

# **The Impeachment Wars: What Lies Ahead?**

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Office of the Deputy Attorney General  
Washington, D.C. 20530

ORDER NO. 3915-2017


APPOINTMENT OF SPECIAL COUNSEL  
TO INVESTIGATE RUSSIAN INTERFERENCE WITH THE  
2016 PRESIDENTIAL ELECTION AND RELATED MATTERS

By virtue of the authority vested in me as Acting Attorney General, including 28 U.S.C. §§ 509, 510, and 515, in order to discharge my responsibility to provide supervision and management of the Department of Justice, and to ensure a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election, I hereby order as follows:

- (a) Robert S. Mueller III is appointed to serve as Special Counsel for the United States Department of Justice.
- (b) The Special Counsel is authorized to conduct the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including:
  - (i) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and
  - (ii) any matters that arose or may arise directly from the investigation; and
  - (iii) any other matters within the scope of 28 C.F.R. § 600.4(a).
- (c) If the Special Counsel believes it is necessary and appropriate, the Special Counsel is authorized to prosecute federal crimes arising from the investigation of these matters.
- (d) Sections 600.4 through 600.10 of Title 28 of the Code of Federal Regulations are applicable to the Special Counsel.

Date

5/17/17

  
Rod J. Rosenstein  
Acting Attorney General

# SMALL FRY

DEFENDANT	CHARGES	PLEA	COOPERATION AGREEMENT	POTENTIAL SENTENCE	TRIAL/ SENTENCING
Papadopoulos	False Statement	Guilty	Yes	0-6 months	14 days
Pinedo	ID Fraud	Guilty	Yes	12-18 months	6 months prison plus 6 months home confinement
Van der Zwaan	False Statement re contacts with Kilimnik	Guilty	No	0-6 months, plus deportation	30 days

# BIG FISH

DEFENDANT	CHARGES	PLEA	COOPERATION AGREEMENT	POTENTIAL SENTENCE	TRIAL/ SENTENCING
<b>Flynn</b>	False Statement	Guilty	Yes	0-6 months	Jan. 28, 2020
<b>Cohen</b>	False Statements to U.S. Congress	Guilty	Yes	0-6 months	<ul style="list-style-type: none"> <li>TBD</li> <li>SDNY: 3 years</li> </ul>
<b>Stone</b>	<ul style="list-style-type: none"> <li>False Statements (5 counts)</li> <li>Witness Tampering</li> <li>Obstruction</li> </ul>	Not Guilty	No	50 years	Convicted on all counts Sentencing: Feb. 6, 2020
<b>Manafort</b>	<ul style="list-style-type: none"> <li>DC: 7 counts</li> <li>EDVA: 32 counts</li> </ul>	Initially not guilty in both cases; changed to guilty in DC following EDVA conviction	Yes, but DC agreement breached due to lack of truthful cooperation	<ul style="list-style-type: none"> <li>DC: 10 years</li> <li>EDVA: Mueller recommended 19.5-24.5 years</li> </ul>	DC: 73 months (30 mos. concurrent w/EDVA; 43 months consecutive) EDVA: 47 months
<b>Kilimnik</b> (Co-defendant with Manafort in DC case)	<ul style="list-style-type: none"> <li>Conspiracy to obstruct justice</li> <li>Obstruction of justice</li> </ul>	N/A (no arrest yet)	No	TBD	No
<b>Gates</b>	<ul style="list-style-type: none"> <li>Conspiracy to defraud the U.S. re Ukraine lobbying</li> <li>False Statement re Ukraine lobbying</li> </ul>	<ul style="list-style-type: none"> <li>DC: Guilty</li> <li>Alexandria: Charges dismissed</li> </ul>	Yes	57-71 months	45 days

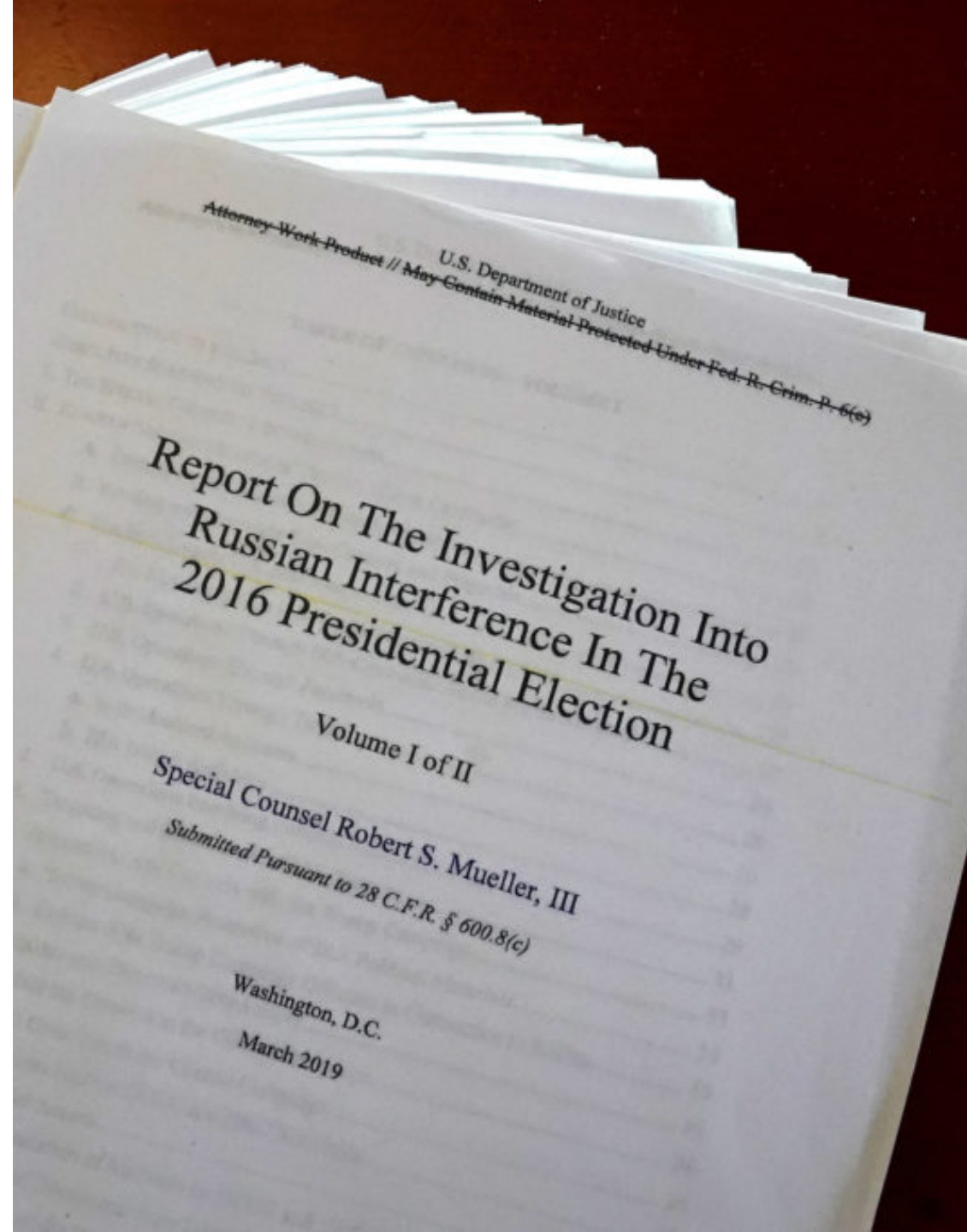
# RUSSIANS

DEFENDANT	CHARGES	PLEA	COOPERATION AGREEMENT	POTENTIAL SENTENCE	TRIAL/ SENTENCING
<b>(Social Engineering) Russian Troll Farm/ “Internet Research Agency”</b>	<ul style="list-style-type: none"><li>• Conspiracy to defraud the U.S.</li><li>• Conspiracy to commit wire/bank fraud</li><li>• ID Theft</li></ul>	N/A (no arrests yet)	No	TBD	No
<b>(Hacking) Netyksho et al. (GRU agents)</b>	<ul style="list-style-type: none"><li>• Conspiracy against the U.S. (2 counts)</li><li>• Conspiracy to Launder Money (1 count)</li><li>• Identity Theft (8 counts)</li></ul>	N/A (no arrests yet)	No	TBD	No

## MUELLER REPORT

# 10 ACTS OF OBSTRUCTION

1. Pressuring Comey to End Flynn Investigation
2. Trump's Reaction to Russia Investigation
3. Comey Firing and Aftermath
4. Mueller Appointment and Attempts to Fire Him
5. Other Efforts to Curtail Mueller Investigation
6. Efforts to Prevent Public Disclosure of Evidence
7. Efforts to Have Former AG Sessions Take Control of Investigation
8. Trump Orders WH Counsel to Deny that President Wanted Tried to Fire Mueller
9. Trump's Actions Toward Flynn, Manafort and Other Possible Witnesses
10. Trump's Actions Toward Michael Cohen



# UKRAINE

## Quid Pro Quo – Biden

- Dec. 2015: VP Biden tells Ukraine to fire Prosecutor (Shokin) or lose \$1 billion
- Jan. 2018: Biden brags at CFR about pressuring Ukraine to fire Shokin

## Quid Pro Quo – Trump

- Apr. 2017: Trump accuses Ukraine of framing Russia re 2016 election interference
- May 2019: Trump accuses Biden of pressuring Ukraine to protect Hunter Biden
- Spring/Summer 2019: Trump's aides threaten to withhold \$391 million unless Ukraine publicly announces investigation of Biden and Ukrainian interference in 2016 US election

## “Trump-Zelensky call (July 25, 2019)

“Do us a favor . . . find out what happened with . . . Crowdstrike”

“There’s a lot of talk about Biden’s son, that Biden stopped the prosecution”

“Whatever you can do with the Attorney General would be great”

## Whistleblower complaint (Aug. 12, 2019)

# GIULIANI

- **April 2018** – Giuliani named as Trump’s personal lawyer
- **2018** – Giuliani begins working with Parnas and Fruman to dig up dirt on Joe and Hunter Biden
- **Late 2018** – Parnas and Fruman organize Skype call for Giuliani with Shokin
- **Jan. - Feb. 2019** – Giuliani meets Lutsenko in NY City and Poland
- **April 2019** – Giuliani tells Fox news Joe Biden caused firing of Shokin to protect Hunter Biden
- **May 6, 2019** -- U.S. Ambassador to Ukraine Marie Yovanovitch suddenly recalled
- **May 2019** – Giuliani, Parnas and Fruman meet with Ukrainian anti-corruption prosecutor
- **June 21, 2019** – Giuliani tweet demanding new Ukrainian President Zelensky investigate Bidens
- **Mid-July, 2019** – Trump directs Chief of Staff Mulvaney to hold back aid to Ukraine
- **July 25, 2019** – Trump-Zelensky call
- **August 3, 2019** – Giuliani meets Zelensky’s top aide in Madrid
- **September 22, 2019** – Giuliani interview with Chris Cuomo
- **October 11, 2019** – Parnas and Fruman arrested while trying to flee U.S. Indictment alleges illegal contributions to “Congressman-1” (former Rep. Pete Sessions, R-TX). Parnas and Fruman sought Congressman-1’s assistance to oust Ambassador Yovanovitch
- **Oct. 22, 2019** – Taylor confirms quid pro quo
- **November 19, 2019** – Vindman testifies Giuliani pressured Ukraine to investigate Bidens



# Can U.S. President be Charged with State or Federal Crimes?

- President *can* be sued while in office (Clinton v. Jones, 1997)
- Supreme Court has *never* ruled whether sitting President can face criminal proceedings (state or federal) while in office
  - Justice Department Policy (OLC Opinions, 1973 and 2000): no state or federal charges can be filed against sitting President
  - Trump's challenge to Manhattan DA subpoena for tax returns headed to Supreme Court

Wednesday



Judge Chin



William Consovoy

**PRESIDENT TRUMP'S FINANCIAL RECORDS & TAX RETURNS**

**SECOND  
CIRCUIT COURT  
OF APPEALS**

**Oral Argument**  
**Trump v. Vance**

**C-SPAN2**

# IMPEACHMENT

## House: Art. 1, section 2, clause 5

“The House of Representatives shall chuse [sic] their Speaker and other Officers; and shall have the *sole Power of Impeachment*.”

## Senate: Art. I, section 3, clause 6:

"The Senate shall have the *sole Power to try all Impeachments*. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of *two thirds of the Members present*."

## If convicted: Art. II, section 4:

The President, Vice President and all civil officers of the United States, *shall be removed from office* on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

# Articles of Impeachment

- **Obstruction of Congress re Ukraine**
- **Abuse of Power re Ukraine**
- [Bribery re Ukraine]
- [Obstruction of Justice re Mueller Investigation]

# PARDON POWER

## U.S. Constitution, Art. II Section 2, Clause 1:



The President...shall have Power to grant Reprieves and Pardons for Offenses against the United States, *except in cases of Impeachment.*

# 25<sup>TH</sup> AMENDMENT

## U.S. Constitution, 25<sup>th</sup> Amendment, Section 4:

“Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is *unable to discharge the powers and duties of his office*, the Vice President shall immediately assume the powers and duties of the office as Acting President.