II. FACTUAL RESULTS OF THE OBSTRUCTION INVESTIGATION

This section of the report details the evidence we obtained. We first provide an overview of how Russia became an issue in the 2016 presidential campaign, and how candidate Trump responded. We then turn to the key events that we investigated: the President’s conduct concerning the FBI investigation of Michael Flynn; the President’s reaction to public confirmation of the FBI’s Russia investigation; events leading up to and surrounding the termination of FBI Director Comey; efforts to terminate the Special Counsel; efforts to curtail the scope of the Special Counsel’s investigation; efforts to prevent disclosure of information about the June 9, 2016 Trump Tower meeting between Russians and senior campaign officials; efforts to have the Attorney General unrecuse; and conduct towards McGahn, Cohen, and other witnesses.

We summarize the evidence we found and then analyze it by reference to the three statutory obstruction-of-justice elements: obstructive act, nexus to a proceeding, and intent. We focus on elements because, by regulation, the Special Counsel has “jurisdiction . . . to investigate . . . federal crimes committed in the course of, and with intent to interfere with, the Special Counsel’s investigation, such as perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.” 28 C.F.R. § 600.4(a). Consistent with our jurisdiction to investigate federal obstruction crimes, we gathered evidence that is relevant to the elements of those crimes and analyzed them within an elements framework—while refraining from reaching ultimate conclusions about whether crimes were committed, for the reasons explained above. This section also does not address legal and constitutional defenses raised by counsel for the President; those defenses are analyzed in Volume II, Section III, infra.

A. The Campaign’s Response to Reports About Russian Support for Trump

During the 2016 campaign, the media raised questions about a possible connection between the Trump Campaign and Russia. The questions intensified after WikiLeaks released politically damaging Democratic Party emails that were reported to have been hacked by Russia. Trump responded to questions about possible connections to Russia by denying any business involvement in Russia—even though the Trump Organization had pursued a business project in Russia as late as June 2016. Trump also expressed skepticism that Russia had hacked the emails at the same time as he and other Campaign advisors privately sought information about any further planned WikiLeaks releases. After the election, when questions persisted about possible links between Russia and the Trump Campaign, the President-Elect continued to deny any connections to Russia and privately expressed concerns that reports of Russian election interference might lead the public to question the legitimacy of his election.

7 This section summarizes and cites various news stories not for the truth of the information contained in the stories, but rather to place candidate Trump’s response to those stories in context. Volume I of this report analyzes the underlying facts of several relevant events that were reported on by the media during the campaign.

8 As discussed in Volume I, while the investigation identified numerous links between individuals with ties to the Russian government and individuals associated with the Trump Campaign, the evidence was not sufficient to charge that any member of the Trump Campaign conspired or coordinated with representatives of the Russian government to interfere in the 2016 election.
1. Press Reports Alleged Links Between the Trump Campaign and Russia

On June 16, 2015, Donald J. Trump declared his intent to seek nomination as the Republican candidate for President.\(^9\) By early 2016, he distinguished himself among Republican candidates by speaking of closer ties with Russia,\(^10\) saying he would get along well with Russian President Vladimir Putin,\(^11\) questioning whether the NATO alliance was obsolete,\(^12\) and praising Putin as a “strong leader.”\(^13\) The press reported that Russian political analysts and commentators perceived Trump as favorable to Russia.\(^14\)

Beginning in February 2016 and continuing through the summer, the media reported that several Trump campaign advisors appeared to have ties to Russia. For example, the press reported that campaign advisor Michael Flynn was seated next to Vladimir Putin at an RT gala in Moscow in December 2015 and that Flynn had appeared regularly on RT as an analyst.\(^15\) The press also reported that foreign policy advisor Carter Page had ties to a Russian state-run gas company,\(^16\) and that campaign chairman Paul Manafort had done work for the “Russian-backed former Ukrainian president Viktor Yanukovych.”\(^17\) In addition, the press raised questions during the Republican

\(^9\) @realDonaldTrump 6/16/15 (11:57 a.m. ET) Tweet.

\(^10\) See, e.g., Meet the Press Interview with Donald J. Trump, NBC (Dec. 20, 2015) (Trump: “I think it would be a positive thing if Russia and the United States actually got along”); Presidential Candidate Donald Trump News Conference, Hanahan, South Carolina, C-SPAN (Feb. 15, 2016) (“You want to make a good deal for the country, you want to deal with Russia.”).


\(^12\) See, e.g., @realDonaldTrump Tweet 3/24/16 (7:47 a.m. ET); @realDonaldTrump Tweet 3/24/16 (7:59 a.m. ET).

\(^13\) See, e.g., Meet the Press Interview with Donald J. Trump, NBC (Dec. 20, 2015) (“[Putin] is a strong leader. What am I gonna say, he’s a weak leader? He’s making mincemeat out of our President.”); Donald Trump Campaign Rally in Vandalia, Ohio, C-SPAN (Mar. 12, 2016) (“I said [Putin] was a strong leader, which he is. I mean, he might be bad, he might be good. But he’s a strong leader.”).

\(^14\) See, e.g., Andrew Osborn, From Russia with love: why the Kremlin backs Trump, Reuters (Mar. 24, 2016); Robert Zubrin, Trump: The Kremlin’s Candidate, National Review (Apr. 4, 2016).

\(^15\) See, e.g., Mark Hosenball & Steve Holland, Trump being advised by ex-U.S. Lieutenant General who favors closer Russia ties, Reuters (Feb. 26, 2016); Tom Hamburger et al., Inside Trump’s financial ties to Russia and his unusual flattery of Vladimir Putin, Washington Post (June 17, 2016). Certain matters pertaining to Flynn are described in Volume I, Section IV.B.7, supra.


\(^17\) Tracy Wilkinson, In a shift, Republican platform doesn’t call for arming Ukraine against Russia, spurring outrage, Los Angeles Times (July 21, 2016); Josh Rogin, Trump campaign guts GOP’s anti-Russia stance on Ukraine, Washington Post (July 18, 2016).
National Convention about the Trump Campaign’s involvement in changing the Republican platform’s stance on giving “weapons to Ukraine to fight Russian and rebel forces.”18

2. The Trump Campaign Reacts to WikiLeaks’s Release of Hacked Emails

On June 14, 2016, a cybersecurity firm that had conducted in-house analysis for the Democratic National Committee (DNC) posted an announcement that Russian government hackers had infiltrated the DNC’s computer and obtained access to documents.19

On July 22, 2016, the day before the Democratic National Convention, WikiLeaks posted thousands of hacked DNC documents revealing sensitive internal deliberations.20 Soon thereafter, Hillary Clinton’s campaign manager publicly contended that Russia had hacked the DNC emails and arranged their release in order to help candidate Trump.21 On July 26, 2016, the New York Times reported that U.S. “intelligence agencies ha[d] told the White House they now have ‘high confidence’ that the Russian government was behind the theft of emails and documents from the Democratic National Committee.”22

Within the Trump Campaign, aides reacted with enthusiasm to reports of the hacks.23 Harm to Ongoing Matter discussed with Campaign officials that WikiLeaks would release the hacked material.24 Some witnesses said that Trump himself discussed the possibility of upcoming releases. Michael Cohen, then-executive vice president of the Trump Organization and special counsel to Trump, recalled hearing Harm to Ongoing Matter.25 Cohen recalled that Trump responded, “oh good, alright,”

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18 Josh Rogen, Trump campaign guts GOP’s anti-Russia stance on Ukraine, Washington Post, Opinions (July 18, 2016). The Republican Platform events are described in Volume I, Section IV.A.6, supra.

19 Bears in the Midst: Intrusion into the Democratic National Committee, CrowdStrike (June 15, 2016) (post originally appearing on June 14, 2016, according to records of the timing provided by CrowdStrike); Ellen Nakashima, Russian government hackers penetrated DNC, stole opposition research on Trump, Washington Post (June 14, 2016).


24 Gates 4/11/18 302, at 2-3 (SM-2180998); Gates 10/25/18 302, at 2; see also Volume I, Section III.D.1, supra.

25 Cohen 8/7/ 8 302, at 8; see also Volume I, Section III.D.1, supra. According to Cohen, after WikiLeaks’s subsequent release of stolen DNC emails on July 22, 2016, Trump said to Cohen words to the effect of Cohem 9/18/18 302, at 10. Cohen’s role in the candidate’s and later
3. The Trump Campaign Reacts to Allegations That Russia was Seeking to Aid Candidate Trump

In the days that followed WikiLeaks's July 22, 2016 release of hacked DNC emails, the Trump Campaign publicly rejected suggestions that Russia was seeking to aid candidate Trump. On July 26, 2016, Trump tweeted that it was “crazy” to suggest that Russia was “dealing with Trump” and that “[t]he record,” he had “ZERO investments in Russia.”

In a press conference the next day, July 27, 2016, Trump characterized “this whole thing with Russia” as “a total deflection” and stated that it was “farfetched” and “ridiculous.” Trump said that the assertion that Russia had hacked the emails was unproven, but stated that it would give him “no pause” if Russia had Clinton’s emails. Trump added, “Russia, if you’re listening, I hope you’re able to find the 30,000 emails that are missing. I think you will probably be rewarded

President’s activities, and his own criminal conduct, is described in Volume II, Section II.K, infra, and in Volume I, Section IV.A.1, supra.

26 Cohen 8/7/13 302, at 8.

27 Grand Jury As explained in footnote 197 of Volume I, Section III.D.1.b, supra, this Office has included Manafort’s account of these events because it aligns with those of other witnesses and is corroborated to that extent.


30 Bannon 1/18/19 302, at 3.

31 Gates 4/11/18 302, at 1-2 (SM-2180998); Gates 10/25/18 302, at 2 (messaging strategy was being formed in June/July timeframe based on claims by Assange on June 12, 2016).

32 @realDonaldTrump 7/26/16 (6:47 p.m. ET) Tweet.

33 @realDonaldTrump 7/26/16 (6:50 p.m. ET) Tweet.


mightily by our press.” Trump also said that “there’s nothing that I can think of that I’d rather do than have Russia friendly as opposed to the way they are right now,” and in response to a question about whether he would recognize Crimea as Russian territory and consider lifting sanctions, Trump replied, “We’ll be looking at that. Yeah, we’ll be looking.”

During the press conference, Trump repeated “I have nothing to do with Russia” five times. He stated that “the closest [he] came to Russia” was that Russians may have purchased a home or condos from him. He said that after he held the Miss Universe pageant in Moscow in 2013 he had been interested in working with Russian companies that “wanted to put a lot of money into developments in Russia” but “it never worked out.” He explained, “[f]rankly, I didn’t want to do it for a couple of different reasons. But we had a major developer . . . that wanted to develop property in Moscow and other places. But we decided not to do it.” The Trump Organization, however, had been pursuing a building project in Moscow—the Trump Tower Moscow project—from approximately September 2015 through June 2016, and the candidate was regularly updated on developments, including possible trips by Michael Cohen to Moscow to promote the deal and by Trump himself to finalize it.

Cohen recalled speaking with Trump after the press conference about Trump’s denial of any business dealings in Russia, which Cohen regarded as untrue. Trump told Cohen that Trump Tower Moscow was not a deal yet and said, “Why mention it if it is not a deal?” According to Cohen, at around this time, in response to Trump’s disavowal of connections to Russia, campaign

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36 Donald Trump News Conference, Doral, Florida, C-SPAN (July 27, 2016). Within five hours of Trump’s remark, a Russian intelligence service began targeting email accounts associated with Hillary Clinton for possible hacks. See Volume I, Section III, supra. In written answers submitted in this investigation, the President stated that he made the “Russia, if you’re listening” statement “in jest and sarcastically, as was apparent to any objective observer.” Written Responses of Donald J. Trump (Nov. 20, 2018), at 13 (Response to Question II, Part (d)).

37 Donald Trump News Conference, Doral, Florida, C-SPAN (July 27, 2016). In his written answers submitted in this investigation, the President said that his statement that “we’ll be looking” at Crimea and sanctions “did not communicate any position.” Written Responses of Donald J. Trump (Nov. 20, 2018), at 17 (Response to Question IV, Part (g)).


42 The Trump Tower Moscow project and Trump’s involvement in it is discussed in detail in Volume I, Section IV.A.1, supra, and Volume II, Section II.K, infra.

43 Cohen 9/18/18 302, at 4.

44 Cohen 9/18/18 302, at 4-5.
advisors had developed a “party line” that Trump had no business with Russia and no connections to Russia.\textsuperscript{45}

In addition to denying any connections with Russia, the Trump Campaign reacted to reports of Russian election interference in aid of the Campaign by seeking to distance itself from Russian contacts. For example, in August 2016, foreign policy advisor J.D. Gordon declined an invitation to Russian Ambassador Sergey Kislyak’s residence because the timing was “not optimal” in view of media reports about Russian interference.\textsuperscript{46} On August 19, 2016, Manafort was asked to resign amid media coverage scrutinizing his ties to a pro-Russian political party in Ukraine and links to Russian business.\textsuperscript{47} And when the media published stories about Page’s connections to Russia in September 2016, Trump Campaign officials terminated Page’s association with the Campaign and told the press that he had played “no role” in the Campaign.\textsuperscript{48}

On October 7, 2016, WikiLeaks released the first set of emails stolen by a Russian intelligence agency from Clinton Campaign chairman John Podesta.\textsuperscript{49} The same day, the federal government announced that “the Russian Government directed the recent compromises of e-mails from US persons and institutions, including from US political organizations.”\textsuperscript{50} The government statement directly linked Russian hacking to the releases on WikiLeaks, with the goal of interfering with the presidential election, and concluded “that only Russia’s senior-most officials could have authorized these activities” based on their “scope and sensitivity.”\textsuperscript{51}

On October 11, 2016, Podesta stated publicly that the FBI was investigating Russia’s hacking and said that candidate Trump might have known in advance that the hacked emails were going to be released.\textsuperscript{52} Vice Presidential Candidate Mike Pence was asked whether the Trump

\textsuperscript{45} Cohen 11/20/18 302, at 1; Cohen 9/18/18 302, at 3-5. The formation of the “party line” is described in greater detail in Volume II, Section II.K, infra.

\textsuperscript{46} DJTFP00064953 (8/8/16 Email, Gordon to Pchelyakov) (stating that “[t]hese days are not optimal for us, as we are busily knocking down a stream of false media stories”). The invitation and Gordon’s response are discussed in Volume I, Section IV.A.7.a, supra.

\textsuperscript{47} See, e.g., Amber Phillips, Paul Manafort’s complicated ties to Ukraine, explained, Washington Post (Aug. 19, 2016) (“There were also a wave of fresh headlines dealing with investigations into [Manafort’s] ties to a pro-Russian political party in Ukraine.”); Tom Winter & Ken Dilanian, Donald Trump Aide Paul Manafort Scrutinized for Russian Business Ties, NBC (Aug. 18, 2016). Relevant events involving Manafort are discussed in Volume I, Section IV.A.8, supra.

\textsuperscript{48} Michael Isikoff, U.S. intel officials probe ties between Trump adviser and Kremlin, Yahoo News (Sep. 23, 2016); see, e.g., 9/25/16 Email, Hicks to Conway & Bannon; 9/23/16 Email, J. Miller to Bannon & S. Miller; Page 3/16/17 302, at 2.

\textsuperscript{49} @WikiLeaks 10/7/16 (4:32 p.m. ET) Tweet.


\textsuperscript{52} John Wagner & Anne Gearan, Clinton campaign chairman ties email hack to Russians, suggests Trump had early warning, Washington Post (Oct. 11, 2016).
Campaign was "in cahoots" with WikiLeaks in releasing damaging Clinton-related information and responded, "Nothing could be further from the truth."  

4. After the Election, Trump Continues to Deny Any Contacts or Connections with Russia or That Russia Aided his Election

On November 8, 2016, Trump was elected President. Two days later, Russian officials told the press that the Russian government had maintained contacts with Trump's "immediate entourage" during the campaign. In response, Hope Hicks, who had been the Trump Campaign spokesperson, said, "We are not aware of any campaign representatives that were in touch with any foreign entities before yesterday, when Mr. Trump spoke with many world leaders." Hicks gave an additional statement denying any contacts between the Campaign and Russia: "It never happened. There was no communication between the campaign and any foreign entity during the campaign."

On December 10, 2016, the press reported that U.S. intelligence agencies had "concluded that Russia interfered in last month's presidential election to boost Donald Trump's bid for the White House." Reacting to the story the next day, President-Elect Trump stated, "I think it's ridiculous. I think it's just another excuse." He continued that no one really knew who was responsible for the hacking, suggesting that the intelligence community had "no idea if it's Russia or China or somebody. It could be somebody sitting in a bed some place." The President-Elect

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54 Ivan Nechepurenko, Russian Officials Were in Contact With Trump Allies, Diplomat Says, New York Times (Nov. 10, 2016) (quoting Russian Deputy Foreign Minister Sergey Ryabkov saying, "[T]here were contacts" and "I cannot say that all, but a number of them maintained contacts with Russian representatives"); Jim Heintz & Matthew Lee, Russia eyes better ties with Trump; says contacts underway, Associated Press (Nov. 11, 2016) (quoting Ryabkov saying, "I don't say that all of them, but a whole array of them supported contacts with Russian representatives").

55 Ivan Nechepurenko, Russian Officials Were in Contact With Trump Allies, Diplomat Says, New York Times (Nov. 11, 2016) (quoting Hicks).

56 Jim Heintz & Matthew Lee, Russia eyes better ties with Trump; says contacts underway, Associated Press (Nov. 10, 2016) (quoting Hicks). Hicks recalled that after she made that statement, she spoke with Campaign advisors Kellyanne Conway, Stephen Miller, Jason Miller, and probably Kushner and Daniels to ensure it was accurate, and there was no hesitation or pushback from any of them. Hicks 12/8/17 302, at 4.

57 Damien Geyle, CIA concludes Russia interfered to help Trump win election, say reports, Guardian (Dec. 10, 2016).

58 Chris Wallace Hosts "Fox News Sunday," Interview with President-Elect Donald Trump, CQ Transcripts (Dec. 11, 2016).

also said that Democrats were “putting [] out” the story of Russian interference “because they suffered one of the greatest defeats in the history of politics.”

On December 18, 2016, Podesta told the press that the election was “distorted by the Russian intervention” and questioned whether Trump Campaign officials had been “in touch with the Russians.” The same day, incoming Chief of Staff Reince Priebus appeared on Fox News Sunday and declined to say whether the President-Elect accepted the intelligence community’s determination that Russia intervened in the election. When asked about any contact or coordination between the Campaign and Russia, Priebus said, “Even this question is insane. Of course we didn’t interface with the Russians.” Priebus added that “this whole thing is a spin job” and said, “the real question is, why the Democrats . . . are doing everything they can to delegitimize the outcome of the election?”

On December 29, 2016, the Obama Administration announced that in response to Russian cyber operations aimed at the U.S. election, it was imposing sanctions and other measures on several Russian individuals and entities. When first asked about the sanctions, President-Elect Trump said, “I think we ought to get on with our lives.” He then put out a statement that said “It’s time for our country to move on to bigger and better things,” but indicated that he would meet with intelligence community leaders the following week for a briefing on Russian interference. The briefing occurred on January 6, 2017. Following the briefing, the intelligence community released the public version of its assessment, which concluded with high confidence that Russia had intervened in the election through a variety of means with the goal of harming Clinton’s

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60 Chris Wallace Hosts “Fox News Sunday,” Interview with President-Elect Donald Trump, CQ Newsmaker Transcripts (Dec. 11, 2016).

61 David Morgan, Clinton campaign: It’s an ‘open question’ if Trump team colluded with Russia, Reuters Business Insider (Dec. 18, 2016).

62 Chris Wallace Hosts “Fox News Sunday,” Interview with Incoming White House Chief of Staff Reince Priebus, Fox News (Dec. 18, 2016).

63 Chris Wallace Hosts “Fox News Sunday,” Interview with Incoming White House Chief of Staff Reince Priebus, Fox News (Dec. 18, 2016).

64 Chris Wallace Hosts “Fox News Sunday,” Interview with Incoming White House Chief of Staff Reince Priebus, Fox News (Dec. 18, 2016).

65 Statement by the President on Actions in Response to Russian Malicious Cyber Activity and Harassment, White House (Dec. 29, 2016); see also Missy Ryan et al., Obama administration announces measures to punish Russia for 2016 election interference, Washington Post (Dec. 29, 2016).


68 Comey 11/15/17 302, at 3.
electability.\textsuperscript{69} The assessment further concluded with high confidence that Putin and the Russian government had developed a clear preference for Trump.\textsuperscript{70}

Several days after, BuzzFeed published unverified allegations compiled by former British intelligence officer Christopher Steele during the campaign about candidate Trump's Russia connections under the headline "These Reports Allege Trump Has Deep Ties To Russia."\textsuperscript{71} In a press conference the next day, the President-Elect called the release "an absolute disgrace" and said, "I have no dealings with Russia. I have no deals that could happen in Russia, because we've stayed away... So I have no deals, I have no loans and I have no dealings. We could make deals in Russia very easily if we wanted to, I just don't want to because I think that would be a conflict."\textsuperscript{72}

Several advisors recalled that the President-Elect viewed stories about his Russian connections, the Russia investigations, and the intelligence community assessment of Russian interference as a threat to the legitimacy of his electoral victory.\textsuperscript{73} Hicks, for example, said that the President-Elect viewed the intelligence community assessment as his "Achilles heel" because, even if Russia had no impact on the election, people would think Russia helped him win, taking away from what he had accomplished.\textsuperscript{74} Sean Spicer, the first White House communications director, recalled that the President thought the Russia story was developed to undermine the legitimacy of his election.\textsuperscript{75} Gates said the President viewed the Russia investigation as an attack on the legitimacy of his win.\textsuperscript{76} And Priebus recalled that when the intelligence assessment came out, the President-Elect was concerned people would question the legitimacy of his win.\textsuperscript{77}

\textsuperscript{69} Office of the Director of National Intelligence, \textit{Russia's Influence Campaign Targeting the 2016 US Presidential Election}, at 1 (Jan. 6, 2017).

\textsuperscript{70} Office of the Director of National Intelligence, \textit{Russia's Influence Campaign Targeting the 2016 US Presidential Election}, at 1 (Jan. 6, 2017).

\textsuperscript{71} Ken Bensinger et al., \textit{These Reports Allege Trump Has Deep Ties To Russia}, BuzzFeed (Jan. 10, 2017).


\textsuperscript{73} Priebus 10/13/17 302, at 7; Hicks 3/13/18 302, at 18; Spicer 10/16/17 302, at 6; Bannon 2/14/18 302, at 2; Gates 4/18/18 302, at 3; see Pompeo 6/28/17 302, at 2 (the President believed that the purpose of the Russia investigation was to delegitimize his presidency).

\textsuperscript{74} Hicks 3/13/18 302, at 18.

\textsuperscript{75} Spicer 10/17/17 302, at 6.

\textsuperscript{76} Gates 4/18/18 302, at 3.

\textsuperscript{77} Priebus 10/13/17 302, at 7.