²⁹ After consulting with the President on the issue, White House Press Secretary Sarah Sanders told the media that the President "certainly didn't dictate" the statement, but that "he weighed in, offered suggestions like any father would do."⁷³⁰ Several months later, the President's personal counsel stated in a private communication to the Special Counsel's Office that "the President dictated a short but accurate response to the New York Times article on behalf of his son, Donald Trump, Jr."⁷³¹ The President later told the press that it was "irrelevant" whether he dictated the statement and said, "It's a statement to the New York Times. . . . That's not a statement to a high tribunal of judges."⁷³²

On July 12, 2017, the Special Counsel's Office **Grand Jury** Trump Jr. **Grand Jury** related to the June 9 meeting and those who attended the June 9 meeting.⁷³³

On July 19, 2017, the President had his follow-up meeting with Lewandowski and then met with reporters for the New York Times. In addition to criticizing Sessions in his Times interview, the President addressed the June 9, 2016 meeting and said he "didn't know anything about the meeting" at the time.⁷³⁴ The President added, "As I've said—most other people, you know, when they call up and say, 'By the way, we have information on your opponent,' I think most politicians — I was just with a lot of people, they said . . . , 'Who wouldn't have taken a meeting like that?'"⁷³⁵

Analysis

In analyzing the President's actions regarding the disclosure of information about the June 9 meeting, the following evidence is relevant to the elements of obstruction of justice:

a. Obstructive act. On at least three occasions between June 29, 2017, and July 9, 2017, the President directed Hicks and others not to publicly disclose information about the June

⁷²⁹ See, e.g., David Wright, *Trump lawyer: President was aware of "nothing"*, CNN (July 12, 2017) (quoting the President's personal attorney as saying, "I wasn't involved in the statement drafting at all nor was the President."); see also Good Morning America, ABC (July 12, 2017) ("The President didn't sign off on anything. . . . The President wasn't involved in that."); Meet the Press, NBC (July 16, 2017) ("I do want to be clear—the President was not involved in the drafting of the statement.")

⁷³⁰ Sarah Sanders, *White House Daily Briefing*, C-SPAN (Aug. 1, 2017); Sanders 7/3/18 302, at 9 (the President told Sanders he "weighed in, as any father would" and knew she intended to tell the press what he said).

⁷³¹ 1/29/18 Letter, President's Personal Counsel to Special Counsel's Office, at 18.

⁷³² Remarks by President Trump in Press Gaggle (June 15, 2018).

⁷³³ **Grand Jury**.

⁷³⁴ Peter Baker et al., *Excerpts From The Times's Interview With Trump*, New York Times (July 19, 2017).

⁷³⁵ Peter Baker et al., *Excerpts From The Times's Interview With Trump*, New York Times (July 19, 2017).

ANALYSIS

1. Obstructive Act

2. Nexus to a Proceeding

3. Intent

**THE PRESIDENT'S
FURTHER EFFORTS TO
HAVE THE ATTORNEY
GENERAL TAKE OVER
THE INVESTIGATION**



EVIDENCE

Trump attempts to have Jeff Sessions reverse his recusal (several times), so that Sessions can:

Supervise the Special Counsel's investigation in a way that would "limit its scope".

Order an investigation of Hillary Clinton.

ANALYSIS

1. Obstructive Act

2. Nexus to a Proceeding

3. Intent

“There is evidence that at least one purpose of the President's conduct toward Sessions was to have Sessions assume control over the Russia investigation and supervise it in a way that would restrict its scope.”

Pg. 112

**THE PRESIDENT
ORDERS MCGAHN TO
DENY THAT THE
PRESIDENT TRIED TO
FIRE THE SPECIAL
COUNSEL**



EVIDENCE

Press reports Trump attempted to have Don McGahn fire the Special Counsel.

McGahn considers resigning rather than doing so.

Trump's personal counsel calls McGahn to convince him to put out a statement denying he was asked to fire the Special Counsel.

ANALYSIS

1. Obstructive Act

2. Nexus to a Proceeding

3. Intent

“Substantial evidence indicates that in repeatedly urging McGahn to dispute that he was ordered to have the Special Counsel terminated, the President acted for the purpose of influencing McGahn's account in order to deflect or prevent further scrutiny of the President's conduct towards the investigation.”

**THE PRESIDENT'S
CONDUCT TOWARDS
FLYNN, MANAFORT,
*REDACTED***



time to issue a correction for a news story—indicates the President was not focused solely on a press strategy, but instead likely contemplated the ongoing investigation and any proceedings arising from it.

c. Intent. Substantial evidence indicates that in repeatedly urging McGahn to dispute that he was ordered to have the Special Counsel terminated, the President acted for the purpose of influencing McGahn's account in order to deflect or prevent further scrutiny of the President's conduct towards the investigation.

Several facts support that conclusion. The President made repeated attempts to get McGahn to change his story. As described above, by the time of the last attempt, the evidence suggests that the President had been told on multiple occasions that McGahn believed the President had ordered him to have the Special Counsel terminated. McGahn interpreted his encounter with the President in the Oval Office as an attempt to test his mettle and see how committed he was to his memory of what had occurred. The President had already laid the groundwork for pressing McGahn to alter his account by telling Porter that it might be necessary to fire McGahn if he did not deny the story, and Porter relayed that statement to McGahn. Additional evidence of the President's intent may be gleaned from the fact that his counsel was sufficiently alarmed by the prospect of the President's meeting with McGahn that he called McGahn's counsel and said that McGahn could not resign no matter what happened in the Oval Office that day. The President's counsel was well aware of McGahn's resolve not to issue what he believed to be a false account of events despite the President's request. Finally, as noted above, the President brought up the Special Counsel investigation in his Oval Office meeting with McGahn and criticized him for telling this Office about the June 17, 2017 events. The President's statements reflect his understanding—and his displeasure—that those events would be part of an obstruction-of-justice inquiry.

J. The President's Conduct Towards Flynn, Manafort, **HOM**

Overview

In addition to the interactions with McGahn described above, the President has taken other actions directed at possible witnesses in the Special Counsel's investigation, including Flynn, Manafort, **HOM** and as described in the next section, Cohen. When Flynn withdrew from a joint defense agreement with the President, the President's personal counsel stated that Flynn's actions would be viewed as reflecting "hostility" towards the President. During Manafort's prosecution and while the jury was deliberating, the President repeatedly stated that Manafort was being treated unfairly and made it known that Manafort could receive a pardon. **Harm to Ongoing Matter**

Evidence

1. Conduct Directed at Michael Flynn

As previously noted, see Volume II, Section II.B, *supra*, the President asked for Flynn's resignation on February 13, 2017. Following Flynn's resignation, the President made positive public comments about Flynn, describing him as a "wonderful man," "a fine person," and a "very

EVIDENCE

Conduct directed at Michael Flynn

Conduct directed at Paul Manafort

Redacted (harm to ongoing matter)



Paul Manafort

Manafort.⁸⁸⁷ In an interview on November 28, 2018, the President suggested that it was “very brave” that Manafort did not “flip”:

If you told the truth, you go to jail. You know this flipping stuff is terrible. You flip and you lie and you get—the prosecutors will tell you 99 percent of the time they can get people to flip. It’s rare that they can’t. But I had three people: Manafort, Corsi—I don’t know Corsi, but he refuses to say what they demanded.⁸⁸⁸ Manafort, Corsi, **HOM**. It’s actually very brave.⁸⁸⁹

In response to a question about a potential pardon for Manafort, the President said, “It was never discussed, but I wouldn’t take it off the table. Why would I take it off the table?”⁸⁹⁰

3. Harm to Ongoing Matter

Harm to Ongoing Matter

Harm to Ongoing Matter
Harm to Ongoing Matter

Harm to Ongoing Matter

Harm to Ongoing Matter

⁸⁸⁷ Stephen Collinson, *Trump appears consumed by Mueller investigation as details emerge*, CNN (Nov. 29, 2018).

⁸⁸⁸ “Corsi” is a reference to Jerome Corsi, **HOM** who was involved in efforts to coordinate with WikiLeaks and Assange, and who stated publicly at that time that he had refused a plea offer from the Special Counsel’s Office because he was “not going to sign a lie.” Sara Murray & Eli Watkins, **HOM** *says he won’t agree to plea deal*, CNN (Nov. 26, 2018).

⁸⁸⁹ Marisa Schultz & Nikki Schwab, *Oval Office Interview with President Trump: Trump says pardon for Paul Manafort still a possibility*, New York Post (Nov. 28, 2018). That same day, the President tweeted: “While the disgusting Fake News is doing everything within their power not to report it that way, at least 3 major players are intimating that the Angry Mueller Gang of Dems is viciously telling witnesses to lie about facts & they will get relief. This is our Joseph McCarthy Era!” @realDonaldTrump 11/28/18 (8:39 a.m. ET) Tweet.

⁸⁹⁰ Marisa Schultz & Nikki Schwab, *New York Post Oval Office Interview with President Trump: Trump says pardon for Paul Manafort still a possibility*, New York Post (Nov. 28, 2018).

Harm to Ongoing Matter

Harm to Ongoing Matter

Harm to Ongoing Matter

Harm to Ongoing Matter

Harm to Ongoing Matter
[REDACTED]
[REDACTED] Harm to Ongoing Matter
[REDACTED]

Harm to Ongoing Matter
[REDACTED]

Harm to Ongoing Matter
[REDACTED]
Harm to Ongoing Matter
[REDACTED] Harm to Ongoing Matter
Harm to Ongoing Matter

Harm to Ongoing Matter
[REDACTED]
[REDACTED] Harm to Ongoing Matter
[REDACTED] Harm to Ongoing Matter

Harm to Ongoing Matter
[REDACTED]

Harm to Ongoing Matter
[REDACTED] Harm to Ongoing Matter
[REDACTED] Harm to Ongoing Matter
[REDACTED]

Harm to Ongoing Matter
[REDACTED]

Harm to Ongoing Matter
[REDACTED]
Harm to Ongoing Matter
[REDACTED]
Harm to Ongoing Matter
[REDACTED]

[REDACTED]
[REDACTED] Harm to Ongoing Matter
[REDACTED] Harm to Ongoing Matter

ANALYSIS

1. Obstructive Act

2. Nexus to a Proceeding

3. Intent

Analysis

In analyzing the President's conduct towards Flynn, Manafort, **HOM**, the following evidence is relevant to the elements of obstruction of justice:

a. **Obstructive act.** The President's actions towards witnesses in the Special Counsel's investigation would qualify as obstructive if they had the natural tendency to prevent particular witnesses from testifying truthfully, or otherwise would have the probable effect of influencing, delaying, or preventing their testimony to law enforcement.

With regard to Flynn, the President sent private and public messages to Flynn encouraging him to stay strong and conveying that the President still cared about him before he began to cooperate with the government. When Flynn's attorneys withdrew him from a joint defense agreement with the President, signaling that Flynn was potentially cooperating with the government, the President's personal counsel initially reminded Flynn's counsel of the President's warm feelings towards Flynn and said "that still remains." But when Flynn's counsel reiterated that Flynn could no longer share information under a joint defense agreement, the President's personal counsel stated that the decision would be interpreted as reflecting Flynn's hostility towards the President. That sequence of events could have had the potential to affect Flynn's decision to cooperate, as well as the extent of that cooperation. Because of privilege issues, however, we could not determine whether the President was personally involved in or knew about the specific message his counsel delivered to Flynn's counsel.

With respect to Manafort, there is evidence that the President's actions had the potential to influence Manafort's decision whether to cooperate with the government. The President and his personal counsel made repeated statements suggesting that a pardon was a possibility for Manafort, while also making it clear that the President did not want Manafort to "flip" and cooperate with the government. On June 15, 2018, the day the judge presiding over Manafort's D.C. case was considering whether to revoke his bail, the President said that he "felt badly" for Manafort and stated, "I think a lot of it is very unfair." And when asked about a pardon for Manafort, the President said, "I do want to see people treated fairly. That's what it's all about." Later that day, after Manafort's bail was revoked, the President called it a "tough sentence" that was "Very unfair!" Two days later, the President's personal counsel stated that individuals involved in the Special Counsel's investigation could receive a pardon "if in fact the [P]resident and his advisors . . . come to the conclusion that you have been treated unfairly"—using language that paralleled how the President had already described the treatment of Manafort. Those statements, combined with the President's commendation of Manafort for being a "brave man" who "refused to 'break'," suggested that a pardon was a more likely possibility if Manafort continued not to cooperate with the government. And while Manafort eventually pleaded guilty pursuant to a cooperation agreement, he was found to have violated the agreement by lying to investigators.

The President's public statements during the Manafort trial, including during jury deliberations, also had the potential to influence the trial jury. On the second day of trial, for example, the President called the prosecution a "terrible situation" and a "hoax" that "continues to stain our country" and referred to Manafort as a "Reagan/Dole darling" who was "serving solitary confinement" even though he was "convicted of nothing." Those statements were widely picked up by the press. While jurors were instructed not to watch or read news stories about the case and

are presumed to follow those instructions, the President's statements during the trial generated substantial media coverage that could have reached jurors if they happened to see the statements or learned about them from others. And the President's statements during jury deliberations that Manafort "happens to be a very good person" and that "it's very sad what they've done to Paul Manafort" had the potential to influence jurors who learned of the statements, which the President made just as jurors were considering whether to convict or acquit Manafort.

Harm to Ongoing Matter

b. **Nexus to an official proceeding.** The President's actions towards Flynn, Manafort, **HOM** appear to have been connected to pending or anticipated official proceedings involving each individual. The President's conduct towards Flynn **HOM** principally occurred when both were under criminal investigation by the Special Counsel's Office and press reports speculated about whether they would cooperate with the Special Counsel's investigation. And the President's conduct towards Manafort was directly connected to the official proceedings involving him. The President made statements about Manafort and the charges against him during Manafort's criminal trial. And the President's comments about the prospect of Manafort "flipping" occurred when it was clear the Special Counsel continued to oversee grand jury proceedings.

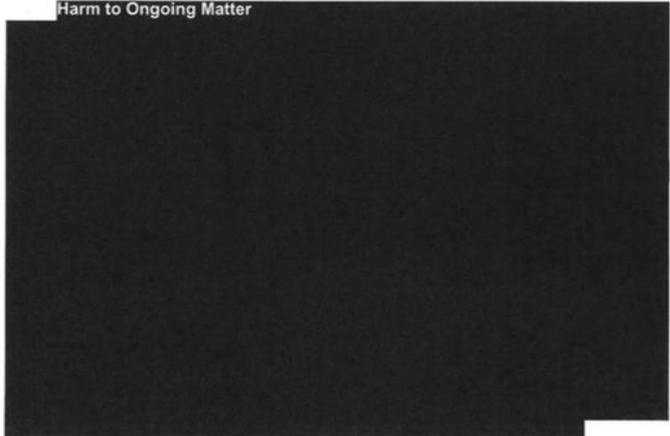
c. **Intent.** Evidence concerning the President's intent related to Flynn as a potential witness is inconclusive. As previously noted, because of privilege issues we do not have evidence establishing whether the President knew about or was involved in his counsel's communications with Flynn's counsel stating that Flynn's decision to withdraw from the joint defense agreement and cooperate with the government would be viewed as reflecting "hostility" towards the President. And regardless of what the President's personal counsel communicated, the President continued to express sympathy for Flynn after he pleaded guilty pursuant to a cooperation agreement, stating that Flynn had "led a very strong life" and the President "[fe]lt very badly" about what had happened to him.

Evidence concerning the President's conduct towards Manafort indicates that the President intended to encourage Manafort to not cooperate with the government. Before Manafort was convicted, the President repeatedly stated that Manafort had been treated unfairly. One day after Manafort was convicted on eight felony charges and potentially faced a lengthy prison term, the President said that Manafort was "a brave man" for refusing to "break" and that "flipping" "almost ought to be outlawed." At the same time, although the President had privately told aides he did not like Manafort, he publicly called Manafort "a good man" and said he had a "wonderful family." And when the President was asked whether he was considering a pardon for Manafort, the President did not respond directly and instead said he had "great respect for what [Manafort]'s done, in terms of what he's gone through." The President added that "some of the charges they threw against him, every consultant, every lobbyist in Washington probably does." In light of the President's counsel's previous statements that the investigations "might get cleaned up with some presidential pardons" and that a pardon would be possible if the President "come[s] to the conclusion that you have been treated unfairly," the evidence supports the inference that the

President intended Manafort to believe that he could receive a pardon, which would make cooperation with the government as a means of obtaining a lesser sentence unnecessary.

We also examined the evidence of the President's intent in making public statements about Manafort at the beginning of his trial and when the jury was deliberating. Some evidence supports a conclusion that the President intended, at least in part, to influence the jury. The trial generated widespread publicity, and as the jury began to deliberate, commentators suggested that an acquittal would add to pressure to end the Special Counsel's investigation. By publicly stating on the second day of deliberations that Manafort "happens to be a very good person" and that "it's very sad what they've done to Paul Manafort" right after calling the Special Counsel's investigation a "rigged witch hunt," the President's statements could, if they reached jurors, have the natural tendency to engender sympathy for Manafort among jurors, and a factfinder could infer that the President intended that result. But there are alternative explanations for the President's comments, including that he genuinely felt sorry for Manafort or that his goal was not to influence the jury but to influence public opinion. The President's comments also could have been intended to continue sending a message to Manafort that a pardon was possible. As described above, the President made his comments about Manafort being "a very good person" immediately after declining to answer a question about whether he would pardon Manafort.

Harm to Ongoing Matter



END OF TONIGHT'S READING!

NEXT & FINAL READING!!!

Sunday, August 11th 5:30pm - 9pm

VOL. II

--

Parts II, III, IV

--