

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

Submitted Pursuant to 28 C.F.R. §600.8(c)

Washington, D.C.

March 2019

Open Source Edition

<https://iandennismiller.github.io/mueller-report/>

Status: in progress

Table of Contents - Volume II

Introduction to Volume II	1
Executive Summary to Volume II	2
I. Background Legal and Evidentiary Principles	3
A. Legal Framework of Obstruction Of Justice	3
B. Investigative and Evidentiary Considerations	3
II. Factual Results of the Obstruction Investigation	5
A. The Campaign's Response to Reports About Russian Support for Trump	5
1. Press Reports Allege Links Between the Trump Campaign and Russia	5
2. The Trump Campaign Reacts to WikiLeaks's Release of Hacked Emails	5
3. The Trump Campaign Reacts to Allegations That Russia was Seeking to Aid Candidate Trump	5
4. After the Election, Trump Continues to Deny Any Contacts or Connections with Russia or That Russia Aided his Election	5
B. The President's Conduct Concerning the Investigation of Michael Flynn	5
1. Incoming National Security Advisor Flynn Discusses Sanctions on Russia with Russian Ambassador Sergey Kislyak	5
2. President-Elect Trump is Briefed on the Intelligence Community's Assessment of Russian Interference in the Election and Congress Opens Election-Interference Investigations	5
3. Flynn Makes False Statements About his Communications with Kislyak to Incoming Administration Officials, the Media, and the FBI	5
4. DOJ Officials Notify the White House of Their Concerns About Flynn	5

TABLE OF CONTENTS - VOLUME II

5.	McGahn has a Follow-Up Meeting About Flynn with Yates; President Trump has Dinner with FBI Director Comey	5
6.	Flynn's Resignation	5
7.	The President Discusses Flynn with FBI Director Comey	5
8.	The Media Raises Questions About the President's Delay in Terminating Flynn	5
9.	The President Attempts to Have K.T. McFarland Create a Witness Statement Denying that he Directed Flynn's Discussions with Kislyak	5
C.	The President's Reaction to Public Confirmation of the FBI's Russia Investigation	5
1.	Attorney General Sessions Recuses From the Russia Investigation	5
2.	FBI Director Comey Publicly Confirms the Existence of the Russia Investigation in Testimony Before HPSCI	5
3.	The President Asks Intelligence Community Leaders to Make Public Statements that he had No Connection to Russia	5
4.	The President Asks Comey to "Lift the Cloud" Created by the Russia Investigation	5
D.	Events Leading Up To and Surrounding the Termination of FBI Director Comey	5
1.	Comey Testifies Before the Senate Judiciary Committee and Declines to Answer Questions About Whether the President is Under Investigation	5
2.	The President Makes the Decision to Terminate Comey	5
E.	The President's Efforts to Remove the Special Counsel	5
1.	The Appointment of the Special Counsel and the President's Reaction	5
2.	The President Asserts that the Special Counsel has Conflicts of Interest	5
3.	The Press Reports that the President is Being Investigated for Obstruction of Justice and the President Directs the White House Counsel to Have the Special Counsel Removed	5
F.	The President's Efforts to Curtail the Special Counsel Investigation	5

TABLE OF CONTENTS - VOLUME II

1.	The President Asks Corey Lewandowski to Deliver a Message to Sessions to Curtail the Special Counsel Investigation	5
2.	The President Follows Up with Lewandowski	5
3.	The President Publicly Criticizes Sessions in a New York Times Interview	5
4.	The President Orders Priebus to Demand Sessions's Resignation	5
G.	The President's Efforts to Prevent Disclosure of Emails About the June 9, 2016 Meeting Between Russians and Senior Campaign Officials	5
1.	The President Learns About the Existence of Emails Concerning the June 9; 2016 Trump Tower Meeting	5
2.	The President Directs Communications Staff Not to Publicly Disclose Information About the June 9 Meeting	5
3.	The President Directs Trump Jr.'s Response to Press Inquiries About the June 9 Meeting	5
4.	The Media Reports on the June 9, 2016 Meeting	5
H.	The President's Further Efforts to Have the Attorney General Take Over the	5
1.	The President Again Seeks to Have Sessions Reverse his Recusal	5
2.	Additional Efforts to Have Sessions Unrecuse or Direct Investigations Covered by his Recusal	5
I.	The President Orders McGahn to Deny that the President Tried to Fire the Special Counsel	5
1.	The Press Reports that the President Tried to Fire the Special Counsel	5
2.	The President Seeks to Have McGahn Dispute the Press Reports	5
J.	The President's Conduct Towards Flynn, Manafort,	5
1.	Conduct Directed at Michael Flynn	5
2.	Conduct Directed at Paul Manafort	5
3.	[: Harm to Ongoing Matter]	5
K.	The President's Conduct Involving Michael Cohen	5
1.	Candidate Trump's Awareness of and Involvement in the Trump Tower Moscow Project	5

TABLE OF CONTENTS - VOLUME II

2.	Cohen Determines to Adhere to a “Party Line” Distancing Candidate Trump From Russia	5
3.	Cohen Submits False Statements to Congress Minimizing the Trump Tower Moscow Project in Accordance with the Party Line	5
4.	The President Sends Messages of Support to Cohen . .	5
5.	The President’s Conduct After Cohen Began Cooperating with the Government	5
L.	Overarching Factual Issues	5
III. Legal Defenses to the Application of Obstruction-of-Justice Statutes to the President		
A.	Statutory Defenses to the Application of Obstruction-Of-Justice Provisions to the Conduct Under Investigation	6
1.	The Text of Section 1512(c)(2) Prohibits a Broad Range of Obstructive Acts	6
2.	Judicial Decisions Support a Broad Reading of Section 1512(c)(2)	6
3.	The Legislative History of Section 1512(c)(2) Does Not Justify Narrowing Its Texts	6
4.	General Principles of Statutory Construction Do Not Suggest That Section 1512(c)(2) is Inapplicable to the Conduct in this Investigation	6
5.	Other Obstruction Statutes Might Apply to the Conduct in this Investigation	6
B.	Constitutional Defenses to Applying Obstruction-Of-Justice Statutes to Presidential Conduct	6
1.	The Requirement of a Clear Statement to Apply Statutes to Presidential Conduct Does Not Limit the Obstruction Statutes	6
2.	Separation-of-Powers Principles Support the Conclusion that Congress May Validly Prohibit Corrupt Obstructive Acts Carried Out Through the President’s Official Powers	6
a.	The Supreme Court’s Separation-of-Powers Balancing Test Applies In This Contexts . .	6
b.	The Effect of Obstruction-of-Justice Statutes on the President’s Capacity to Perform His Article II Responsibilities is Limited	6

TABLE OF CONTENTS - VOLUME II

c.	Congress Has Power to Protect Congressional, Grand Jury, and Judicial Proceedings Against Corrupt Acts from Any Source	7
3.	Ascertaining Whether the President Violated the Obstruction Statutes Would Not Chill his Performance of his Article II Duties	7
IV.	Conclusion	8

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- A. Legal Framework of Obstruction Of Justice
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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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**B. Constitutional Defenses to Applying Obstruction-
Of-Justice Statutes to Presidential Conduct**

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
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- 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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