

# The Pass Democrat

Newsletter of the Pass Democratic Club—June 2019

Visit the Pass Democratic Club website: [www.passdems.org](http://www.passdems.org)  
and the Pass Democratic Club on Facebook and Twitter (@DemocraticPass)

## Blue News

Koch-backed study finds 'Medicare for All' would save U.S. \$32.6 trillion over 10 years!

Trumpers beware: Remember who you were and what you stood for — before it's too late!

Washington To Become First State To Offer Public Health Insurance Option!

Harriet Tubman On The \$20 Bill? Not During The Trump Administration!

Three judges have found that Commerce Secretary Wilbur Ross gave a phony reason for adding a citizenship question to the 2020 Census.

In the European Union elections, nationalists failed to live up to a forecasted surge in support, largely attributed to increased support for pro-European Union green and liberal parties, and an increased turnout across the bloc.

The nonpartisan, independent and highly respected Congressional Research Service (CRS) has released a report indicating that the GOP tax bill was not beneficial to the economy!

North Korea has reportedly executed those deemed responsible for February's failed summit between Kim Jong Un and President Trump according to South Korea's Chosun Ilbo newspaper.

\*\*\*\*\*  
★ PRESIDENTIAL DEBATE ★  
**WATCH PARTY**



**Mark your calendars!**

**The Sun Lakes Committee of the Pass Democratic Club will host watch parties for the debates on June 26th and June 27th at 5:30pm. Locations and details to be announced via social media and email.**

## June Meeting

**Wednesday, June 19th**

**175 W. Hays St., Banning**  
(10 freeway, exit 8th St N, right Ramsey, left 2nd, right Hays)

Doors open at 6:00pm  
Meeting begins at 6:30pm

**Kris Goodfellow**  
**Candidate for State Senate SD23**



There are several ways to honor those who lost their lives and the survivors of gun violence in the Coachella Valley this year.

On **Friday June 7th**, dress in orange and stand with us at the intersection of Sunrise Way and Ramon Rd. in Palm Springs from 9-10:30am to raise awareness of gun violence and our commitment to end it.

We will also have a table during lunch at the Mizell Center with information on the many ways you can get involved to end gun violence.

Also, you can stop by **Democratic Headquarters of the Desert** starting on Wednesday, May 29, through Friday, June 7, on Mondays, Wednesdays, or Fridays from 10 AM to 2 PM and pickup an orange light bulb for your front house light to show your support. These special bulbs can also be purchased from Amazon, Home Depot or Lowes. Post pictures of your front entry on social media and the [Wear Orange website](https://wearorange.org).



There are 35 groups affiliated with Indivisible in Riverside County as follows, a ll of which will become more responsive and active as the 2020 election nears. Check Indivisible.org to be aware of upcoming activities and events in our area.

**PASS DEMOCRATIC CLUB**

Banning CA, 92220

**LET PEOPLE VOTE BEAUMONT**

Beaumont CA, 92223

**INDIVISIBLE CD8 YUCAIPA AREA**

Yucaipa CA, 92399

**IDYLLWILD INDIVISIBLE**

Idyllwild CA, 92549

**ONE MILLION LGBTQ ACTION.**

Morongo Valley CA, 92256

**OCCUPYCOACHELLAVALLEY**

Palm Springs CA, 92262

**PALM SPRINGS INDIVISIBLE - AD36**

Palm Springs CA, 92262

**INDIVISIBLE CA 36**

Palm Springs CA, 92262

**INDIVISIBLE REDLANDS**

Redlands CA, 92373

**DEMOCRATS OF HEMET SAN JACINTO**

Hemet CA, 92543

**REDLANDS FOR PROGRESSIVE CHANGE**

Redlands CA, 92374

**REDLANDS RAPID RESISTANCE**

Redlands CA, 92374

**INDIVISIBLE COACHELLA VALLEY**

Palm Springs CA, 92264

**THE COURAGEOUS RESISTANCE: PS & DESERT CITIES**

Palm Springs CA, 92264

**INDIVISIBLE RANCHO MIRAGE**

Rancho Mirage CA, 92270

**INDIVISIBLE - MENIFEE**

Sun City CA, 92586

**SMALL BUSINESS NOT PRISONS (RCBCC)**

Riverside CA, 92507

**INDIVISIBLE PALM DESERT**

Palm Desert CA, 92260

**INDIVISIBLE 41**

Riverside CA, 92506

**RISE UP CALIFORNIA**

Riverside CA, 92501

**PROGRESSIVE SENIOR PATRIOTS**

Aguanga CA, 92536

**TEMECULA VALLEY PROGRESSIVES**

Temecula CA, 92592

**TEMECULA RISES**

Temecula CA, 92592

**TOGETHER WE WILL CALIFORNIA**

Temecula CA, 92592

**INDIVISIBLES FRANCE**

Indian Wells CA, 92210

**WOMEN'S MARCH JOSHUA TREE**

Joshua Tree CA, 92252

**STANDUPNOW17**

Riverside CA, 92503

**INDIVISIBLETV**

Corona CA, 92883

**WAKING GIANTS**

Murrieta CA, 92562

**WOMEN'S COLLECTIVE**

Rancho Cucamonga CA, 91739

**CA42INDIVISIBLE**

Corona CA, 92877

**RISE & RESIST**

Rancho Cucamonga CA, 91730

**WRITERS RESIST**

Fallbrook CA, 92028

**INDIVISIBLE FALLBROOK**

Fallbrook CA, 92028

**INDIVISIBLE 42**

Corona CA, 92882

## The Trump administration's war on statistics isn't slowing down By [Catherine Rampell](#), May 23

Don't like the numbers? Invent new numbers instead.  
Or make it harder to collect trustworthy numbers next time.  
Or just put the squeeze on the number crunchers themselves.

Slowly but surely, the Trump administration has been chipping away at the independence and integrity of our federal statistical agencies, whose data is critical to keeping our democracy functioning and our economy healthy. So far as we know, the administration still hasn't managed to pierce the citadel of the Bureau of Labor Statistics (the independent agency that releases jobs and inflation numbers) or Bureau of Economic Analysis (the independent agency that tabulates gross domestic product). But around the edges, it's trying to compromise lots of other official government data.

This week, the New York Times [reported](#) that the Environmental Protection Agency plans to massage the model it uses to determine how many people die of pollution. The goal is to make the rollback of the Obama-era Clean Power Plan look significantly less deadly than the current models suggest. This is also part of a broader administrative effort to [downgrade official estimates](#) of environmental harm resulting from the administration's deregulatory agenda.

It's reminiscent of another [proposal](#) the administration made this month, relating to how we measure poverty. That's also a technical, boring-sounding, deep-in-the-weeds change that most of the public won't notice.

At least, not at first.

But over time, the change would reduce the number of Americans officially counted as poor — not because they've started earning more money but because this technical, boring-sounding change would redraw the line for who is in or out of poverty.

If you're a right-wing politician, this change would be a double win. It allows you to claim your policies have lifted families out of poverty, even if they're still struggling. It's also a backdoor way to slash spending on the safety net.

That's because the poverty threshold is used to determine eligibility for lots of safety-net services, meaning those newly defined as not-poor would also become newly defined as not-eligible for food stamps, Medicare's Part D Low-Income Subsidy program and other benefits. After 10 years, for instance, more than 300,000 children would lose comprehensive coverage through Medicaid and the Children's Health Insurance Program (CHIP), according to an [estimate](#) from the Center on Budget and Policy Priorities.

When directly manipulating official government measures isn't an option, the administration can also mess with the data-collection process.

That's precisely what's behind the Commerce Department's last-minute decision to [jam a citizenship question](#) into the 2020 Census, the constitutionally mandated enumeration of all "[persons](#)" (not just citizens) in the United States.

Immigrant and ethnic minority populations in this country already have high levels of distrust of government, thanks to xenophobic rhetoric and actions by President Trump (including, at one point, a proposed [Muslim registry](#)). Now just imagine what happens if the government suddenly demands that every household in America report the citizenship status of every occupant.

Significant population undercounts and otherwise inaccurate data can be expected to result, and the consequences of these distortions would be far-reaching. An inaccurate count would skew congressional representation and the allocation of hundreds of billions of federal dollars each year. It would also warp the many other public and private data measures that use the census as a baseline.

The Supreme Court will soon decide whether the administration's plans can proceed; three lower courts have blocked the question, on the grounds that the administration's actions violate administrative law or the Constitution.

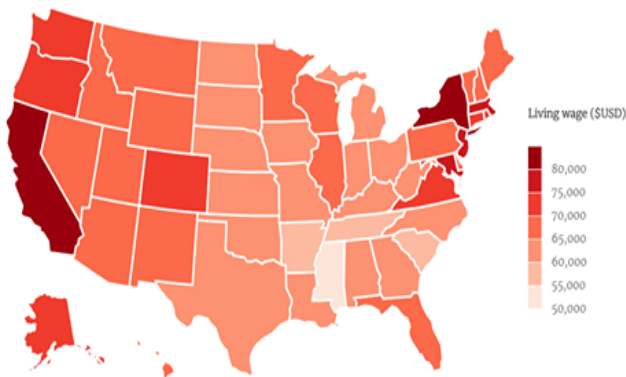
Finally, there's the Economic Research Service, the independent statistical agency housed within the Agriculture Department.

Its researchers compile and analyze data related to crops, yes, but also poverty, food stamps, trade and climate change, among other politically sensitive issues. And right now these economists and statisticians are quitting in droves. That's because the Trump administration abruptly decided to relocate hundreds of positions. Workers were told that if they want to keep their jobs, they have until the end of September to move their families to . . . a still as-yet-unnamed new city.

The relocation is, ostensibly, to save money. But it sure seems like a backdoor purge of an independent agency that has produced analyses inconvenient to the administration, including on the harms caused by Trump's trade wars and how little the 2017 GOP tax overhaul has helped small farmers.

Presumably the Trump administration has calculated that doctoring statistical models, skewing survey results and trying to strong-arm statisticians will serve its near-term political interests. In the long term, however, sowing distrust in government data only reduces the ability of policymakers, businesses and voters to make informed decisions.

Of course, maybe that was the goal all along.



**The average rent in the U.S. at the end of 2018 was \$1419/month.**

**For rent to be approximately one-quarter of income, as recommended, would require an income of \$5676/month.**

**At 40 hours per week, that's \$35.47/hour.**

**The federal minimum wage is currently \$7.25/hour (for non-tipped employees; for tipped employees it's \$2.13/hour).**

**Food for thought.**

**ANY FUNCTIONING ADULT**  
★★★★★  
**2020**

**HALF OF U.S. WORKERS**  
EARN LESS THAN **\$38,000 PER YEAR**



**AVERAGE COST OF LIVING FOR AMERICAN FAMILY OF 4:**  
**\$58,900-\$148,400**

Source: The Guardian/CNBC

BERNIE SANDERS



## LOCAL NEWS

# Banning Councilwoman Wallace is bestowed regional accolades

BY TREVOR CADDEL  
Record Gazette

Banning Councilwoman Colleen Wallace has received recent praise from a political advocacy group and, separately, a community outreach program in Riverside County.

On April 25 County of Riverside Community Action Partnership recognized Wallace for her valuable contributions to CAP Riverside and the residents of Riverside County.

CAP Riverside is a multi-program organization that provides services including: legal mitigation, peer mentor-

ing to youth, utility payment to low income families and individuals and other programs for residents of Riverside County.

Wallace also received an award from the Democratic Women of the Desert earlier this month.

On their website the club says that it is "Dedicated to promoting social, economic, and political policies that reflect the priorities of women," and chose to give their Rising Star Award to Councilwoman Wallace for her work in politics in the Pass area.

Wallace said, "I got a call from Joy Silver who ran for

Senate and she told me I was up for an award."

Wallace went on to express her surprise saying she really had no idea that it was coming and that she was appreciative for the recognition she was given for all the hard work she has put in.

Wallace, a Banning High School alumna, represents Banning's voting District 5.

She was elected in 2018 after defeating two other candidates to earn a seat on the Banning city council.

Staff Writer Trevor Caddel may be reached at [tcaddel@recorgazette.net](mailto:tcaddel@recorgazette.net).

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Questions? Email [events@temeculavalleydemocrats.org](mailto:events@temeculavalleydemocrats.org)

This location is ADA compliant. For more info please email [events@temeculavalleydemocrats.org](mailto:events@temeculavalleydemocrats.org)



June 9, 2019  
5:00-8:00 PM

Only 125 Tix  
Available!!!

Sofia's Garden  
37470 Crown Valley Rd  
Temecula, CA 92592

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(FEC #1265318) (FPPC #1399164)

So proud of our Beaumont HS scholarship recipients,  
Remy Altuna and Brianna Villari!



### Important Contacts:

**Senator Diane Feinstein:** DC Office (202) 224-3841  
L.A. Office (310) 914-7300

**Senator Kamala Harris:** DC Office (202) 224-3553  
San Diego Office (213) 894-5000

**Congressman Dr. Raul Ruiz (D-36)** DC Office (202) 225-5330  
Palm Desert Office (760) 424-8888

**CA State Senator Mike Morrell (R-23)** State Capitol Office (916) 651-4023  
Rancho Cucamonga Office (909) 919-7731

**CA Assembly Member Chad Mayes: (R-42)** State Capitol Office  
(916) 319-2042 Rancho Mirage Office (760) 346-6342

**Riverside County Supervisor Jeff Hewitt (5)**  
Riverside Office 951)955-1050 Perris Office (951)210-1300

## Join or Renew Invite a Friend

Pass Democratic Club  
PO Box 724  
Banning CA 92220

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Employer Name \_\_\_\_\_

Employer Address \_\_\_\_\_

Must be a registered Democrat.  
Enclose \$30 individual  
or \$50 for two at same address

### PASS DEMOCRATIC CLUB Wednesday, 6/5, SLCC Atrium 6PM

#### Executive Board Members:

PRESIDENT - Nancy Sappington, [nrhsappington@me.com](mailto:nrhsappington@me.com)  
1st VP MEMBERSHIP - Kathy Katz, [kkatz@iinet.com](mailto:kkatz@iinet.com)  
2nd VP VOTER REGISTRATION AND  
POLITICAL ACTION - Sylvia Carrillo, [syllycarr@verizon.net](mailto:syllycarr@verizon.net)  
RECORDING SECRETARY - Dianne Anderson  
CORRESPONDING/LOGISTICS - Remy Altuna  
TREASURER - Leeann McLaughlin, [casakel@msn.com](mailto:casakel@msn.com)

#### Committee Chairs:

COMMUNICATIONS—Leeann McLaughlin, [casakel@msn.com](mailto:casakel@msn.com)  
PROGRAM—DeniAntoinette Mazingo  
PARLIAMENTARIAN - Pelton Teague  
SCHOLARSHIPS - Blanche Teague, Margaret Coleman



For those of you who have not yet had the opportunity or time to read the exhaustive 448 page Mueller Report, the most relevant pages (i.e. the Summary of Volume II on obstruction of justice) are included on this and the following five pages:

U.S. Department of Justice  
~~Attorney Work Product // May Contain Material Protected Under Fed. R. Crim. P. 6(e)~~

## EXECUTIVE SUMMARY TO VOLUME II

Our obstruction-of-justice inquiry focused on a series of actions by the President that related to the Russian-interference investigations, including the President's conduct towards the law enforcement officials overseeing the investigations and the witnesses to relevant events.

### FACTUAL RESULTS OF THE OBSTRUCTION INVESTIGATION

The key issues and events we examined include the following:

***The Campaign's response to reports about Russian support for Trump.*** During the 2016 presidential campaign, questions arose about the Russian government's apparent support for candidate Trump. After WikiLeaks released politically damaging Democratic Party emails that were reported to have been hacked by Russia, Trump publicly expressed skepticism that Russia was responsible for the hacks at the same time that he and other Campaign officials privately sought information **Harm to Ongoing Matter** about any further planned WikiLeaks releases. Trump also denied having any business in or connections to Russia, even though as late as June 2016 the Trump Organization had been pursuing a licensing deal for a skyscraper to be built in Russia called Trump Tower Moscow. After the election, the President expressed concerns to advisors that reports of Russia's election interference might lead the public to question the legitimacy of his election.

***Conduct involving FBI Director Comey and Michael Flynn.*** In mid-January 2017, incoming National Security Advisor Michael Flynn falsely denied to the Vice President, other administration officials, and FBI agents that he had talked to Russian Ambassador Sergey Kislyak about Russia's response to U.S. sanctions on Russia for its election interference. On January 27, the day after the President was told that Flynn had lied to the Vice President and had made similar statements to the FBI, the President invited FBI Director Comey to a private dinner at the White House and told Comey that he needed loyalty. On February 14, the day after the President requested Flynn's resignation, the President told an outside advisor, "Now that we fired Flynn, the Russia thing is over." The advisor disagreed and said the investigations would continue.

Later that afternoon, the President cleared the Oval Office to have a one-on-one meeting with Comey. Referring to the FBI's investigation of Flynn, the President said, "I hope you can see your way clear to letting this go, to letting Flynn go. He is a good guy. I hope you can let this go." Shortly after requesting Flynn's resignation and speaking privately to Comey, the President sought to have Deputy National Security Advisor K.T. McFarland draft an internal letter stating that the President had not directed Flynn to discuss sanctions with Kislyak. McFarland declined because she did not know whether that was true, and a White House Counsel's Office attorney thought that the request would look like a quid pro quo for an ambassadorship she had been offered.

***The President's reaction to the continuing Russia investigation.*** In February 2017, Attorney General Jeff Sessions began to assess whether he had to recuse himself from campaign-related investigations because of his role in the Trump Campaign. In early March, the President told White House Counsel Donald McGahn to stop Sessions from recusing. And after Sessions announced his recusal on March 2, the President expressed anger at the decision and told advisors that he should have an Attorney General who would protect him. That weekend, the President took Sessions aside at an event and urged him to "unrecuse." Later in March, Comey publicly



disclosed at a congressional hearing that the FBI was investigating “the Russian government’s efforts to interfere in the 2016 presidential election,” including any links or coordination between the Russian government and the Trump Campaign. In the following days, the President reached out to the Director of National Intelligence and the leaders of the Central Intelligence Agency (CIA) and the National Security Agency (NSA) to ask them what they could do to publicly dispel the suggestion that the President had any connection to the Russian election-interference effort. The President also twice called Comey directly, notwithstanding guidance from McGahn to avoid direct contacts with the Department of Justice. Comey had previously assured the President that the FBI was not investigating him personally, and the President asked Comey to “lift the cloud” of the Russia investigation by saying that publicly.

*The President’s termination of Comey.* On May 3, 2017, Comey testified in a congressional hearing, but declined to answer questions about whether the President was personally under investigation. Within days, the President decided to terminate Comey. The President insisted that the termination letter, which was written for public release, state that Comey had informed the President that he was not under investigation. The day of the firing, the White House maintained that Comey’s termination resulted from independent recommendations from the Attorney General and Deputy Attorney General that Comey should be discharged for mishandling the Hillary Clinton email investigation. But the President had decided to fire Comey before hearing from the Department of Justice. The day after firing Comey, the President told Russian officials that he had “faced great pressure because of Russia,” which had been “taken off” by Comey’s firing. The next day, the President acknowledged in a television interview that he was going to fire Comey regardless of the Department of Justice’s recommendation and that when he “decided to just do it,” he was thinking that “this thing with Trump and Russia is a made-up story.” In response to a question about whether he was angry with Comey about the Russia investigation, the President said, “As far as I’m concerned, I want that thing to be absolutely done properly,” adding that firing Comey “might even lengthen out the investigation.”

*The appointment of a Special Counsel and efforts to remove him.* On May 17, 2017, the Acting Attorney General for the Russia investigation appointed a Special Counsel to conduct the investigation and related matters. The President reacted to news that a Special Counsel had been appointed by telling advisors that it was “the end of his presidency” and demanding that Sessions resign. Sessions submitted his resignation, but the President ultimately did not accept it. The President told aides that the Special Counsel had conflicts of interest and suggested that the Special Counsel therefore could not serve. The President’s advisors told him the asserted conflicts were meritless and had already been considered by the Department of Justice.

On June 14, 2017, the media reported that the Special Counsel’s Office was investigating whether the President had obstructed justice. Press reports called this “a major turning point” in the investigation: while Comey had told the President he was not under investigation, following Comey’s firing, the President now was under investigation. The President reacted to this news with a series of tweets criticizing the Department of Justice and the Special Counsel’s investigation. On June 17, 2017, the President called McGahn at home and directed him to call the Acting Attorney General and say that the Special Counsel had conflicts of interest and must be removed. McGahn did not carry out the direction, however, deciding that he would resign rather than trigger what he regarded as a potential Saturday Night Massacre.



***Efforts to curtail the Special Counsel's investigation.*** Two days after directing 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 in the Oval Office with his former campaign manager Corey Lewandowski, a trusted advisor outside the government, and dictated a message for Lewandowski to deliver to Sessions. The message said that Sessions should publicly announce that, notwithstanding his recusal from the Russia investigation, the investigation was “very unfair” to the President, the President had done nothing wrong, and Sessions planned to meet with the Special Counsel and “let [him] move forward with investigating election meddling for future elections.” Lewandowski said he understood what the President wanted Sessions to do.

One month later, in another private meeting with Lewandowski on July 19, 2017, the President asked about the status of his message for Sessions to limit the Special Counsel investigation to future election interference. Lewandowski told the President that the message would be delivered soon. Hours after that meeting, the President publicly criticized Sessions in an interview with the New York Times, and then issued a series of tweets making it clear that Sessions’s job was in jeopardy. Lewandowski did not want to deliver the President’s message personally, so he asked senior White House official Rick Dearborn to deliver it to Sessions. Dearborn was uncomfortable with the task and did not follow through.

***Efforts to prevent public disclosure of evidence.*** In the summer of 2017, the President learned that media outlets were asking questions about the June 9, 2016 meeting at Trump Tower between senior campaign officials, including Donald Trump Jr., and a Russian lawyer who was said to be offering damaging information about Hillary Clinton as “part of Russia and its government’s support for Mr. Trump.” On several occasions, the President directed aides not to publicly disclose the emails setting up the June 9 meeting, suggesting that the emails would not leak and that the number of lawyers with access to them should be limited. Before the emails became public, the President edited a press statement for Trump Jr. by deleting a line that acknowledged that the meeting was with “an individual who [Trump Jr.] was told might have information helpful to the campaign” and instead said only that the meeting was about adoptions of Russian children. When the press asked questions about the President’s involvement in Trump Jr.’s statement, the President’s personal lawyer repeatedly denied the President had played any role.

***Further efforts to have the Attorney General take control of the investigation.*** In early summer 2017, the President called Sessions at home and again asked him to reverse his recusal from the Russia investigation. Sessions did not reverse his recusal. In October 2017, the President met privately with Sessions in the Oval Office and asked him to “take [a] look” at investigating Clinton. In December 2017, shortly after Flynn pleaded guilty pursuant to a cooperation agreement, the President met with Sessions in the Oval Office and suggested, according to notes taken by a senior advisor, that if Sessions unrecused and took back supervision of the Russia investigation, he would be a “hero.” The President told Sessions, “I’m not going to do anything or direct you to do anything. I just want to be treated fairly.” In response, Sessions volunteered that he had never seen anything “improper” on the campaign and told the President there was a “whole new leadership team” in place. He did not unrecuse.

***Efforts to have McGahn deny that the President had ordered him to have the Special Counsel removed.*** In early 2018, the press reported that the President had directed McGahn to



have the Special Counsel removed in June 2017 and that McGahn had threatened to resign rather than carry out the order. The President reacted to the news stories by directing White House officials to tell McGahn to dispute the story and create a record stating he had not been ordered to have the Special Counsel removed. McGahn told those officials that the media reports were accurate in stating that the President had directed McGahn to have the Special Counsel removed. The President then met with McGahn in the Oval Office and again pressured him to deny the reports. In the same meeting, the President also asked McGahn why he had told the Special Counsel about the President's effort to remove the Special Counsel and why McGahn took notes of his conversations with the President. McGahn refused to back away from what he remembered happening and perceived the President to be testing his mettle.

**Conduct towards Flynn, Manafort, HOM [REDACTED]**. After Flynn withdrew from a joint defense agreement with the President and began cooperating with the government, the President's personal counsel left a message for Flynn's attorneys reminding them of the President's warm feelings towards Flynn, which he said "still remains," and asking for a "heads up" if Flynn knew "information that implicates the President." When Flynn's counsel reiterated that Flynn could no longer share information pursuant to a joint defense agreement, the President's personal counsel said he would make sure that the President knew that Flynn's actions reflected "hostility" towards the President. During Manafort's prosecution and when the jury in his criminal trial was deliberating, the President praised Manafort in public, said that Manafort was being treated unfairly, and declined to rule out a pardon. After Manafort was convicted, the President called Manafort "a brave man" for refusing to "break" and said that "flipping" "almost ought to be outlawed." **Harm to Ongoing Matter**  
[REDACTED]

**Conduct involving Michael Cohen.** The President's conduct towards Michael Cohen, a former Trump Organization executive, changed from praise for Cohen when he falsely minimized the President's involvement in the Trump Tower Moscow project, to castigation of Cohen when he became a cooperating witness. From September 2015 to June 2016, Cohen had pursued the Trump Tower Moscow project on behalf of the Trump Organization and had briefed candidate Trump on the project numerous times, including discussing whether Trump should travel to Russia to advance the deal. In 2017, Cohen provided false testimony to Congress about the project, including stating that he had only briefed Trump on the project three times and never discussed travel to Russia with him, in an effort to adhere to a "party line" that Cohen said was developed to minimize the President's connections to Russia. While preparing for his congressional testimony, Cohen had extensive discussions with the President's personal counsel, who, according to Cohen, said that Cohen should "stay on message" and not contradict the President. After the FBI searched Cohen's home and office in April 2018, the President publicly asserted that Cohen would not "flip," contacted him directly to tell him to "stay strong," and privately passed messages of support to him. Cohen also discussed pardons with the President's personal counsel and believed that if he stayed on message he would be taken care of. But after Cohen began cooperating with the government in the summer of 2018, the President publicly criticized him, called him a "rat," and suggested that his family members had committed crimes.



**Overarching factual issues.** We did not make a traditional prosecution decision about these facts, but the evidence we obtained supports several general statements about the President's conduct.

Several features of the conduct we investigated distinguish it from typical obstruction-of-justice cases. First, the investigation concerned the President, and some of his actions, such as firing the FBI director, involved facially lawful acts within his Article II authority, which raises constitutional issues discussed below. At the same time, the President's position as the head of the Executive Branch provided him with unique and powerful means of influencing official proceedings, subordinate officers, and potential witnesses—all of which is relevant to a potential obstruction-of-justice analysis. Second, unlike cases in which a subject engages in obstruction of justice to cover up a crime, the evidence we obtained did not establish that the President was involved in an underlying crime related to Russian election interference. Although the obstruction statutes do not require proof of such a crime, the absence of that evidence affects the analysis of the President's intent and requires consideration of other possible motives for his conduct. Third, many of the President's acts directed at witnesses, including discouragement of cooperation with the government and suggestions of possible future pardons, took place in public view. That circumstance is unusual, but no principle of law excludes public acts from the reach of the obstruction laws. If the likely effect of public acts is to influence witnesses or alter their testimony, the harm to the justice system's integrity is the same.

Although the series of events we investigated involved discrete acts, the overall pattern of the President's conduct towards the investigations can shed light on the nature of the President's acts and the inferences that can be drawn about his intent. In particular, the actions we investigated can be divided into two phases, reflecting a possible shift in the President's motives. The first phase covered the period from the President's first interactions with Comey through the President's firing of Comey. During that time, the President had been repeatedly told he was not personally under investigation. Soon after the firing of Comey and the appointment of the Special Counsel, however, the President became aware that his own conduct was being investigated in an obstruction-of-justice inquiry. At that point, the President engaged in a second phase of conduct, involving public attacks on the investigation, non-public efforts to control it, and efforts in both public and private to encourage witnesses not to cooperate with the investigation. Judgments about the nature of the President's motives during each phase would be informed by the totality of the evidence.

#### STATUTORY AND CONSTITUTIONAL DEFENSES

The President's counsel raised statutory and constitutional defenses to a possible obstruction-of-justice analysis of the conduct we investigated. We concluded that none of those legal defenses provided a basis for declining to investigate the facts.

**Statutory defenses.** Consistent with precedent and the Department of Justice's general approach to interpreting obstruction statutes, we concluded that several statutes could apply here. *See* 18 U.S.C. §§ 1503, 1505, 1512(b)(3), 1512(c)(2). Section 1512(c)(2) is an omnibus obstruction-of-justice provision that covers a range of obstructive acts directed at pending or contemplated official proceedings. No principle of statutory construction justifies narrowing the provision to cover only conduct that impairs the integrity or availability of evidence. Sections 1503 and 1505 also offer broad protection against obstructive acts directed at pending grand jury,



judicial, administrative, and congressional proceedings, and they are supplemented by a provision in Section 1512(b) aimed specifically at conduct intended to prevent or hinder the communication to law enforcement of information related to a federal crime.

***Constitutional defenses.*** As for constitutional defenses arising from the President's status as the head of the Executive Branch, we recognized that the Department of Justice and the courts have not definitively resolved these issues. We therefore examined those issues through the framework established by Supreme Court precedent governing separation-of-powers issues. The Department of Justice and the President's personal counsel have recognized that the President is subject to statutes that prohibit obstruction of justice by bribing a witness or suborning perjury because that conduct does not implicate his constitutional authority. With respect to whether the President can be found to have obstructed justice by exercising his powers under Article II of the Constitution, we concluded that Congress has authority to prohibit a President's corrupt use of his authority in order to protect the integrity of the administration of justice.

Under applicable Supreme Court precedent, the Constitution does not categorically and permanently immunize a President for obstructing justice through the use of his Article II powers. The separation-of-powers doctrine authorizes Congress to protect official proceedings, including those of courts and grand juries, from corrupt, obstructive acts regardless of their source. We also concluded that any inroad on presidential authority that would occur from prohibiting corrupt acts does not undermine the President's ability to fulfill his constitutional mission. The term "corruptly" sets a demanding standard. It requires a concrete showing that a person acted with an intent to obtain an improper advantage for himself or someone else, inconsistent with official duty and the rights of others. A preclusion of "corrupt" official action does not diminish the President's ability to exercise Article II powers. For example, the proper supervision of criminal law does not demand freedom for the President to act with a corrupt intention of shielding himself from criminal punishment, avoiding financial liability, or preventing personal embarrassment. To the contrary, a statute that prohibits official action undertaken for such corrupt purposes furthers, rather than hinders, the impartial and evenhanded administration of the law. It also aligns with the President's constitutional duty to faithfully execute the laws. Finally, we concluded that in the rare case in which a criminal investigation of the President's conduct is justified, inquiries to determine whether the President acted for a corrupt motive should not impermissibly chill his performance of his constitutionally assigned duties. The conclusion that Congress may apply the obstruction laws to the President's corrupt exercise of the powers of office accords with our constitutional system of checks and balances and the principle that no person is above the law.

#### CONCLUSION

Because we determined not to make a traditional prosecutorial judgment, we did not draw ultimate conclusions about the President's conduct. The evidence we obtained about the President's actions and intent presents difficult issues that would need to be resolved if we were making a traditional prosecutorial judgment. At the same time, if we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. Based on the facts and the applicable legal standards, we are unable to reach that judgment. Accordingly, while this report does not conclude that the President committed a crime, it also does not exonerate him.