



U.S. Department of Justice

Washington, D.C. 20530

March 24, 2019

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL 
FROM: Steven A. Engel 
Assistant Attorney General, Office of Legal Counsel
Edward C. O'Callaghan 
Principal Associate Deputy Attorney General
SUBJECT: Review of the Special Counsel's Report

At your request, we have evaluated Volume II of the Special Counsel's Report on the Investigation into Russian Interference in the 2016 Presidential Election to determine whether the facts recited therein would support initiating or declining the prosecution of the President for obstruction of justice under the Principles of Federal Prosecution, without regard to any constitutional barrier to such a prosecution under Article II of the U.S. Constitution. Over the course of the Special Counsel's investigation, we have previously discussed these issues within the Department among ourselves, with the Deputy Attorney General, and with you since your appointment, as well as with the Special Counsel and his staff. Our conclusions are the product of those discussions, as well as our review of the Report.

For the reasons stated below, we conclude that the evidence described in Volume II of the Report is not, in our judgment, sufficient to support a conclusion beyond a reasonable doubt that the President violated the obstruction-of-justice statutes.¹ In addition, we believe that certain of the conduct examined by the Special Counsel could not, as a matter of law, support an obstruction charge under the circumstances. Accordingly, were there no constitutional barrier, we would recommend, under the Principles of Federal Prosecution, that you decline to commence such a prosecution.

I. The Department Should Reach a Conclusion on Whether Prosecution Is Warranted Based on the Findings in Volume II of the Special Counsel's Report

The Special Counsel has investigated certain facts relating to the President's response to the FBI's Russia investigation and to the subsequent Special Counsel investigation. In so doing,

¹ Given the length and detail of the Special Counsel's Report, we do not recount the relevant facts here. Our discussion and analysis assumes familiarity with the Report as well as much of the background surrounding the Special Counsel's investigation.

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Attorney General's Report on Federal Law Enforcement and Criminal Justice Assistance Activities United States. Department of Justice, 1975 **Attorney General's Report on Federal Law Enforcement and Criminal Justice Assistance Activities** United States. Dept. of Justice, 1979 Annual Report of the Attorney General of the United States United States. Department of Justice, 1986 *Annual Report of the Attorney General of the United States* United States. Department of Justice, 1918 **Report of the Attorney General's Task Force on Violent Crime** United States. Congress. House. Committee on the Judiciary. Subcommittee on Crime, 1983 *Annual Report of the Attorney-General of the United States for the Year 1894* ,1894 **The Handbook of Measurement Issues in Criminology and Criminal Justice** Beth M. Huebner, Timothy S. Bynum, 2016-04-28 This volume of the series was designed to provide a comprehensive primer on the existing best practices and emerging developments in the study and design research on crime and criminology The work as a whole includes chapters on the measurement of criminal typologies the offenders offending and victimization criminal justice organizations and specialized measurement techniques Each chapter is written by experts in the field and they provide an excellent survey of the literature in the relevant area More importantly each chapter provides a description of the various methodological and substantive challenges presented in conducting research on these issues and denotes possible solutions to these dilemmas An emphasis was placed on research that has been conducted outside of the United States and was designed to give the reader a broader more global understanding of the social context of research The goal of this volume is to provide a definitive reference for professionals in the field researchers and students This volume in the Handbooks in Criminology and Criminal Justice series identifies the principal topical areas of research in this field and summarizes the various methodological and substantive challenges presented in conducting research on these issues In each chapter authors provide a summary of the prominent data collection efforts in the topical area provide an overview of the current methodological work discuss the challenges in the measurement of central concepts in the subject area and identify new horizons emerging in data collection and measurement We encouraged authors to discuss work conducted in an international context and to incorporate discussion of qualitative methodologies when appropriate **Annual Report of the Attorney-General of the United States for the Year 1893** ,1893 **Attorney General's Report on Federal Law Enforcement and Criminal Justice Assistance Activities** United States. Dept. of Justice, General Reports of the XVIIIth Congress of the International Academy of Comparative Law/Rapports Généraux du XVIIIème Congrès de l'Académie Internationale de Droit Comparé Karen B. Brown, David V. Snyder, 2011-12-30 This title presents twenty nine topics prepared by leading scholars in more than 20 countries providing a comparative analysis of cutting edge legal topics of the 21st century Considering topics of vital moment to contemporary legal scholars the title includes pieces on Surrogate Motherhood The Balance of Copyright in Comparative Perspective International Law in Domestic Systems Constitutional Courts as

Positive Legislators Same sex Marriage Climate Change and the Law The Regulation of Private Equity Hedge Funds and State Funds and Regulation of Corporate Tax Evasion Each chapter surveys legal developments in the U S and Canada Europe Asia Latin and South America Africa and the Middle East in a format that permits the reader easy access to similarities and differences in the approaches of the selected national regimes This comprehensive volume tells the story of parallel trends in the evolution of legal doctrine despite jurisdictional cultural and political barriers While each of the covered countries stands alone as a sovereign in a technologically advanced world their disparate systems nonetheless have converged to adopt comparable strategies in dealing with complex legal issues The volume is a critical addition to the library of any scholar hoping to keep abreast of the major trends in contemporary law *Illinois Attorney General's Report for the Biennium ...* Illinois. Attorney General's Office,1921 Consists of the Report issued biennially and Opinions issued annually Opinions included with the biennial report **The Trans-Mississippi West, 1804-1912: A guide to records of the Department of Justice for the territorial period** ,1993 *The Trans-Mississippi West, 1804-1912* ,1993 *Continuing Investigation Into the U.S. Attorneys Controversy and Related Matters* United States. Congress. House. Committee on the Judiciary,2009 Nomination of Benjamin R. Civiletti to be Deputy Attorney General United States. Congress. Senate. Committee on the Judiciary,1978 **Technical Appendix** ,1993 **Human Trafficking** Marie Segrave,2016-12-05 Human trafficking captured the attention of the global community well over a decade ago inspiring multifarious international national regional and local responses While formally recognized as one of the major threats associated with transnational organized crime human trafficking remains an issue about which much has been written and yet little is known or supported by empirical evidence The essays selected for this volume reflect four key areas of debate the transnational organized crime framework the data and research landscape the implementation of anti trafficking responses and the articulation of alternative responses to human trafficking These essays are written by well known and more recent contributors to this field of research The collection draws attention to contemporary arguments as well as recent empirical research and points to the importance of contextualizing human trafficking within both the global and local setting This volume reflects where human trafficking data research and debate is currently located and where it is heading and as such is of interest to academics students policymakers and practitioners Judgement Collection Practices and Policies of the Department of Justice United States. Congress. House. Government Operations,1964 Hearings United States. Congress. House,1964 *Judgment Collection Practices and Policies of the Department of Justice* United States. Congress. House. Committee on Government Operations. Legal and Monetary Affairs Subcommittee,1964

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