

Open Source Edition of the Report On The Investigation Into Russian Interference In The 2016 Presidential Election

Volume II of II

Special Counsel Robert S. Mueller, III

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Open Source Edition

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- A. Legal Framework of Obstruction Of Justice
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**A. Statutory Defenses to the Application of
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1. The Text of Section 1512(c)(2) Prohibits a Broad Range of Obstructive Acts
2. Judicial Decisions Support a Broad Reading of Section 1512(c)(2)
3. The Legislative History of Section 1512(c)(2) Does Not Justify Narrowing Its Texts
4. General Principles of Statutory Construction Do Not Suggest That Section 1512(c)(2) is Inapplicable to the Conduct in this Investigation
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1. The Requirement of a Clear Statement to Apply Statutes to Presidential Conduct Does Not Limit the Obstruction Statutes
2. Separation-of-Powers Principles Support the Conclusion that Congress May Validly Prohibit Corrupt Obstructive Acts Carried Out Through the President's Official Powers
 - a. The Supreme Court's Separation-of-Powers Balancing Test Applies In This Contexts
 - b. The Effect of Obstruction-of-Justice Statutes on the President's Capacity to Perform His Article II Responsibilities is Limited

III. LEGAL DEFENSES TO THE APPLICATION OF
OBSTRUCTION-OF-JUSTICE STATUTES TO THE PRESIDENT

- c. Congress Has Power to Protect Congressional, Grand Jury, and
Judicial Proceedings Against Corrupt Acts from Any Source
- 3. Ascertaining Whether the President Violated the Obstruction
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IV. CONCLUSION

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