



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.

Us Attorney Generals Report

Rachel S Tattersall



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Table of Contents Us Attorney Generals Report

1. Understanding the eBook Us Attorney Generals Report
 - The Rise of Digital Reading Us Attorney Generals Report
 - Advantages of eBooks Over Traditional Books
2. Identifying Us Attorney Generals Report
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Us Attorney Generals Report
 - User-Friendly Interface
4. Exploring eBook Recommendations from Us Attorney Generals Report
 - Personalized Recommendations

- Us Attorney Generals Report User Reviews and Ratings
- Us Attorney Generals Report and Bestseller Lists
- 5. Accessing Us Attorney Generals Report Free and Paid eBooks
 - Us Attorney Generals Report Public Domain eBooks
 - Us Attorney Generals Report eBook Subscription Services
 - Us Attorney Generals Report Budget-Friendly Options
- 6. Navigating Us Attorney Generals Report eBook Formats
 - ePub, PDF, MOBI, and More
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 - Us Attorney Generals Report Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Us Attorney Generals Report
 - Highlighting and Note-Taking Us Attorney Generals Report
 - Interactive Elements Us Attorney Generals Report
- 8. Staying Engaged with Us Attorney Generals Report
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Us Attorney Generals Report
- 9. Balancing eBooks and Physical Books Us Attorney Generals Report
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Us Attorney Generals Report
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Us Attorney Generals Report
 - Setting Reading Goals Us Attorney Generals Report
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Us Attorney Generals Report
 - Fact-Checking eBook Content of Us Attorney Generals Report

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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