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## Key Findings from the Mueller Report

Special Counsel Robert Mueller's testimony before Congress represents a critical opportunity for the legal community to help the American people understand what is in his March 2019 *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*. The following summary presents key findings from the Mueller Report and is intended to help lawyers and other concerned citizens speak and write about the Special Counsel's findings in an informed manner. The summary was prepared by the Presidential Investigation Education Project, a partnership between the American Constitution Society (ACS) and Citizens for Responsibility and Ethics in Washington (CREW) to promote an informed public evaluation of the investigations of Special Counsel Mueller and others into Russian interference in our elections.

### **The Special Counsel investigation uncovered extensive criminal activity**

- The investigation produced 37 indictments; seven guilty pleas or convictions; and compelling evidence that the president obstructed justice on multiple occasions. Mueller also uncovered and referred 14 criminal matters to other components of the Department of Justice.
- Trump associates repeatedly lied to investigators about their contacts with Russians, and President Trump refused to answer questions about his efforts to impede federal proceedings and influence the testimony of witnesses.
- A statement signed by over 1,000 former federal prosecutors concluded that if any other American engaged in the same efforts to impede federal proceedings the way Trump did, they would [likely be indicted](#) for multiple charges of obstruction of justice.

### **Russia engaged in extensive attacks on the U.S. election system in 2016**

- Russian interference in the 2016 election was "sweeping and systemic."<sup>1</sup>
- Major attack avenues included a social media "information warfare" campaign that "favored" candidate Trump<sup>2</sup> and the hacking of Clinton campaign-related databases and release of stolen materials through Russian-created entities and Wikileaks.<sup>3</sup>
- Russia also targeted databases in many states related to administering elections gaining access to information for millions of registered voters.<sup>4</sup>

### **The investigation "identified numerous links between the Russian government and the Trump Campaign" and established that the Trump Campaign "showed interest in**

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<sup>1</sup> SPECIAL COUNSEL ROBERT S. MUELLER, III, U.S. DEP'T OF JUSTICE, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 ELECTION Vol. I, 1-5 (2019).

<sup>2</sup> *Id.* at Vol. I, 1-4, 14-35.

<sup>3</sup> *Id.* at Vol. I, 1-5, 36-50.

<sup>4</sup> *Id.* at Vol. I, 50-51.

### **WikiLeaks's releases of documents and welcomed their potential to damage candidate Clinton"**

- In 2015 and 2016, Michael Cohen pursued a hotel/residence project in Moscow on behalf of Trump while he was campaigning for President.<sup>5</sup> Then-candidate Trump personally signed a letter of intent.
- Senior members of the Trump campaign, including Paul Manafort, Donald Trump, Jr., and Jared Kushner took a June 9, 2016, meeting with Russian nationals at Trump Tower, New York, after outreach from an intermediary informed Trump, Jr., that the Russians had derogatory information on Clinton that was "part of Russia and its government's support for Mr. Trump."<sup>6</sup>
- Beginning in June 2016, a Trump associate "forecast to senior [Trump] Campaign officials that WikiLeaks would release information damaging to candidate Clinton."<sup>7</sup> A section of the Report that remains heavily redacted suggests that Roger Stone was this associate and that he had significant contacts with the campaign about Wikileaks.<sup>8</sup>
- The Report described multiple occasions where Trump associates lied to investigators about Trump associate contacts with Russia. Trump associates George Papadopoulos, Rick Gates, Michael Flynn, and Michael Cohen all admitted that they made false statements to federal investigators or to Congress about their contacts. In addition, Roger Stone faces trial this fall for obstruction of justice, five counts of making false statements, and one count of witness tampering.
- The Report contains no evidence that any Trump campaign official reported their contacts with Russia or WikiLeaks to U.S. law enforcement authorities during the campaign or presidential transition, despite public reports on Russian hacking starting in June 2016 and candidate Trump's August 2016 intelligence briefing warning him that Russia was seeking to interfere in the election.
- The Report raised questions about why Trump associates and then-candidate Trump repeatedly asserted Trump had no connections to Russia.<sup>9</sup>

### **Special Counsel Mueller declined to exonerate President Trump and instead detailed multiple episodes in which he engaged in obstructive conduct**

- The Mueller Report states that if the Special Counsel's Office felt they could clear the president of wrongdoing, they would have said so. Instead, the Report explicitly states that it "does not exonerate" the President<sup>10</sup> and explains that the Office of Special Counsel "accepted" the Department of Justice policy that a sitting President cannot be indicted.<sup>11</sup>
- The Mueller report details multiple episodes in which there is evidence that the President obstructed justice. The pattern of conduct and the manner in which the

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<sup>5</sup> *Id.* at Vol. I, 67-80.

<sup>6</sup> *Id.* at Vol. I, 110-20.

<sup>7</sup> *Id.* at Vol. I, 5.

<sup>8</sup> *Id.* at Vol. I, 51-54.

<sup>9</sup> *Id.* at Vol. II, 18-23.

<sup>10</sup> *Id.* at Vol. II, 8.

<sup>11</sup> *Id.*

President sought to impede investigations—including through one-on-one meetings with senior officials—is damning to the President.

- Five episodes of obstructive conduct stand out as being particularly serious:
  - In June 2017 President Trump directed White House Counsel Don McGahn to order the firing of the Special Counsel after press reports that Mueller was investigating the President for obstruction of justice;<sup>12</sup> months later Trump asked McGahn to falsely refute press accounts reporting this directive and create a false paper record on this issue – all of which McGahn refused to do.<sup>13</sup>
  - After National Security Advisor Michael Flynn was fired in February 2017 for lying to FBI investigators about his contacts with Russian Ambassador Kislyak, Trump cleared his office for a one-on-one meeting with then-FBI Director James Comey and asked Comey to “let [Flynn] go;” he also asked then-Deputy National Security Advisor K.T. McFarland to draft an internal memo saying Trump did not direct Flynn to call Kislyak, which McFarland did not do because she did not know whether that was true.<sup>14</sup>
  - In July 2017, the President directed former campaign manager Corey Lewandowski to instruct the Attorney General to limit Mueller’s investigation, a step the Report asserted “was intended to prevent further investigative scrutiny of the President’s and his campaign’s conduct.”<sup>15</sup>
  - In 2017 and 2018, the President asked the Attorney General to “un-recuse” himself from the Mueller inquiry, actions from which a “reasonable inference” could be made that “the President believed that an unrecused Attorney General would play a protective role and could shield the President from the ongoing Russia Investigation.”<sup>16</sup>
  - The Report raises questions about whether the President, by and through his private attorneys, floated the possibility of pardons for the purpose of influencing the cooperation of Flynn, Manafort, and an unnamed person with law enforcement.<sup>17</sup>

### **Congress needs to continue investigating and assessing elements of the Mueller Report**

- The redactions of the Mueller Report appear to conceal the extent to which the Trump campaign had advance knowledge of the release of hacked emails by WikiLeaks. For instance, redactions conceal content of discussions that the Report states occurred between Trump, Cohen, and Manafort in July 2016 shortly after Wikileaks released hacked emails;<sup>18</sup> the Report further notes, “Trump told Gates that more releases of

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<sup>12</sup> Mueller Report at Vol. II, 77-90.

<sup>13</sup> *Id.* at Vol. II, 113-18.

<sup>14</sup> *Id.* at Vol. II, 40-44.

<sup>15</sup> *Id.* at Vol. II, 319-25.

<sup>16</sup> <sup>16</sup> *Id.* at Vol. II, 319-25.

<sup>17</sup> *Id.* at Vol. II, 332-45.

<sup>18</sup> *Id.* at Vol. I, 53.

damaging information would be coming,” but redacts the contextual information around that statement.<sup>19</sup>

- A second issue the Report does not examine is the fact that the President was involved in conduct that was the subject of a case the Special Counsel referred to the Southern District of New York – which the Report notes “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.”<sup>20</sup>
- The Report also redacts in entirety its discussion of 12 of the 14 matters Mueller referred to other law enforcement authorities.<sup>21</sup>
- Further, the Report details non-cooperation with the inquiry by the President, including refusing requests by the Special Counsel for an interview; providing written responses that the Office of the Special Counsel considered “incomplete” and “imprecise” and that involved the President stating on “more than 30 occasions that he ‘does not recall’ or ‘remember’ or ‘have an independent recollection.’”<sup>22</sup>

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<sup>19</sup> *Id.* at Vol. I, 54.

<sup>20</sup> *Id.* at Vol. II, 77, fn. 500.

<sup>21</sup> *Id.* at Vol. II, Appendix D.

<sup>22</sup> *Id.* at Vol. II, Appendix C.