to avoid: a criminal investigation into his own conduct that was the subject of widespread media attention. The evidence indicates that news of the obstruction investigation prompted the President to call McGahn and seek to have the Special Counsel removed. By mid-June, the Department of Justice had already cleared the Special Counsel’s service and the President’s advisors had told him that the claimed conflicts of interest were “silly” and did not provide a basis to remove the Special Counsel. On June 13, 2017, the Acting Attorney General testified before Congress that no good cause for removing the Special Counsel existed, and the President dictated a press statement to Sanders saying he had no intention of firing the Special Counsel. But the next day, the media reported that the President was under investigation for obstruction of justice and the Special Counsel was interviewing witnesses about events related to possible obstruction—spurring the President to write critical tweets about the Special Counsel’s investigation. The President called McGahn at home that night and then called him on Saturday from Camp David. The evidence accordingly indicates that news that an obstruction investigation had been opened is what led the President to call McGahn to have the Special Counsel terminated.

There also is evidence that the President knew that he should not have made those calls to McGahn. The President made the calls to McGahn after McGahn had specifically told the President that the White House Counsel’s Office—and McGahn himself—could not be involved in pressing conflicts claims and that the President should consult with his personal counsel if he wished to raise conflicts. Instead of relying on his personal counsel to submit the conflicts claims, the President sought to use his official powers to remove the Special Counsel. And after the media reported on the President’s actions, he denied that he ever ordered McGahn to have the Special Counsel terminated and made repeated efforts to have McGahn deny the story, as discussed in Volume II, Section II.1, infra. Those denials are contrary to the evidence and suggest the President’s awareness that the direction to McGahn could be seen as improper.

F. The President’s Efforts to Curtail the Special Counsel Investigation

Overview

Two days after the President directed McGahn to have the Special Counsel removed, the President made another attempt to affect the course of the Russia investigation. On June 19, 2017, the President met one-on-one with Corey Lewandowski in the Oval Office and dictated a message to be delivered to Attorney General Sessions that would have had the effect of limiting the Russia investigation to future election interference only. One month later, the President met again with Lewandowski and followed up on the request to have Sessions limit the scope of the Russia investigation. Lewandowski told the President the message would be delivered soon. Hours later, the President publicly criticized Sessions in an unplanned press interview, raising questions about Sessions’s job security.

1. The President Asks Corey Lewandowski to Deliver a Message to Sessions to Curtail the Special Counsel Investigation

On June 19, 2017, two days after the President directed McGahn to have the Special Counsel removed, the President met one-on-one in the Oval Office with his former campaign
manager Corey Lewandowski.  

Senior White House advisors described Lewandowski as a "devotee" of the President and said the relationship between the President and Lewandowski was "close."

During the June 19 meeting, Lewandowski recalled that, after some small talk, the President brought up Sessions and criticized his recusal from the Russia investigation. The President told Lewandowski that Sessions was weak and that if the President had known about the likelihood of recusal in advance, he would not have appointed Sessions. The President then asked Lewandowski to deliver a message to Sessions and said "write this down." This was the first time the President had asked Lewandowski to take dictation, and Lewandowski wrote as fast as possible to make sure he captured the content correctly.

The President directed that Sessions should give a speech publicly announcing:

I know that I recused myself from certain things having to do with specific areas. But our POTUS is being treated very unfairly. He shouldn’t have a Special Prosecutor/Counsel b/c he hasn’t done anything wrong. I was on the campaign w/ him for nine months, there were no Russians involved with him. I know it for a fact b/c I was there. He didn’t do anything wrong except he ran the greatest campaign in American history.

The dictated message went on to state that Sessions would meet with the Special Counsel to limit his jurisdiction to future election interference:

Now a group of people want to subvert the Constitution of the United States. I am 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.

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603 Lewandowski 4/6/18 302, at 2; SCR026 000201 (President’s Daily Diary, 6/19/17).

604 Kelly 8/2/18 302, at 7; Dearborn 6/20/18 302, at 1 (describing Lewandowski as a “comfort to the President” whose loyalty was appreciated). Kelly said that when he was Chief of Staff and the President had meetings with friends like Lewandowski, Kelly tried not to be there and to push the meetings to the residence to create distance from the West Wing. Kelly 8/2/18 302, at 7.

605 Lewandowski 4/6/18 302, at 2.


608 Lewandowski 4/6/18 302, at 3.

609 Lewandowski 4/6/18 302, at 2-3; Lewandowski 6/19/17 Notes, at 1-2.

610 Lewandowski 4/6/18 302, at 3; Lewandowski 6/19/17 Notes, at 3.
The President said that if Sessions delivered that statement he would be the “most popular guy in the country.” Lewandowski told the President he understood what the President wanted Sessions to do.

Lewandowski wanted to pass the message to Sessions in person rather than over the phone. He did not want to meet at the Department of Justice because he did not want a public log of his visit and did not want Sessions to have an advantage over him by meeting on what Lewandowski described as Sessions’s turf. Lewandowski called Sessions and arranged a meeting for the following evening at Lewandowski’s office, but Sessions had to cancel due to a last minute conflict. Shortly thereafter, Lewandowski left Washington, D.C., without having had an opportunity to meet with Sessions to convey the President’s message. Lewandowski stored the notes in a safe at his home, which he stated was his standard procedure with sensitive items.

2. The President Follows Up with Lewandowski

Following his June meeting with the President, Lewandowski contacted Rick Dearborn, then a senior White House official, and asked if Dearborn could pass a message to Sessions. Dearborn agreed without knowing what the message was, and Lewandowski later confirmed that Dearborn would meet with Sessions for dinner in late July and could deliver the message then. Lewandowski recalled thinking that the President had asked him to pass the message because the President knew Lewandowski could be trusted, but Lewandowski believed Dearborn would be a better messenger because he had a longstanding relationship with Sessions and because Dearborn was in the government while Lewandowski was not.

On July 19, 2017, the President again met with Lewandowski alone in the Oval Office. In the preceding days, as described in Volume II, Section II.G, infra, emails and other information about the June 9, 2016 meeting between several Russians and Donald Trump Jr., Jared Kushner, and Paul Manafort had been publicly disclosed. In the July 19 meeting with Lewandowski, the

611 Lewandowski 4/6/18 302, at 3; Lewandowski 6/19/17 Notes, at 4.
612 Lewandowski 4/6/18 302, at 3.
613 Lewandowski 4/6/18 302, at 3-4.
615 Lewandowski 4/6/18 302, at 4.
617 Lewandowski 4/6/18 302, at 4.
618 Lewandowski 4/6/18 302, at 4; see Dearborn 6/20/18 302, at 3.
619 Lewandowski 4/6/18 302, at 4-5.
620 Lewandowski 4/6/18 302, at 4, 6.
621 Lewandowski 4/6/18 302, at 5; SCR029b_000002-03 (6/5/18 Additional Response to Special Counsel Request for Certain Visitor Log Information).
President raised his previous request and asked if Lewandowski had talked to Sessions. Lewandowski told the President that the message would be delivered soon. Lewandowski recalled that the President told him that if Sessions did not meet with him, Lewandowski should tell Sessions he was fired.

Immediately following the meeting with the President, Lewandowski saw Dearborn in the anteroom outside the Oval Office and gave him a typewritten version of the message the President had dictated to be delivered to Sessions. Lewandowski told Dearborn that the notes were the message they had discussed, but Dearborn did not recall whether Lewandowski said the message was from the President. The message "definitely raised an eyebrow" for Dearborn, and he recalled not wanting to ask where it came from or think further about doing anything with it. Dearborn also said that being asked to serve as a messenger to Sessions made him uncomfortable. He recalled later telling Lewandowski that he had handled the situation, but he did not actually follow through with delivering the message to Sessions, and he did not keep a copy of the typewritten notes Lewandowski had given him.

3. The President Publicly Criticizes Sessions in a New York Times Interview

Within hours of the President’s meeting with Lewandowski on July 19, 2017, the President gave an unplanned interview to the New York Times in which he criticized Sessions’s decision to recuse from the Russia investigation. The President said that "Sessions should have never recused himself, and if he was going to recuse himself, he should have told me before he took the job, and I would have picked somebody else." Sessions’s recusal, the President said, was "very unfair to the president. How do you take a job and then recuse yourself? If he would have recused himself before the job, I would have said, ‘Thanks, Jeff, but I can’t, you know, I’m not going to

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622 Lewandowski 4/6/18 302, at 5.
623 Lewandowski 4/6/18 302, at 5.
624 Lewandowski 4/6/18 302, at 6. Priebus vaguely recalled Lewandowski telling him that in approximately May or June 2017 the President had asked Lewandowski to get Sessions’s resignation. Priebus recalled that Lewandowski described his reaction as something like, “What can I do? I’m not an employee of the administration. I’m a nobody.” Priebus 4/3/18 302, at 6.
625 Lewandowski 4/6/18 302, at 5. Lewandowski said he asked Hope Hicks to type the notes when he went in to the Oval Office, and he then retrieved the notes from her partway through his meeting with the President. Lewandowski 4/6/18 302, at 5.
626 Lewandowski 4/6/18 302, at 5; Dearborn 6/20/18 302, at 3.
627 Dearborn 6/20/18 302, at 3.
628 Dearborn 6/20/18 302, at 3.
629 Dearborn 6/20/18 302, at 3-4.
630 Peter Baker et al., Excerpts From The Times’s Interview With Trump, New York Times (July 19, 2017).
631 Peter Baker et al., Excerpts From The Times’s Interview With Trump, New York Times (July 19, 2017).
take you.' It's extremely unfair, and that's a mild word, to the president." Hicks, who was present for the interview, recalled trying to "throw [herself] between the reporters and [the President]" to stop parts of the interview, but the President "loved the interview." Later that day, Lewandowski met with Hicks and they discussed the President's New York Times interview. Lewandowski recalled telling Hicks about the President's request that he meet with Sessions and joking with her about the idea of firing Sessions as a private citizen if Sessions would not meet with him. As Hicks remembered the conversation, Lewandowski told her the President had recently asked him to meet with Sessions and deliver a message that he needed to do the "right thing" and resign. While Hicks and Lewandowski were together, the President called Hicks and told her he was happy with how coverage of his New York Times interview criticizing Sessions was playing out.

4. The President Orders Priebus to Demand Sessions's Resignation

Three days later, on July 21, 2017, the Washington Post reported that U.S. intelligence intercepts showed that Sessions had discussed campaign-related matters with the Russian ambassador, contrary to what Sessions had said publicly. That evening, Priebus called Hunt to talk about whether Sessions might be fired or might resign. Priebus had previously talked to Hunt when the media had reported on tensions between Sessions and the President, and, after speaking to Sessions, Hunt had told Priebus that the President would have to fire Sessions if he wanted to remove Sessions because Sessions was not going to quit. According to Hunt, who took contemporaneous notes of the July 21 call, Hunt told Priebus that, as they had previously discussed, Sessions had no intention of resigning. Hunt asked Priebus what the President would

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632 Peter Baker et al., Excerpts From The Times's Interview With Trump, New York Times (July 19, 2017).
633 Hicks 12/8/17 302, at 23.
634 Hicks 3/13/18 302, at 10; Lewandowski 4/18 302, at 6.
635 Lewandowski 4/18 302, at 6.
636 Hicks 3/13/18 302, at 10. Hicks thought that the President might be able to make a recess appointment of a new Attorney General because the Senate was about to go on recess. Hicks 3/13/18 302, at 10. Lewandowski recalled that in the afternoon of July 19, 2017, following his meeting with the President, he conducted research on recess appointments but did not share his research with the President. Lewandowski 4/18 302, at 7.
637 Lewandowski 4/18 302, at 6.
639 Hunt 2/1/18 302, at 23.
640 Hunt 2/1/18 302, at 23.
accomplish by firing Sessions, pointing out there was an investigation before and there would be an investigation after.642

Early the following morning, July 22, 2017, the President tweeted, “A new INTELLIGENCE LEAK from the Amazon Washington Post, this time against A.G. Jeff Sessions. These illegal leaks, like Comey’s, must stop!”643 Approximately one hour later, the President tweeted, “So many people are asking why isn’t the A.G. or Special Council looking at the many Hillary Clinton or Comey crimes. 33,000 e-mails deleted?”644 Later that morning, while aboard Marine One on the way to Norfolk, Virginia, the President told Priebus that he had to get Sessions to resign immediately.645 The President said that the country had lost confidence in Sessions and the negative publicity was not tolerable.646 According to contemporaneous notes taken by Priebus, the President told Priebus to say that he “need[ed] a letter of resignation on [his] desk immediately” and that Sessions had “no choice” but “must immediately resign.”647 Priebus replied that if they fired Sessions, they would never get a new Attorney General confirmed and that the Department of Justice and Congress would turn their backs on the President, but the President suggested he could make a recess appointment to replace Sessions.648

Priebus believed that the President’s request was a problem, so he called McGahn and asked for advice, explaining that he did not want to pull the trigger on something that was “all wrong.”649 Although the President tied his desire for Sessions to resign to Sessions’s negative press and poor performance in congressional testimony, Priebus believed that the President’s desire to replace Sessions was driven by the President’s hatred of Sessions’s recusal from the Russia investigation.650 McGahn told Priebus not to follow the President’s order and said they should consult their personal counsel, with whom they had attorney-client privilege.651 McGahn

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643 @realDonaldTrump 7/22/17 (6:33 a.m. ET) Tweet.
644 @realDonaldTrump 7/22/17 (7:44 a.m. ET) Tweet. Three minutes later, the President tweeted, “What about all of the Clinton ties to Russia, including Podesta Company, Uranium deal, Russian Reset, big dollar speeches etc.” @realDonaldTrump 7/22/17 (7:47 a.m. ET) Tweet.
646 Priebus 1/8/18 302, at 14; Priebus 4/3/18 302, at 4-5; see RP_000073 (Priebus 7/22/17 Notes).
647 RP_000073 (Priebus 7/22/17 Notes).
649 Priebus 1/8/18 302, at 14; Priebus 4/3/18 302, at 4-5.
650 Priebus 4/3/18 302, at 5.
651 RP_000074 (Priebus 7/22/17 Notes); McGahn 12/14/17 302, at 11; Priebus 1/8/18 302, at 14. Priebus followed McGahn’s advice and called his personal attorney to discuss the President’s request because he thought it was the type of thing about which one would need to consult an attorney. Priebus 1/18/18 302, at 14.
and Priebus discussed the possibility that they would both have to resign rather than carry out the President’s order to fire Sessions.652

That afternoon, the President followed up with Priebus about demanding Sessions’s resignation, using words to the effect of, “Did you get it? Are you working on it?”653 Priebus said that he believed that his job depended on whether he followed the order to remove Sessions, although the President did not directly say so.654 Even though Priebus did not intend to carry out the President’s directive, he told the President he would get Sessions to resign.655 Later in the day, Priebus called the President and explained that it would be a calamity if Sessions resigned because Priebus expected that Rosenstein and Associate Attorney General Rachel Brand would also resign and the President would be unable to get anyone else confirmed.656 The President agreed to hold off on demanding Sessions’s resignation until after the Sunday shows the next day, to prevent the shows from focusing on the firing.657

By the end of that weekend, Priebus recalled that the President relented and agreed not to ask Sessions to resign.658 Over the next several days, the President tweeted about Sessions. On the morning of Monday, July 24, 2017, the President criticized Sessions for neglecting to investigate Clinton and called him “beleaguered.”659 On July 25, the President tweeted, “Attorney General Jeff Sessions has taken a VERY weak position on Hillary Clinton crimes (where are E-mails & DNC server & Intel leakers?)”660 The following day, July 26, the President tweeted, “Why didn’t A.G. Sessions replace Acting FBI Director Andrew McCabe, a Comey friend who was in charge of Clinton investigation.”661 According to Hunt, in light of the President’s frequent public attacks, Sessions prepared another resignation letter and for the rest of the year carried it with him in his pocket every time he went to the White House.662

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652 McGahn 12/14/17 302, at 11; RP_000074 (Priebus 7/22/17 Notes) (“discuss resigning together”).
653 Priebus 1/18/18 302, at 14; Priebus 4/3/18 302, at 4.
655 Priebus 1/18/18 302, at 15.
656 Priebus 1/18/18 302, at 15.
657 Priebus 1/18/18 302, at 15.
658 Priebus 1/18/18 302, at 15.
659 @realDonaldTrump 7/24/17 (8:49 a.m. ET) Tweet (“So why aren’t the Committees and investigators, and of course our beleaguered A.G., looking into Crooked Hillary’s crimes & Russia relations?”).
660 @realDonaldTrump 7/25/17 (6:12 a.m. ET) Tweet. The President sent another tweet shortly before this one asking “where is the investigation A.G.” @realDonaldTrump 7/25/17 (6:03 a.m. ET) Tweet.
661 @realDonaldTrump 7/26/17 (9:48 a.m. ET) Tweet.
662 Hunt 2/1/18 302, at 24-25.
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, 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
investigation for obstruction of justice. The sequence of those events raises an inference that after seeking to terminate the Special Counsel, the President sought to exclude his and his campaign’s conduct from the investigation’s scope. The President raised the matter with Lewandowski again on July 19, 2017, just days after emails and information about the June 9, 2016 meeting between Russians and senior campaign officials had been publicly disclosed, generating substantial media coverage and investigative interest.

The manner in which the President acted provides additional evidence of his intent. Rather than rely on official channels, the President met with Lewandowski alone in the Oval Office. The President selected a loyal “devotee” outside the White House to deliver the message, supporting an inference that he was working outside White House channels, including McGahn, who had previously resisted contacting the Department of Justice about the Special Counsel. The President also did not contact the Acting Attorney General, who had just testified publicly that there was no cause to remove the Special Counsel. Instead, the President tried to use Sessions to restrict and redirect the Special Counsel’s investigation when Sessions was recused and could not properly take any action on it.

The July 19, 2017 events provide further evidence of the President’s intent. The President followed up with Lewandowski in a separate one-on-one meeting one month after he first dictated the message for Sessions, demonstrating he still sought to pursue the request. And just hours after Lewandowski assured the President that the message would soon be delivered to Sessions, the President gave an unplanned interview to the New York Times in which he publicly attacked Sessions and raised questions about his job security. Four days later, on July 22, 2017, the President directed Priebus to obtain Sessions’s resignation. That evidence could raise an inference that the President wanted Sessions to realize that his job might be on the line as he evaluated whether to comply with the President’s direction that Sessions publicly announce that, notwithstanding his recusal, he was going to confine the Special Counsel’s investigation to future election interference.

G. The President’s Efforts to Prevent Disclosure of Emails About the June 9, 2016 Meeting Between Russians and Senior Campaign Officials

**Overview**

By June 2017, the President became aware of emails setting up the June 9, 2016 meeting between senior campaign officials and Russians who offered derogatory information on Hillary Clinton as “part of Russia and its government’s support for Mr. Trump.” On multiple occasions in late June and early July 2017, the President directed aides not to publicly disclose the emails, and he then dictated a statement about the meeting to be issued by Donald Trump Jr. describing the meeting as about adoption.

**Evidence**

1. The President Learns About the Existence of Emails Concerning the June 9, 2016 Trump Tower Meeting

In mid-June 2017—the same week that the President first asked Lewandowski to pass a message to Sessions—senior Administration officials became aware of emails exchanged during