

Papadopoulos was dismissed from the Trump Campaign in early October 2016, after an interview he gave to the Russian news agency *Interfax* generated adverse publicity.⁴⁹²

f. Trump Campaign Knowledge of “Dirt”

Papadopoulos admitted telling at least one individual outside of the Campaign—specifically, the then-Greek foreign minister—about Russia’s obtaining Clinton-related emails.⁴⁹³ In addition, a different foreign government informed the FBI that, 10 days after meeting with Mifsud in late April 2016, Papadopoulos suggested that the Trump Campaign had received indications from the Russian government that it could assist the Campaign through the anonymous release of information that would be damaging to Hillary Clinton.⁴⁹⁴ (This conversation occurred after the GRU spearphished Clinton Campaign chairman John Podesta and stole his emails, and the GRU hacked into the DCCC and DNC, *see* Volume I, Sections III.A & III.B, *supra*.) Such disclosures raised questions about whether Papadopoulos informed any Trump Campaign official about the emails.

When interviewed, Papadopoulos and the Campaign officials who interacted with him told the Office that they could not recall Papadopoulos’s sharing the information that Russia had obtained “dirt” on candidate Clinton in the form of emails or that Russia could assist the Campaign through the anonymous release of information about Clinton. Papadopoulos stated that he could not clearly recall having told anyone on the Campaign and wavered about whether he accurately remembered an incident in which Clovis had been upset after hearing Papadopoulos tell Clovis that Papadopoulos thought “they have her emails.”⁴⁹⁵ The Campaign officials who interacted or corresponded with Papadopoulos have similarly stated, with varying degrees of certainty, that he did not tell them. Senior policy advisor Stephen Miller, for example, did not remember hearing anything from Papadopoulos or Clovis about Russia having emails of or dirt on candidate Clinton.⁴⁹⁶ Clovis stated that he did not recall anyone, including Papadopoulos, having given him non-public information that a foreign government might be in possession of material damaging to Hillary Clinton.⁴⁹⁷ **Grand Jury**

98 **Grand Jury**

⁴⁹² *George Papadopoulos: Sanctions Have Done Little More Than to Turn Russia Towards China*, *Interfax* (Sept. 30, 2016).

⁴⁹³ Papadopoulos 9/19/17 302, at 14-15; Def. Sent. Mem., *United States v. George Papadopoulos*, 1:17-cr-182 (D.D.C. Aug. 31, 2018), Doc. 45.

⁴⁹⁴ *See* footnote 465 of Volume I, Section IV.A.2.d, *supra*.

⁴⁹⁵ Papadopoulos 8/10/17 302, at 5; Papadopoulos 8/11/17 302, at 5; Papadopoulos 9/20/17 302, at 2.

⁴⁹⁶ S. Miller 12/14/17 302, at 10.

⁴⁹⁷ **Grand Jury**

⁴⁹⁸ **Grand Jury**

Grand Jury

⁴⁹⁹ No documentary evidence, and nothing in the email accounts or other communications facilities reviewed by the Office, shows that Papadopoulos shared this information with the Campaign.

g. Additional George Papadopoulos Contact

The Office investigated another Russia-related contact with Papadopoulos. The Office was not fully able to explore the contact because the individual at issue—Sergei Millian—remained out of the country since the inception of our investigation and declined to meet with members of the Office despite our repeated efforts to obtain an interview.

Papadopoulos first connected with Millian via LinkedIn on July 15, 2016, shortly after Papadopoulos had attended the TAG Summit with Clovis.⁵⁰⁰ Millian, an American citizen who is a native of Belarus, introduced himself “as president of [the] New York-based Russian American Chamber of Commerce,” and claimed that through that position he had “insider knowledge and direct access to the top hierarchy in Russian politics.”⁵⁰¹ Papadopoulos asked Timofeev whether he had heard of Millian.⁵⁰² Although Timofeev said no,⁵⁰³ Papadopoulos met Millian in New York City.⁵⁰⁴ The meetings took place on July 30 and August 1, 2016.⁵⁰⁵ Afterwards, Millian invited Papadopoulos to attend—and potentially speak at—two international energy conferences, including one that was to be held in Moscow in September 2016.⁵⁰⁶ Papadopoulos ultimately did not attend either conference.

On July 31, 2016, following his first in-person meeting with Millian, Papadopoulos emailed Trump Campaign official Bo Denysyk to say that he had been contacted “by some leaders of Russian-American voters here in the US about their interest in voting for Mr. Trump,” and to ask whether he should “put you in touch with their group (US-Russia chamber of commerce).”⁵⁰⁷ Denysyk thanked Papadopoulos “for taking the initiative,” but asked him to “hold off with

⁴⁹⁹ **Grand Jury**

⁵⁰⁰ 7/15/16 LinkedIn Message, Millian to Papadopoulos.

⁵⁰¹ 7/15/16 LinkedIn Message, Millian to Papadopoulos.

⁵⁰² 7/22/16 Facebook Message, Papadopoulos to Timofeev (7:40:23 p.m.); 7/26/16 Facebook Message, Papadopoulos to Timofeev (3:08:57 p.m.).

⁵⁰³ 7/23/16 Facebook Message, Timofeev to Papadopoulos (4:31:37 a.m.); 7/26/16 Facebook Message, Timofeev to Papadopoulos (3:37:16 p.m.).

⁵⁰⁴ 7/16/16 Text Messages, Papadopoulos & Millian (7:55:43 p.m.).

⁵⁰⁵ 7/30/16 Text Messages, Papadopoulos & Millian (5:38 & 6:05 p.m.); 7/31/16 Text Messages, Millian & Papadopoulos (3:48 & 4:18 p.m.); 8/1/16 Text Message, Millian to Papadopoulos (8:19 p.m.).

⁵⁰⁶ 8/2/16 Text Messages, Millian & Papadopoulos (3:04 & 3:05 p.m.); 8/3/16 Facebook Messages, Papadopoulos & Millian (4:07:37 a.m. & 1:11:58 p.m.).

⁵⁰⁷ 7/31/16 Email, Papadopoulos to Denysyk (12:29:59 p.m.).

outreach to Russian-Americans” because “too many articles” had already portrayed the Campaign, then-campaign chairman Paul Manafort, and candidate Trump as “being pro-Russian.”⁵⁰⁸

On August 23, 2016, Millian sent a Facebook message to Papadopoulos promising that he would “share with you a disruptive technology that might be instrumental in your political work for the campaign.”⁵⁰⁹ Papadopoulos claimed to have no recollection of this matter.⁵¹⁰

On November 9, 2016, shortly after the election, Papadopoulos arranged to meet Millian in Chicago to discuss business opportunities, including potential work with Russian “billionaires who are not under sanctions.”⁵¹¹ The meeting took place on November 14, 2016, at the Trump Hotel and Tower in Chicago.⁵¹² According to Papadopoulos, the two men discussed partnering on business deals, but Papadopoulos perceived that Millian’s attitude toward him changed when Papadopoulos stated that he was only pursuing private-sector opportunities and was not interested in a job in the Administration.⁵¹³ The two remained in contact, however, and had extended online discussions about possible business opportunities in Russia.⁵¹⁴ The two also arranged to meet at a Washington, D.C. bar when both attended Trump’s inauguration in late January 2017.⁵¹⁵

3. Carter Page

Carter Page worked for the Trump Campaign from January 2016 to September 2016. He was formally and publicly announced as a foreign policy advisor by the candidate in March 2016.⁵¹⁶ Page had lived and worked in Russia, and he had been approached by Russian intelligence officers several years before he volunteered for the Trump Campaign. During his time with the Campaign, Page advocated pro-Russia foreign policy positions and traveled to Moscow in his personal capacity. Russian intelligence officials had formed relationships with Page in 2008 and 2013 and Russian officials may have focused on Page in 2016 because of his affiliation with the Campaign. However, the investigation did not establish that Page coordinated with the Russian government in its efforts to interfere with the 2016 presidential election.

⁵⁰⁸ 7/31/16 Email, Denysyk to Papadopoulos (21:54:52).

⁵⁰⁹ 8/23/16 Facebook Message, Millian to Papadopoulos (2:55:36 a.m.).

⁵¹⁰ Papadopoulos 9/20/17 302, at 2.

⁵¹¹ 11/10/16 Facebook Message, Millian to Papadopoulos (9:35:05 p.m.).

⁵¹² 11/14/16 Facebook Message, Millian to Papadopoulos (1:32:11 a.m.).

⁵¹³ Papadopoulos 9/19/17 302, at 19.

⁵¹⁴ *E.g.*, 11/29/16 Facebook Messages, Papadopoulos & Millian (5:09 - 5:11 p.m.); 12/7/16 Facebook Message, Millian to Papadopoulos (5:10:54 p.m.).

⁵¹⁵ 1/20/17 Facebook Messages, Papadopoulos & Millian (4:37-4:39 a.m.).

⁵¹⁶ Page was interviewed by the FBI during five meetings in March 2017, before the Special Counsel’s appointment. **Grand Jury**

a. Background

Before he began working for the Campaign in January 2016, Page had substantial prior experience studying Russian policy issues and living and working in Moscow. From 2004 to 2007, Page was the deputy branch manager of Merrill Lynch's Moscow office.⁵¹⁷ There, he worked on transactions involving the Russian energy company Gazprom and came to know Gazprom's deputy chief financial officer, Sergey Yatsenko.⁵¹⁸

In 2008, Page founded Global Energy Capital LLC (GEC), an investment management and advisory firm focused on the energy sector in emerging markets.⁵¹⁹ **Grand Jury**
Grand Jury⁵²⁰ The company otherwise had no sources of income, and Page was forced to draw down his life savings to support himself and pursue his business venture.⁵²¹ Page asked Yatsenko to work with him at GEC as a senior advisor on a contingency basis, **Grand Jury**
Grand Jury⁵²²

In 2008, Page met Alexander Bulatov, a Russian government official who worked at the Russian Consulate in New York.⁵²³ Page later learned that Bulatov was a Russian intelligence officer, **Grand Jury**
Grand Jury⁵²⁴

In 2013, Victor Podobnyy, another Russian intelligence officer working covertly in the United States under diplomatic cover, formed a relationship with Page.⁵²⁵ Podobnyy met Page at an energy symposium in New York City and began exchanging emails with him.⁵²⁶ Podobnyy and Page also met in person on multiple occasions, during which Page offered his outlook on the future of the energy industry and provided documents to Podobnyy about the energy business.⁵²⁷ In a recorded conversation on April 8, 2013, Podobnyy told another intelligence officer that Page was interested in business opportunities in Russia.⁵²⁸ In Podobnyy's words, Page "got hooked on

⁵¹⁷ *Testimony of Carter Page, Hearing Before the U.S. House of Representatives, Permanent Select Committee on Intelligence, 115th Cong. 40 (Nov. 2, 2017) (exhibit).*

⁵¹⁸ Page 3/30/17 302, at 10.

⁵¹⁹ **Grand Jury**

⁵²⁰ **Grand Jury**

⁵²¹ **Grand Jury**

⁵²² Page 3/30/17 302, at 10; **Grand Jury**

⁵²³ **Grand Jury**

⁵²⁴ **Grand Jury**

⁵²⁵ **Grand Jury** Complaint ¶¶ 22, 24, 32, *United States v. Buryakov*, 1:15-mj-215 (S.D.N.Y. Jan. 23, 2015), Doc. 1 ("Buryakov Complaint").

⁵²⁶ *Buryakov Complaint* ¶ 34.

⁵²⁷ *Buryakov Complaint* ¶ 34.

⁵²⁸ *Buryakov Complaint* ¶ 32.

Gazprom thinking that if they have a project, he could . . . rise up. Maybe he can. . . . [I]t's obvious that he wants to earn lots of money."⁵²⁹ Podobnyy said that he had led Page on by "feed[ing] him empty promises" that Podobnyy would use his Russian business connections to help Page.⁵³⁰ Podobnyy told the other intelligence officer that his method of recruiting foreign sources was to promise them favors and then discard them once he obtained relevant information from them.⁵³¹

In 2015, Podobnyy and two other Russian intelligence officers were charged with conspiracy to act as an unregistered agent of a foreign government.⁵³² The criminal complaint detailed Podobnyy's interactions with and conversations about Page, who was identified only as "Male-1."⁵³³ Based on the criminal complaint's description of the interactions, Page was aware that he was the individual described as "Male-1."⁵³⁴ Page later spoke with a Russian government official at the United Nations General Assembly and identified himself so that the official would understand he was "Male-1" from the Podobnyy complaint.⁵³⁵ Page told the official that he "didn't do anything" **Grand Jury** ⁵³⁶

In interviews with the FBI before the Office's opening, Page acknowledged that he understood that the individuals he had associated with were members of the Russian intelligence services, but he stated that he had only provided immaterial non-public information to them and that he did not view this relationship as a backchannel.⁵³⁷ Page told investigating agents that "the more immaterial non-public information I give them, the better for this country."⁵³⁸

b. Origins of and Early Campaign Work

In January 2016, Page began volunteering on an informal, unpaid basis for the Trump Campaign after Ed Cox, a state Republican Party official, introduced Page to Trump Campaign officials.⁵³⁹ Page told the Office that his goal in working on the Campaign was to help candidate Trump improve relations with Russia.⁵⁴⁰ To that end, Page emailed Campaign officials offering his thoughts on U.S.-Russia relations, prepared talking points and briefing memos on Russia, and

⁵²⁹ *Buryakov* Complaint.

⁵³⁰ *Buryakov* Complaint.

⁵³¹ *Buryakov* Complaint.

⁵³² See *Buryakov* Complaint; see also Indictment, *United States v. Buryakov*, 1:15-cr-73 (S.D.N.Y. Feb. 9, 2015), Doc. 10; **Grand Jury**

⁵³³ *Buryakov* Complaint ¶¶ 32-34; **Grand Jury**

⁵³⁴ **Grand Jury**

⁵³⁵ Page 3/16/17 302, at 4; **Grand Jury**

⁵³⁶ Page 3/16/17 302, at 4; **Grand Jury**

⁵³⁷ Page 3/30/17 302, at 6; Page 3/31/17 302, at 1.

⁵³⁸ Page 3/31/17 302, at 1.

⁵³⁹ Page 3/16/17 302, at 1; **Grand Jury**

⁵⁴⁰ Page 3/10/17 302, at 2.

proposed that candidate Trump meet with President Vladimir Putin in Moscow.⁵⁴¹

In communications with Campaign officials, Page also repeatedly touted his high-level contacts in Russia and his ability to forge connections between candidate Trump and senior Russian governmental officials. For example, on January 30, 2016, Page sent an email to senior Campaign officials stating that he had “spent the past week in Europe and ha[d] been in discussions with some individuals with close ties to the Kremlin” who recognized that Trump could have a “game-changing effect . . . in bringing the end of the new Cold War.”⁵⁴² The email stated that “[t]hrough [his] discussions with these high level contacts,” Page believed that “a direct meeting in Moscow between Mr[.] Trump and Putin could be arranged.”⁵⁴³ Page closed the email by criticizing U.S. sanctions on Russia.⁵⁴⁴ **Grand Jury**

Grand Jury
545

On March 21, 2016, candidate Trump formally and publicly identified Page as a member of his foreign policy team to advise on Russia and the energy sector.⁵⁴⁶ Over the next several months, Page continued providing policy-related work product to Campaign officials. For example, in April 2016, Page provided feedback on an outline for a foreign policy speech that the candidate gave at the Mayflower Hotel,⁵⁴⁷ *see* Volume I, Section IV.A.4, *infra*. In May 2016, Page prepared an outline of an energy policy speech for the Campaign and then traveled to Bismarck, North Dakota, to watch the candidate deliver the speech.⁵⁴⁸ Chief policy advisor Sam Clovis expressed appreciation for Page’s work and praised his work to other Campaign officials.⁵⁴⁹

c. Carter Page’s July 2016 Trip To Moscow

Page’s affiliation with the Trump Campaign took on a higher profile and drew the attention of Russian officials after the candidate named him a foreign policy advisor. As a result, in late April 2016, Page was invited to give a speech at the July 2016 commencement ceremony at the

⁵⁴¹ *See, e.g.*, 1/30/16 Email, Page to Glassner et al.; 3/17/16 Email, Page to Clovis (attaching a “President’s Daily Brief” prepared by Page that discussed the “severe degradation of U.S.-Russia relations following Washington’s meddling” in Ukraine); **Grand Jury**

⁵⁴² 1/30/16 Email, Page to Glassner et al.

⁵⁴³ 1/30/16 Email, Page to Glassner et al.

⁵⁴⁴ 1/30/16 Email, Page to Glassner et al.

⁵⁴⁵ **Grand Jury**

⁵⁴⁶ *A Transcript of Donald Trump’s Meeting with the Washington Post Editorial Board*, Washington Post (Mar. 21, 2016); **Grand Jury**

⁵⁴⁷ **Grand Jury**

⁵⁴⁸ **Grand Jury**

⁵⁴⁹ *See, e.g.*, 3/28/16 Email, Clovis to Lewandowski et al. (forwarding notes prepared by Page and stating, “I wanted to let you know the type of work some of our advisors are capable of.”).

New Economic School (NES) in Moscow.⁵⁵⁰ The NES commencement ceremony generally featured high-profile speakers; for example, President Barack Obama delivered a commencement address at the school in 2009.⁵⁵¹ NES officials told the Office that the interest in inviting Page to speak at NES was based entirely on his status as a Trump Campaign advisor who served as the candidate's Russia expert.⁵⁵² Andrej Krickovic, an associate of Page's and assistant professor at the Higher School of Economics in Russia, recommended that NES rector Shlomo Weber invite Page to give the commencement address based on his connection to the Trump Campaign.⁵⁵³ Denis Klimentov, an employee of NES, said that when Russians learned of Page's involvement in the Trump Campaign in March 2016, the excitement was palpable.⁵⁵⁴ Weber recalled that in summer 2016 there was substantial interest in the Trump Campaign in Moscow, and he felt that bringing a member of the Campaign to the school would be beneficial.⁵⁵⁵

Page was eager to accept the invitation to speak at NES, and he sought approval from Trump Campaign officials to make the trip to Russia.⁵⁵⁶ On May 16, 2016, while that request was still under consideration, Page emailed Clovis, J.D. Gordon, and Walid Phares and suggested that candidate Trump take his place speaking at the commencement ceremony in Moscow.⁵⁵⁷ On June 19, 2016, Page followed up again to request approval to speak at the NES event and to reiterate that NES "would love to have Mr. Trump speak at this annual celebration" in Page's place.⁵⁵⁸ Campaign manager Corey Lewandowski responded the same day, saying, "If you want to do this, it would be out side [sic] of your role with the DJT for President campaign. I am certain Mr. Trump will not be able to attend."⁵⁵⁹

In early July 2016, Page traveled to Russia for the NES events. On July 5, 2016, Denis Klimentov, copying his brother, Dmitri Klimentov,⁵⁶⁰ emailed Maria Zakharova, the Director of the Russian Ministry of Foreign Affairs' Information and Press Department, about Page's visit and his connection to the Trump Campaign.⁵⁶¹ Denis Klimentov said in the email that he wanted to draw the Russian government's attention to Page's visit in Moscow.⁵⁶² His message to Zakharova

⁵⁵⁰ Page 3/16/17 302, at 2-3; Page 3/10/17 302, at 3.

⁵⁵¹ S. Weber 7/28/17 302, at 3.

⁵⁵² Y. Weber 6/1/17 302, at 4-5; S. Weber 7/28/17 302, at 3.

⁵⁵³ See Y. Weber 6/1/17 302, at 4; S. Weber 7/28/17 302, at 3.

⁵⁵⁴ De. Klimentov 6/9/17 302, at 2.

⁵⁵⁵ S. Weber 7/28/17 302, at 3.

⁵⁵⁶ See 5/16/16 Email, Page to Phares et al. (referring to submission of a "campaign advisor request form").

⁵⁵⁷ **Grand Jury**; 5/16/16 Email, Page to Phares et al.

⁵⁵⁸ 6/19/16 Email, Page to Gordon et al.

⁵⁵⁹ 6/19/16 Email, Lewandowski to Page et al.

⁵⁶⁰ Dmitri Klimentov is a New York-based public relations consultant.

⁵⁶¹ 7/5/16 Email, Klimentov to Zakharova (translated).

⁵⁶² 7/5/16 Email, Klimentov to Zakharova (translated).

continued: “Page is Trump’s adviser on foreign policy. He is a known businessman; he used to work in Russia. . . . If you have any questions, I will be happy to help contact him.”⁵⁶³ Dmitri Klimentov then contacted Russian Press Secretary Dmitry Peskov about Page’s visit to see if Peskov wanted to introduce Page to any Russian government officials.⁵⁶⁴ The following day, Peskov responded to what appears to have been the same Denis Klimentov-Zakharova email thread. Peskov wrote, “I have read about [Page]. Specialists say that he is far from being the main one. So I better not initiate a meeting in the Kremlin.”⁵⁶⁵

On July 7, 2016, Page delivered the first of his two speeches in Moscow at NES.⁵⁶⁶ In the speech, Page criticized the U.S. government’s foreign policy toward Russia, stating that “Washington and other Western capitals have impeded potential progress through their often hypocritical focus on ideas such as democratization, inequality, corruption and regime change.”⁵⁶⁷ On July 8, 2016, Page delivered a speech during the NES commencement.⁵⁶⁸ After Page delivered his commencement address, Russian Deputy Prime Minister and NES board member Arkady Dvorkovich spoke at the ceremony and stated that the sanctions the United States had imposed on Russia had hurt the NES.⁵⁶⁹ Page and Dvorkovich shook hands at the commencement ceremony, and Weber recalled that Dvorkovich made statements to Page about working together in the future.⁵⁷⁰ **Grand Jury**

Grand Jury
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Page said that, during his time in Moscow, he met with friends and associates he knew from when he lived in Russia, including Andrey Baranov, a former Gazprom employee who had become the head of investor relations at Rosneft, a Russian energy company.⁵⁷² Page stated that he and Baranov talked about “immaterial non-public” information.⁵⁷³ Page believed he and Baranov discussed Rosneft president Igor Sechin, and he thought Baranov might have mentioned

⁵⁶³ 7/5/16 Email, Klimentov to Zakharova (translated).

⁵⁶⁴ Dm. Klimentov 11/27/18 302, at 1-2.

⁵⁶⁵ 7/6/16 Email, Peskov to Klimentov (translated).

⁵⁶⁶ Page 3/10/17 302, at 3.

⁵⁶⁷ See Carter W. Page, *The Lecture of Trump’s Advisor Carter Page in Moscow*, YouTube Channel Katehon Think Tank, Posted July 7, 2016, available at https://www.youtube.com/watch?time_continue=28&v=1CYF29saA9w. Page also provided the FBI with a copy of his speech and slides from the speech. See Carter Page, “The Evolution of the World Economy: Trends and Potential,” Speech at National Economic Speech (July 7, 2016).

⁵⁶⁸ Page 3/10/17 302, at 3.

⁵⁶⁹ Page 3/16/17 302, at 3.

⁵⁷⁰ S. Weber 7/28/17 302, at 4.

⁵⁷¹ **Grand Jury**

⁵⁷² Page 3/10/17 302, at 3; Page 3/30/17 302, at 3; Page 3/31/17 302, at 2.

⁵⁷³ Page 3/30/17 302, at 3.

the possibility of a sale of a stake in Rosneft in passing.⁵⁷⁴ Page recalled mentioning his involvement in the Trump Campaign with Baranov, although he did not remember details of the conversation.⁵⁷⁵ Page also met with individuals from Tatneft, a Russian energy company, to discuss possible business deals, including having Page work as a consultant.⁵⁷⁶

On July 8, 2016, while he was in Moscow, Page emailed several Campaign officials and stated he would send “a readout soon regarding some incredible insights and outreach I’ve received from a few Russian legislators and senior members of the Presidential Administration here.”⁵⁷⁷ On July 9, 2016, Page emailed Clovis, writing in pertinent part:

Russian Deputy Prime minister and NES board member Arkady Dvorkovich also spoke before the event. In a private conversation, Dvorkovich expressed strong support for Mr. Trump and a desire to work together toward devising better solutions in response to the vast range of current international problems. Based on feedback from a diverse array of other sources close to the Presidential Administration, it was readily apparent that this sentiment is widely held at all levels of government.⁵⁷⁸

Despite these representations to the Campaign, **Grand Jury**

Grand Jury 579
Grand Jury 580
Grand Jury 581

⁸² The Office was unable to obtain additional evidence or testimony about who Page may have met or communicated with in Moscow; thus, Page’s activities in Russia—as described in his emails with the Campaign—were not fully explained.

⁵⁷⁴ Page 3/30/17 302, at 9. **Grand Jury**

⁵⁷⁵ **Grand Jury** Page 3/30/17 302, at 3.

⁵⁷⁶ Page 3/10/17 302, at 3; Page 3/30/17 302, at 7; Page 3/31/17 302, at 2.

⁵⁷⁷ **Grand Jury** 7/8/16 Email, Page to Dahl & Gordon.

⁵⁷⁸ **Grand Jury** 7/9/16 Email, Page to Clovis.

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⁵⁸¹ **Grand Jury**

⁵⁸² **Grand Jury**

d. Later Campaign Work and Removal from the Campaign

In July 2016, after returning from Russia, Page traveled to the Republican National Convention in Cleveland.⁵⁸³ While there, Page met Russian Ambassador to the United States Sergey Kislyak; that interaction is described in Volume I, Section IV.A.6.a, *infra*.⁵⁸⁴ Page later emailed Campaign officials with feedback he said he received from ambassadors he had met at the Convention, and he wrote that Ambassador Kislyak was very worried about candidate Clinton's world views.⁵⁸⁵ **Grand Jury**

Grand Jury
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Following the Convention, Page's trip to Moscow and his advocacy for pro-Russia foreign policy drew the media's attention and began to generate substantial press coverage. The Campaign responded by distancing itself from Page, describing him as an "informal foreign policy advisor" who did "not speak for Mr. Trump or the campaign."⁵⁸⁷ On September 23, 2016, Yahoo! News reported that U.S. intelligence officials were investigating whether Page had opened private communications with senior Russian officials to discuss U.S. sanctions policy under a possible Trump Administration.⁵⁸⁸ A Campaign spokesman told Yahoo! News that Page had "no role" in the Campaign and that the Campaign was "not aware of any of his activities, past or present."⁵⁸⁹ On September 24, 2016, Page was formally removed from the Campaign.⁵⁹⁰

Although Page had been removed from the Campaign, after the election he sought a position in the Trump Administration.⁵⁹¹ On November 14, 2016, he submitted an application to the Transition Team that inflated his credentials and experiences, stating that in his capacity as a Trump Campaign foreign policy advisor he had met with "top world leaders" and "effectively

⁵⁸³ Page 3/10/17 302, at 4; Page 3/16/17 302, at 3.

⁵⁸⁴ Page 3/10/17 302, at 4; Page 3/16/17 302, at 3.

⁵⁸⁵ **Grand Jury**; 7/23/16 Email, Page to Clovis; 7/25/16 Email, Page to Gordon & Schmitz.

⁵⁸⁶ **Grand Jury**

⁵⁸⁷ See, e.g., Steven Mufson & Tom Hamburger, *Trump Advisor's Public Comments, Ties to Moscow Stir Unease in Both Parties*, Washington Post (Aug. 5, 2016).

⁵⁸⁸ Michael Isikoff, *U.S. Intel Officials Probe Ties Between Trump Adviser and Kremlin*, Yahoo! News (Sept. 23, 2016).

⁵⁸⁹ Michael Isikoff, *U.S. Intel Officials Probe Ties Between Trump Adviser and Kremlin*, Yahoo! News (Sept. 23, 2016); see also 9/25/16 Email, Hicks to Conway & Bannon (instructing that inquiries about Page should be answered with "[h]e was announced as an informal adviser in March. Since then he has had no role or official contact with the campaign. We have no knowledge of activities past or present and he now officially has been removed from all lists etc.").

⁵⁹⁰ Page 3/16/17 302, at 2; see, e.g., 9/23/16 Email, J. Miller to Bannon & S. Miller (discussing plans to remove Page from the campaign).

⁵⁹¹ **Grand Jury**, "Transition Online Form," 11/14/16 (**Grand Jury**)

responded to diplomatic outreach efforts from senior government officials in Asia, Europe, the Middle East, Africa, [and] the Americas.”⁵⁹² Page received no response from the Transition Team. When Page took a personal trip to Moscow in December 2016, he met again with at least one Russian government official. That interaction and a discussion of the December trip are set forth in Volume I, Section IV.B.6, *infra*.

4. Dimitri Simes and the Center for the National Interest

Members of the Trump Campaign interacted on several occasions with the Center for the National Interest (CNI), principally through its President and Chief Executive Officer, Dimitri Simes. CNI is a think tank with expertise in and connections to the Russian government. Simes was born in the former Soviet Union and immigrated to the United States in the 1970s. In April 2016, candidate Trump delivered his first speech on foreign policy and national security at an event hosted by the *National Interest*, a publication affiliated with CNI. Then-Senator Jeff Sessions and Russian Ambassador Kislyak both attended the event and, as a result, it gained some attention in relation to Sessions’s confirmation hearings to become Attorney General. Sessions had various other contacts with CNI during the campaign period on foreign-policy matters, including Russia. Jared Kushner also interacted with Simes about Russian issues during the campaign. The investigation did not identify evidence that the Campaign passed or received any messages to or from the Russian government through CNI or Simes.

a. CNI and Dimitri Simes Connect with the Trump Campaign

CNI is a Washington-based non-profit organization that grew out of a center founded by former President Richard Nixon.⁵⁹³ CNI describes itself “as a voice for strategic realism in U.S. foreign policy,” and publishes a bi-monthly foreign policy magazine, the *National Interest*.⁵⁹⁴ CNI is overseen by a board of directors and an advisory council that is largely honorary and whose members at the relevant time included Sessions, who served as an advisor to candidate Trump on national security and foreign policy issues.⁵⁹⁵

Dimitri Simes is president and CEO of CNI and the publisher and CEO of the *National Interest*.⁵⁹⁶ Simes was born in the former Soviet Union, emigrated to the United States in the early 1970s, and joined CNI’s predecessor after working at the Carnegie Endowment for International

⁵⁹² **Grand Jury** [REDACTED], “Transition Online Form,” 11/14/16
Grand Jury [REDACTED]

⁵⁹³ Simes 3/8/18 302, at 1-2.

⁵⁹⁴ *About the Center*, CNI, available at <https://cftni.org/about/>.

⁵⁹⁵ *Advisory Counsel*, CNI, available at <https://web.archive.org/web/20161030025331/http://cftni.org/about/advisory-council/>; Simes 3/8/18 302, at 3-4; Saunders 2/15/18 302, at 4; Sessions 1/17/18 302, at 16.

⁵⁹⁶ Simes 3/8/18 302, at 2.

Peace.⁵⁹⁷ Simes personally has many contacts with current and former Russian government officials,⁵⁹⁸ as does CNI collectively. As CNI stated when seeking a grant from the Carnegie Corporation in 2015, CNI has “unparalleled access to Russian officials and politicians among Washington think tanks,”⁵⁹⁹ in part because CNI has arranged for U.S. delegations to visit Russia and for Russian delegations to visit the United States as part of so-called “Track II” diplomatic efforts.⁶⁰⁰

On March 14, 2016, CNI board member Richard Plepler organized a luncheon for CNI and its honorary chairman, Henry Kissinger, at the Time Warner Building in New York.⁶⁰¹ The idea behind the event was to generate interest in CNI’s work and recruit new board members for CNI.⁶⁰² Along with Simes, attendees at the event included Jared Kushner, son-in-law of candidate Trump.⁶⁰³ Kushner told the Office that the event came at a time when the Trump Campaign was having trouble securing support from experienced foreign policy professionals and that, as a result, he decided to seek Simes’s assistance during the March 14 event.⁶⁰⁴

Simes and Kushner spoke again on a March 24, 2016 telephone call,⁶⁰⁵ three days after Trump had publicly named the team of foreign policy advisors that had been put together on short notice.⁶⁰⁶ On March 31, 2016, Simes and Kushner had an in-person, one-on-one meeting in Kushner’s New York office.⁶⁰⁷ During that meeting, Simes told Kushner that the best way to handle foreign-policy issues for the Trump Campaign would be to organize an advisory group of experts to meet with candidate Trump and develop a foreign policy approach that was consistent with Trump’s voice.⁶⁰⁸ Simes believed that Kushner was receptive to that suggestion.⁶⁰⁹

Simes also had contact with other individuals associated with the Trump Campaign regarding the Campaign’s foreign policy positions. For example, on June 17, 2016, Simes sent J.D. Gordon an email with a “memo to Senator Sessions that we discussed at our recent meeting”

⁵⁹⁷ Simes 3/8/18 302, at 1-2; Simes 3/27/18 302, at 19.

⁵⁹⁸ Simes 3/27/18 302, at 10-15.

⁵⁹⁹ C00011656 (*Rethinking U.S.-Russia Relations*, CNI (Apr. 18, 2015)).

⁶⁰⁰ Simes 3/8/18 302, at 5; Saunders 2/15/18 302, at 29-30; Zakheim 1/25/18 302, at 3.

⁶⁰¹ Simes 3/8/18 302, at 6; C00006784 (3/11/16 Email, Gilbride to Saunders (3:43:12 p.m.); *cf.* Zakheim 1/25/18 302, at 1 (Kissinger was CNI’s “Honorary Chairman of the Board”); Boyd 1/24/18 302, at 2; P. Sanders 2/15/18 302, at 5.

⁶⁰² Simes 3/8/18 302, at 5-6; Simes 3/27/18 302, at 2.

⁶⁰³ Simes 3/8/18 302, at 6; Kushner 4/11/18 302 at 2.

⁶⁰⁴ Kushner 4/11/18 302, at 2.

⁶⁰⁵ Simes 3/8/18 302, at 6-7.

⁶⁰⁶ **Grand Jury** [REDACTED] *see* Volume I, Section IV.A.2, *supra*.

⁶⁰⁷ Simes 3/8/18 302, at 7-9.

⁶⁰⁸ Simes 3/8/18 302, at 7-8.

⁶⁰⁹ Simes 3/8/18 302, at 8; *see also* Boyd 1/24/18 302, at 2.

and asked Gordon to both read it and share it with Sessions. The memorandum proposed building a “small and carefully selected group of experts” to assist Sessions with the Campaign, operating under the assumption “that Hillary Clinton is very vulnerable on national security and foreign policy issues.” The memorandum outlined key issues for the Campaign, including a “new beginning with Russia.”⁶¹⁰

b. National Interest Hosts a Foreign Policy Speech at the Mayflower Hotel

During both their March 24 phone call and their March 31 in-person meeting, Simes and Kushner discussed the possibility of CNI hosting a foreign policy speech by candidate Trump.⁶¹¹ Following those conversations, Simes agreed that he and others associated with CNI would provide behind-the-scenes input on the substance of the foreign-policy speech and that CNI officials would coordinate the logistics of the speech with Sessions and his staff, including Sessions’s chief of staff, Rick Dearborn.⁶¹²

In mid-April 2016, Kushner put Simes in contact with senior policy advisor Stephen Miller and forwarded to Simes an outline of the foreign-policy speech that Miller had prepared.⁶¹³ Simes sent back to the Campaign bullet points with ideas for the speech that he had drafted with CNI Executive Director Paul Saunders and board member Richard Burt.⁶¹⁴ Simes received subsequent draft outlines from Miller, and he and Saunders spoke to Miller by phone about substantive changes to the speech.⁶¹⁵ It is not clear, however, whether CNI officials received an actual draft of the speech for comment; while Saunders recalled having received an actual draft, Simes did not, and the emails that CNI produced to this Office do not contain such a draft.⁶¹⁶

After board members expressed concern to Simes that CNI’s hosting the speech could be perceived as an endorsement of a particular candidate, CNI decided to have its publication, the *National Interest*, serve as the host and to have the event at the National Press Club.⁶¹⁷ Kushner later requested that the event be moved to the Mayflower Hotel, which was another venue that Simes had mentioned during initial discussions with the Campaign, in order to address concerns about security and capacity.⁶¹⁸

⁶¹⁰ C00008187 (6/17/16 Email, Simes to Gordon (3:35:45 p.m.)).

⁶¹¹ Simes 3/8/18 302, at 7.

⁶¹² Simes 3/8/18 302, at 8-11; C00008923 (4/6/16 Email, Simes to Burt (2:22:28 p.m.)); Burt 2/9/18 302, at 7.

⁶¹³ C00008551 (4/17/16 Email, Kushner to Simes (2:44:25 p.m.)); C00006759 (4/14/16 Email Kushner to Simes & S. Miller (12:30 p.m.)).

⁶¹⁴ Burt 2/9/18 302, at 7; Saunders 2/15/18 302, at 7-8.

⁶¹⁵ Simes 3/8/18 302, at 13; Saunders 2/15/18 302, at 7-8.

⁶¹⁶ Simes 3/8/18 302, at 13; Saunders 2/15/18 302, at 7-8.

⁶¹⁷ Saunders 2/15/18 302, at 8; Simes 3/8/18 302, at 12; C00003834-43 (4/22/16 Email, Simes to Boyd et al. (8:47 a.m.)).

⁶¹⁸ Simes 3/8/18 302, at 12, 18; Saunders 2/15/18 302, at 11.

On April 25, 2016, Saunders booked event rooms at the Mayflower to host both the speech and a VIP reception that was to be held beforehand.⁶¹⁹ Saunders understood that the reception— at which invitees would have the chance to meet candidate Trump—would be a small event.⁶²⁰ Saunders decided who would attend by looking at the list of CNI’s invitees to the speech itself and then choosing a subset for the reception.⁶²¹ CNI’s invitees to the reception included Sessions and Kislyak.⁶²² The week before the speech Simes had informed Kislyak that he would be invited to the speech, and that he would have the opportunity to meet Trump.⁶²³

When the pre-speech reception began on April 27, a receiving line was quickly organized so that attendees could meet Trump.⁶²⁴ Sessions first stood next to Trump to introduce him to the members of Congress who were in attendance.⁶²⁵ After those members had been introduced, Simes stood next to Trump and introduced him to the CNI invitees in attendance, including Kislyak.⁶²⁶ Simes perceived the introduction to be positive and friendly, but thought it clear that Kislyak and Trump had just met for the first time.⁶²⁷ Kislyak also met Kushner during the pre-speech reception. The two shook hands and chatted for a minute or two, during which Kushner recalled Kislyak saying, “we like what your candidate is saying . . . it’s refreshing.”⁶²⁸

Several public reports state that, in addition to speaking to Kushner at the pre-speech reception, Kislyak also met or conversed with Sessions at that time.⁶²⁹ Sessions stated to investigators, however, that he did not remember any such conversation.⁶³⁰ Nor did anyone else affiliated with CNI or the *National Interest* specifically recall a conversation or meeting between Sessions and Kislyak at the pre-speech reception.⁶³¹ It appears that, if a conversation occurred at the pre-speech reception, it was a brief one conducted in public view, similar to the exchange between Kushner and Kislyak.

⁶¹⁹ Saunders 2/15/18 302, at 11-12; C00006651-57 (Mayflower Group Sales Agreement).

⁶²⁰ Saunders 2/15/18 302, at 12-13.

⁶²¹ Saunders 2/15/18 302, at 12.

⁶²² C00002575 (Attendee List); C00008536 (4/25/16 Email, Simes to Kushner (4:53:45 p.m.)).

⁶²³ Simes 3/8/18 302, at 19-20.

⁶²⁴ Simes 3/8/18 302, at 21.

⁶²⁵ Simes 3/8/18 302, at 21.

⁶²⁶ Simes 3/8/18 302, at 21.

⁶²⁷ Simes 3/8/18 302, at 21.

⁶²⁸ Kushner 4/11/18 302, at 4.

⁶²⁹ See, e.g., Ken Dilanian, *Did Trump, Kushner, Sessions Have an Undisclosed Meeting With Russian?*, NBC News (June 1, 2016); Julia Ioffe, *Why Did Jeff Sessions Really Meet With Sergey Kislyak*, The Atlantic (June 13, 2017).

⁶³⁰ Sessions 1/17/18 302, at 22.

⁶³¹ Simes 3/8/18 302, at 21; Saunders 2/15/18 302, at 14, 21; Boyd 1/24/18 302, at 3-4; Heilbrunn 2/1/18 302, at 6; *Statement Regarding President Trump’s April 27, 2016 Foreign Policy Speech at the Center for the National Interest*, CNI (Mar. 8, 2017).

The Office found no evidence that Kislyak conversed with either Trump or Sessions after the speech, or would have had the opportunity to do so. Simes, for example, did not recall seeing Kislyak at the post-speech luncheon,⁶³² and the only witness who accounted for Sessions's whereabouts stated that Sessions may have spoken to the press after the event but then departed for Capitol Hill.⁶³³ Saunders recalled, based in part on a food-related request he received from a Campaign staff member, that Trump left the hotel a few minutes after the speech to go to the airport.⁶³⁴

c. Jeff Sessions's Post-Speech Interactions with CNI

In the wake of Sessions's confirmation hearings as Attorney General, questions arose about whether Sessions's campaign-period interactions with CNI apart from the Mayflower speech included any additional meetings with Ambassador Kislyak or involved Russian-related matters. With respect to Kislyak contacts, on May 23, 2016, Sessions attended CNI's Distinguished Service Award dinner at the Four Seasons Hotel in Washington, D.C.⁶³⁵ Sessions attended a pre-dinner reception and was seated at one of two head tables for the event.⁶³⁶ A seating chart prepared by Saunders indicates that Sessions was scheduled to be seated next to Kislyak, who appears to have responded to the invitation by indicating he would attend the event.⁶³⁷ Sessions, however, did not remember seeing, speaking with, or sitting next to Kislyak at the dinner.⁶³⁸ Although CNI board member Charles Boyd said he may have seen Kislyak at the dinner,⁶³⁹ Simes, Saunders, and Jacob Heilbrunn—editor of the *National Interest*—all had no recollection of seeing Kislyak at the May 23 event.⁶⁴⁰ Kislyak also does not appear in any of the photos from the event that the Office obtained.

In the summer of 2016, CNI organized at least two dinners in Washington, D.C. for Sessions to meet with experienced foreign policy professionals.⁶⁴¹ The dinners included CNI-affiliated individuals, such as Richard Burt and Zalmay Khalilzad, a former U.S. ambassador to Afghanistan and Iraq and the person who had introduced Trump before the April 27, 2016 foreign-

⁶³² Simes 3/8/18 302, at 22; Heilbrunn 2/1/18 302, at 7.

⁶³³ Luff 1/30/18 302, at 4.

⁶³⁴ Saunders 2/15/18 302, at 15.

⁶³⁵ Sessions 1/17/18 302, at 22; Saunders 2/15/18 302, at 17.

⁶³⁶ Saunders 2/15/18 302, at 17; C00004779-80 (5/23/16 Email, Cantelmo to Saunders & Hagberg (9:30:12 a.m.); C00004362 (5/23/16 Email, Bauman to Cantelmo et al. (2:02:32 a.m.)).

⁶³⁷ C00004362 (5/23/16 Email Bauman to Cantelmo et al. (2:02:32 a.m.)).

⁶³⁸ Sessions 1/17/18 302, at 22.

⁶³⁹ Boyd 1/24/18 302, at 4.

⁶⁴⁰ Simes 3/8/18 302, at 23; Saunders 2/15/18 302, at 18; Heilbrunn 2/1/18 302, at 7.

⁶⁴¹ Simes 3/8/18 302, at 31; Saunders 2/15/18 302, at 19; Burt 2/9/18 302, at 9-10; Khalilzad 1/9/18 302, at 5.

policy speech.⁶⁴² Khalilzad also met with Sessions one-on-one separately from the dinners.⁶⁴³ At the dinners and in the meetings, the participants addressed U.S. relations with Russia, including how U.S. relations with NATO and European countries affected U.S. policy toward Russia.⁶⁴⁴ But the discussions were not exclusively focused on Russia.⁶⁴⁵ Khalilzad, for example, recalled discussing “nation-building” and violent extremism with Sessions.⁶⁴⁶ In addition, Sessions asked Saunders (of CNI) to draft two memoranda not specific to Russia: one on Hillary Clinton’s foreign policy shortcomings and another on Egypt.⁶⁴⁷

d. Jared Kushner’s Continuing Contacts with Simes

Between the April 2016 speech at the Mayflower Hotel and the presidential election, Jared Kushner had periodic contacts with Simes.⁶⁴⁸ Those contacts consisted of both in-person meetings and phone conversations, which concerned how to address issues relating to Russia in the Campaign and how to move forward with the advisory group of foreign policy experts that Simes had proposed.⁶⁴⁹ Simes recalled that he, not Kushner, initiated all conversations about Russia, and that Kushner never asked him to set up back-channel conversations with Russians.⁶⁵⁰ According to Simes, after the Mayflower speech in late April, Simes raised the issue of Russian contacts with Kushner, advised that it was bad optics for the Campaign to develop hidden Russian contacts, and told Kushner both that the Campaign should not highlight Russia as an issue and should handle any contacts with Russians with care.⁶⁵¹ Kushner generally provided a similar account of his interactions with Simes.⁶⁵²

Among the Kushner-Simes meetings was one held on August 17, 2016, at Simes’s request, in Kushner’s New York office. The meeting was to address foreign policy advice that CNI was providing and how to respond to the Clinton Campaign’s Russia-related attacks on candidate

⁶⁴² Burt 2/9/18 302, at 9-10; Khalilzad 1/9/18 302, at 1-2, 5.

⁶⁴³ Khalilzad 1/9/18 302, at 5-6.

⁶⁴⁴ Simes 3/8/18 302, at 31; Burt 2/9/18 302, at 9-10; Khalilzad 1/9/18 302, at 5.

⁶⁴⁵ Saunders 2/15/18 302, at 20.

⁶⁴⁶ Khalilzad 1/9/18 302, at 6.

⁶⁴⁷ Saunders 2/15/18 302, at 19-20.

⁶⁴⁸ Simes 3/8/18 302, at 27.

⁶⁴⁹ Simes 3/8/18 302, at 27.

⁶⁵⁰ Simes 3/8/18 302, at 27.

⁶⁵¹ Simes 3/8/18 302, at 27. During this period of time, the Campaign received a request for a high-level Campaign official to meet with an officer at a Russian state-owned bank “to discuss an offer [that officer] claims to be carrying from President Putin to meet with” candidate Trump. NOSC00005653 (5/17/16 Email, Dearborn to Kushner (8:12 a.m.)). Copying Manafort and Gates, Kushner responded, “Pass on this. A lot of people come claiming to carry messages. Very few are able to verify. For now I think we decline such meetings. Most likely these people go back home and claim they have special access to gain importance for themselves. Be careful.” NOSC00005653 (5/17/16 Email, Kushner to Dearborn).

⁶⁵² Kushner 4/11/18 302, at 11-13.

Trump.⁶⁵³ In advance of the meeting, Simes sent Kushner a “Russia Policy Memo” laying out “what Mr. Trump may want to say about Russia.”⁶⁵⁴ In a cover email transmitting that memo and a phone call to set up the meeting, Simes mentioned “a well-documented story of highly questionable connections between Bill Clinton” and the Russian government, “parts of [which]” (according to Simes) had even been “discussed with the CIA and the FBI in the late 1990s and shared with the [Independent Counsel] at the end of the Clinton presidency.”⁶⁵⁵ Kushner forwarded the email to senior Trump Campaign officials Stephen Miller, Paul Manafort, and Rick Gates, with the note “suggestion only.”⁶⁵⁶ Manafort subsequently forwarded the email to his assistant and scheduled a meeting with Simes.⁶⁵⁷ (Manafort was on the verge of leaving the Campaign by the time of the scheduled meeting with Simes, and Simes ended up meeting only with Kushner).

During the August 17 meeting, Simes provided Kushner the Clinton-related information that he had promised.⁶⁵⁸ Simes told Kushner that, Personal Privacy

[REDACTED]⁶⁵⁹ Simes claimed that he had received this information from former CIA and Reagan White House official Fritz Ermarth, who claimed to have learned it from U.S. intelligence sources, not from Russians.⁶⁶⁰

Simes perceived that Kushner did not find the information to be of interest or use to the Campaign because it was, in Simes’s words, “old news.”⁶⁶¹ When interviewed by the Office, Kushner stated that he believed that there was little chance of something new being revealed about the Clintons given their long career as public figures, and that he never received from Simes information that could be “operationalized” for the Trump Campaign.⁶⁶² Despite Kushner’s

⁶⁵³ Simes 3/8/18 302, at 29-30; Simes 3/27/18 302, at 6; Kushner 4/11/18 302, at 12; C00007269 (8/10/16 Meeting Invitation, Vargas to Simes et al.); DJTFP00023484 (8/11/16 Email, Hagan to Manafort (5:57:15 p.m.)).

⁶⁵⁴ C00007981-84 (8/9/16 Email, Simes to Kushner (6:09:21 p.m.)). The memorandum recommended “downplaying Russia as a U.S. foreign policy priority at this time” and suggested that “some tend to exaggerate Putin’s flaws.” The memorandum also recommended approaching general Russian-related questions in the framework of “how to work with Russia to advance important U.S. national interests” and that a Trump Administration “not go abroad in search of monsters to destroy.” The memorandum did not discuss sanctions but did address how to handle Ukraine-related questions, including questions about Russia’s invasion and annexation of Crimea.

⁶⁵⁵ C00007981 (8/9/16 Email, Simes to Kushner (6:09:21 p.m.)).

⁶⁵⁶ DJTFP00023459 (8/10/16 Email, Kushner to S. Miller et al. (11:30:13 a.m.)).

⁶⁵⁷ DJTFP00023484 (8/11/16 Email, Hagan to Manafort (5:57:15 p.m.)).

⁶⁵⁸ Simes 3/8/18 302, at 29-30; Simes 3/27/18 302, at 6; Kushner 4/11/18 302, at 12.

⁶⁵⁹ Simes 3/8/18 302, at 30; Simes 3/27/18 302, at 6.

⁶⁶⁰ Simes 3/8/18 302, at 30.

⁶⁶¹ Simes 3/8/18 302, at 30; Simes 3/27/18 302, at 6.

⁶⁶² Kushner 4/11/18 302, at 12.

reaction, Simes believed that he provided the same information at a small group meeting of foreign policy experts that CNI organized for Sessions.⁶⁶³

5. June 9, 2016 Meeting at Trump Tower

On June 9, 2016, senior representatives of the Trump Campaign met in Trump Tower with a Russian attorney expecting to receive derogatory information about Hillary Clinton from the Russian government. The meeting was proposed to Donald Trump Jr. in an email from Robert Goldstone, at the request of his then-client Emin Agalarov, the son of Russian real-estate developer Aras Agalarov. Goldstone relayed to Trump Jr. that the “Crown prosecutor of Russia . . . offered to provide the Trump Campaign with some official documents and information that would incriminate Hillary and her dealings with Russia” as “part of Russia and its government’s support for Mr. Trump.” Trump Jr. immediately responded that “if it’s what you say I love it,” and arranged the meeting through a series of emails and telephone calls.

Trump Jr. invited campaign chairman Paul Manafort and senior advisor Jared Kushner to attend the meeting, and both attended. Members of the Campaign discussed the meeting before it occurred, and Michael Cohen recalled that Trump Jr. may have told candidate Trump about an upcoming meeting to receive adverse information about Clinton, without linking the meeting to Russia. According to written answers submitted by President Trump, he has no recollection of learning of the meeting at the time, and the Office found no documentary evidence showing that he was made aware of the meeting—or its Russian connection—before it occurred.

The Russian attorney who spoke at the meeting, Natalia Veselnitskaya, had previously worked for the Russian government and maintained a relationship with that government throughout this period of time. She claimed that funds derived from illegal activities in Russia were provided to Hillary Clinton and other Democrats. Trump Jr. requested evidence to support those claims, but Veselnitskaya did not provide such information. She and her associates then turned to a critique of the origins of the Magnitsky Act, a 2012 statute that imposed financial and travel sanctions on Russian officials and that resulted in a retaliatory ban on adoptions of Russian children. Trump Jr. suggested that the issue could be revisited when and if candidate Trump was elected. After the election, Veselnitskaya made additional efforts to follow up on the meeting, but the Trump Transition Team did not engage.

a. Setting Up the June 9 Meeting

i. Outreach to Donald Trump Jr.

Aras Agalarov is a Russian real-estate developer with ties to Putin and other members of the Russian government, including Russia’s Prosecutor General, Yuri Chaika.⁶⁶⁴ Aras Agalarov is the president of the Crocus Group, a Russian enterprise that holds substantial Russian government construction contracts and that—as discussed above, Volume I, Section IV.A.1, *supra*

⁶⁶³ Simes 3/8/18 302, at 30.

⁶⁶⁴ **Grand Jury** Goldstone 2/8/18 302, at 4.

—worked with Trump in connection with the 2013 Miss Universe pageant in Moscow and a potential Trump Moscow real-estate project.⁶⁶⁵ The relationship continued over time, as the parties pursued the Trump Moscow project in 2013-2014 and exchanged gifts and letters in 2016.⁶⁶⁶ For example, in April 2016, Trump responded to a letter from Aras Agalarov with a handwritten note.⁶⁶⁷ Aras Agalarov expressed interest in Trump’s campaign, passed on “congratulations” for winning in the primary and—according to one email drafted by Goldstone—an “offer” of his “support and that of many of his important Russian friends and colleagues[,] especially with reference to U.S./Russian relations.”⁶⁶⁸

On June 3, 2016, Emin Agalarov called Goldstone, Emin’s then-publicist.⁶⁶⁹ Goldstone is a music and events promoter who represented Emin Agalarov from approximately late 2012 until late 2016.⁶⁷⁰ While representing Emin Agalarov, Goldstone facilitated the ongoing contact between the Trumps and the Agalarovs—including an invitation that Trump sent to Putin to attend the 2013 Miss Universe Pageant in Moscow.⁶⁷¹ **Grand Jury**

Grand Jury
Grand Jury
⁶⁷² Goldstone understood **Grand Jury** a Russian political connection, and Emin Agalarov indicated that the attorney was a prosecutor.⁶⁷³ Goldstone recalled that the information that might interest the Trumps involved Hillary Clinton **Grand Jury**⁶⁷⁴ **Grand Jury**

⁶⁶⁵ **Grand Jury** Kaveladze 11/16/17 302, at 3; Shugart 9/25/17 302, at 2-3; **Grand Jury**

⁶⁶⁶ **Grand Jury** Goldstone 2/8/18 302, at 10; **Grand Jury** Kaveladze 11/16/17 302, at 5-6; 4/25/16 Email, Graff to Goldstone.

⁶⁶⁷ RG000033-34 (4/25/16 Email, Graff to Goldstone (attachment)).

⁶⁶⁸ DJTJR00008 (2/29/16 Email, Goldstone to Trump Jr. et al.); **Grand Jury**

⁶⁶⁹ Call Records of Robert Goldstone **Grand Jury** Goldstone 2/8/18 302, at 6.

⁶⁷⁰ Goldstone 2/8/18 302, at 1-2; **Grand Jury** Benjaminov 1/6/18 302, at 3.

⁶⁷¹ Goldstone 2/8/18 302, at 1-5; **Grand Jury** DJTJR00008 (2/29/19 Email, Goldstone to Trump Jr.); Benjaminov 1/6/18 302, at 3; Shugart 9/25/17 302, at 2; TRUMPORG_18_001325 (6/21/13 Email, Goldstone to Graff); TRUMPORG_18_001013 (6/24/13 Email, Goldstone to Graff); TRUMPORG_18_001014 (6/24/13 Email, Graff to Shugart); TRUMPORG_18_001018 (6/26/13 Email, Graff to Goldstone); TRUMPORG_18_001022 (6/27/13 Email, Graff to L. Kelly); TRUMPORG_18_001333 (9/12/13 Email, Goldstone to Graff, Shugart); MUO00004289 (7/27/13 Email, Goldstone to Graff, Shugart).

⁶⁷² **Grand Jury** see Goldstone 2/8/18 302, at 6-7.

⁶⁷³ **Grand Jury**

⁶⁷⁴ **Grand Jury**

Grand Jury

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The **Grand Jury** mentioned by Emin Agalarov was Natalia Veselnitskaya.⁶⁷⁶ From approximately 1998 until 2001, Veselnitskaya worked as a prosecutor for the Central Administrative District of the Russian Prosecutor's Office,⁶⁷⁷ and she continued to perform government-related work and maintain ties to the Russian government following her departure.⁶⁷⁸ She lobbied and testified about the Magnitsky Act, which imposed financial sanctions and travel restrictions on Russian officials and which was named for a Russian tax specialist who exposed a fraud and later died in a Russian prison.⁶⁷⁹ Putin called the statute "a purely political, unfriendly act," and Russia responded by barring a list of current and former U.S. officials from entering Russia and by halting the adoption of Russian children by U.S. citizens.⁶⁸⁰ Veselnitskaya performed legal work for Denis Katsyv,⁶⁸¹ the son of Russian businessman Peter Katsyv, and for his company Prevezon Holdings Ltd., which was a defendant in a civil-forfeiture action alleging the laundering of proceeds from the fraud exposed by Magnitsky.⁶⁸² She also

⁶⁷⁵ **Grand Jury**

⁶⁷⁶ In December 2018, a grand jury in the Southern District of New York returned an indictment charging Veselnitskaya with obstructing the *Prevezon* litigation discussed in the text above. *See* Indictment, *United States v. Natalia Vladimirovna Veselnitskaya*, No. 18-cr-904 (S.D.N.Y.). The indictment alleges, among other things, that Veselnitskaya lied to the district court about her relationship to the Russian Prosecutor General's Office and her involvement in responding to a U.S. document request sent to the Russian government.

⁶⁷⁷ Veselnitskaya 11/20/17 Statement to the Senate Committee on the Judiciary, at 2; **Grand Jury**

Grand Jury

⁶⁷⁸ Testimony of Natalia Veselnitskaya Before the Senate Committee on Judiciary (Nov. 20, 2017) at 33; Keir Simmons & Rachel Elbaum, *Russian Lawyer Veselnitskaya Says She Didn't Give Trump Jr. Info on Clinton*, NBC News (July 11, 2017); Maria Tsvetkova & Jack Stubbs, *Moscow Lawyer Who Met Trump Jr. Had Russian Spy Agency As Client*, Reuters (July 21, 2017); Andrew E. Kramer & Sharon LaFraniere, *Lawyer Who Was Said to Have Dirt on Clinton Had Closer Ties to Kremlin than She Let On*, New York Times (Apr. 27, 2018).

⁶⁷⁹ *See* Pub. L. No. 112-208 §§ 402, 404(a)(1), 126 Stat. 1502, 1502-1506. Sergei Magnitsky was a Russian tax specialist who worked for William Browder, a former investment fund manager in Russia. Browder hired Magnitsky to investigate tax fraud by Russian officials, and Magnitsky was charged with helping Browder embezzle money. After Magnitsky died in a Russian prison, Browder lobbied Congress to pass the Magnitsky Act. *See, e.g.*, Andrew E. Kramer, *Turning Tables in Magnitsky Case, Russia Accuses Nemesis of Murder*, New York Times (Oct. 22, 2017); Testimony of Natalia Veselnitskaya Before the Senate Committee on Judiciary (Nov. 20, 2017), Exhibits at 1-4; Rosie Gray, *Bill Browder's Testimony to the Senate Judiciary Committee*, The Atlantic (July 25, 2017).

⁶⁸⁰ Ellen Barry, *Russia Bars 18 Americans After Sanctions by US*, New York Times (Apr. 13, 2013); Tom Porter, *Supporters of the Magnitsky Act Claim They've Been Targets of Russian Assassination and Kidnapping Bids*, Newsweek (July 16, 2017).

⁶⁸¹ Testimony of Natalia Veselnitskaya Before the Senate Committee on Judiciary (Nov. 20, 2017), at 21.

⁶⁸² *See* Veselnitskaya Decl., *United States v. Prevezon Holdings, Ltd.*, No. 13-cv-6326 (S.D.N.Y.); *see Prevezon Holdings*, Second Amended Complaint; *Prevezon Holdings*, Mem. and Order; *Prevezon Holdings*, Deposition of Oleg Lurie.

appears to have been involved in an April 2016 approach to a U.S. congressional delegation in Moscow offering “confidential information” from “the Prosecutor General of Russia” about “interactions between certain political forces in our two countries.”⁶⁸³

Shortly after his June 3 call with Emin Agalarov, Goldstone emailed Trump Jr.⁶⁸⁴ The email stated:

Good morning
Emin just called and asked me to contact you with something very interesting.
The Crown prosecutor of Russia met with his father Aras this morning and in their meeting offered to provide the Trump campaign with some official documents and information that would incriminate Hillary and her dealings with Russia and would be very useful to your father. This is obviously very high level and sensitive information but is part of Russia and its government's support for Mr. Trump - helped along by Aras and Emin.
What do you think is the best way to handle this information and would you be able to speak to Emin about it directly?
I can also send this info to your father via Rhona, but it is ultra sensitive so wanted to send to you first.
Best
Rob Goldstone

Within minutes of this email, Trump Jr. responded, emailing back: “Thanks Rob I appreciate that. I am on the road at the moment but perhaps I just speak to Emin first. Seems we have some time and if it’s what you say I love it especially later in the summer. Could we do a call first thing next week when I am back?”⁶⁸⁵ Goldstone conveyed Trump Jr.’s interest to Emin Agalarov, emailing that Trump Jr. “wants to speak personally on the issue.”⁶⁸⁶

On June 6, 2016, Emin Agalarov asked Goldstone if there was “[a]ny news,” and Goldstone explained that Trump Jr. was likely still traveling for the “final elections . . . where [T]rump will be ‘crowned’ the official nominee.”⁶⁸⁷ On the same day, Goldstone again emailed Trump Jr. and asked when Trump Jr. was “free to talk with Emin about this Hillary info.”⁶⁸⁸ Trump Jr. asked if

⁶⁸³ See Gribbin 8/31/17 302, at 1-2 & 1A (undated one-page document given to congressional delegation). The Russian Prosecutor General is an official with broad national responsibilities in the Russian legal system. See *Federal Law on the Prosecutor's Office of the Russian Federation* (1992, amended 2004).

⁶⁸⁴ RG000061 (6/3/16 Email, Goldstone to Trump Jr.); DJTJR00446 (6/3/16 Email, Goldstone to Donald Trump Jr.); @DonaldJTrumpJr 07/11/17 (11:00) Tweet.

⁶⁸⁵ DJTJR00446 (6/3/16 Email, Trump Jr. to Goldstone); @DonaldJTrumpJr 07/11/17 (11:00) Tweet; RG000061 (6/3/16 Email, Trump Jr. to Goldstone).

⁶⁸⁶ **Grand Jury** [REDACTED] RG000062 (6/3/16 Email, Goldstone & Trump Jr.).

⁶⁸⁷ RG000063 (6/6/16 Email, A. Agalarov to Goldstone); RG000064 (6/6/16 Email, Goldstone to A. Agalarov).

⁶⁸⁸ RG000065 (6/6/16 Email, Goldstone to Trump Jr.); DJTJR00446 (6/6/16 Email, Goldstone to Trump Jr.).

they could “speak now,” and Goldstone arranged a call between Trump Jr. and Emin Agalarov.⁶⁸⁹ On June 6 and June 7, Trump Jr. and Emin Agalarov had multiple brief calls.⁶⁹⁰

Also on June 6, 2016, Aras Agalarov called Ike Kaveladze and asked him to attend a meeting in New York with the Trump Organization.⁶⁹¹ Kaveladze is a Georgia-born, naturalized U.S. citizen who worked in the United States for the Crocus Group and reported to Aras Agalarov.⁶⁹² Kaveladze told the Office that, in a second phone call on June 6, 2016, Aras Agalarov asked Kaveladze if he knew anything about the Magnitsky Act, and Aras sent him a short synopsis for the meeting and Veselnitskaya’s business card. According to Kaveladze, Aras Agalarov said the purpose of the meeting was to discuss the Magnitsky Act, and he asked Kaveladze to translate.⁶⁹³

ii. Awareness of the Meeting Within the Campaign

On June 7, Goldstone emailed Trump Jr. and said that “Emin asked that I schedule a meeting with you and [t]he Russian government attorney who is flying over from Moscow.”⁶⁹⁴ Trump Jr. replied that Manafort (identified as the “campaign boss”), Jared Kushner, and Trump Jr. would likely attend.⁶⁹⁵ Goldstone was surprised to learn that Trump Jr., Manafort, and Kushner would attend.⁶⁹⁶ Kaveladze **Grand Jury** “puzzled” by the list of attendees and that he checked with one of Emin Agalarov’s assistants, Roman Benjaminov, who said that the purpose of the meeting was for Veselnitskaya to convey “negative information on Hillary Clinton.”⁶⁹⁷ Benjaminov, however, stated that he did not recall having known or said that.⁶⁹⁸

Early on June 8, 2016 Kushner emailed his assistant, asking her to discuss a 3:00 p.m.

⁶⁸⁹ DJTJR00445 (6/6/16 Email, Goldstone and Trump Jr.); RG000065-67 (6/6/16 Email, Goldstone and Trump Jr.); **Grand Jury**

⁶⁹⁰ DJTJR00499 (Call Records of Donald Trump Jr. **Grand Jury**); Call Records of Donald Trump Jr. **Grand Jury**

⁶⁹¹ Kaveladze 11/16/17 302, at 6; **Grand Jury**

⁶⁹² Kaveladze 11/16/17 302, at 1-2; **Grand Jury** Benjaminov 1/6/18 302, at 2-3; **Grand Jury**

⁶⁹³ Kaveladze 11/16/17 302, at 6.

⁶⁹⁴ DJTJR00467 (6/7/16 Email, Goldstone to Trump Jr.); @DonaldJTrumpJr 07/11/17 (11:00) Tweet; RG000068 (6/7/16 Email, Goldstone to Trump Jr.); **Grand Jury**

⁶⁹⁵ DJTJR00469 (6/7/16 Email, Trump Jr. to Goldstone); @DonaldJTrumpJr 07/11/17 (11:00) Tweet; RG000071 (6/7/16 Email, Trump Jr. to Goldstone); OSC-KAV_00048 (6/7/16 Email, Goldstone to Kaveladze); **Grand Jury**

⁶⁹⁶ Goldstone 2/8/18 302, at 7; **Grand Jury**

⁶⁹⁷ **Grand Jury** see Kaveladze 11/16/17 302 at 7; OSC-KAV_00048 (6/7/16 Email, Goldstone to Kaveladze).

⁶⁹⁸ Benjaminov 1/6/18 302, at 3.

meeting the following day with Trump Jr.⁶⁹⁹ Later that day, Trump Jr. forwarded the entirety of his email correspondence regarding the meeting with Goldstone to Manafort and Kushner, under the subject line “FW: Russia - Clinton – private and confidential,” adding a note that the “[m]eeting got moved to 4 tomorrow at my offices.”⁷⁰⁰ Kushner then sent his assistant a second email, informing her that the “[m]eeting with don jr is 4pm now.”⁷⁰¹ Manafort responded, “See you then. P.”⁷⁰²

Rick Gates, who was the deputy campaign chairman, stated during interviews with the Office that in the days before June 9, 2016 Trump Jr. announced at a regular morning meeting of senior campaign staff and Trump family members that he had a lead on negative information about the Clinton Foundation.⁷⁰³ Gates believed that Trump Jr. said the information was coming from a group in Kyrgyzstan and that he was introduced to the group by a friend.⁷⁰⁴ Gates recalled that the meeting was attended by Trump Jr., Eric Trump, Paul Manafort, Hope Hicks, and, joining late, Ivanka Trump and Jared Kushner. According to Gates, Manafort warned the group that the meeting likely would not yield vital information and they should be careful.⁷⁰⁵ Hicks denied any knowledge of the June 9 meeting before 2017,⁷⁰⁶ and Kushner did not recall if the planned June 9 meeting came up at all earlier that week.⁷⁰⁷

Michael Cohen recalled being in Donald J. Trump’s office on June 6 or 7 when Trump Jr. told his father that a meeting to obtain adverse information about Clinton was going forward.⁷⁰⁸ Cohen did not recall Trump Jr. stating that the meeting was connected to Russia.⁷⁰⁹ From the tenor of the conversation, Cohen believed that Trump Jr. had previously discussed the meeting with his father, although Cohen was not involved in any such conversation.⁷¹⁰ In an interview with the Senate Judiciary Committee, however, Trump Jr. stated that he did not inform his father about the

⁶⁹⁹ NOSC0000007-08 (6/8/18 Email, Kushner to Vargas).

⁷⁰⁰ NOSC00000039-42 (6/8/16 Email, Trump Jr. to Kushner & Manafort); DJTJR00485 (6/8/16 Email, Trump Jr. to Kushner & Manafort).

⁷⁰¹ NOSC0000004 (6/8/16 Email, Kushner to Vargas).

⁷⁰² 6/8/16 Email, Manafort to Trump Jr.

⁷⁰³ Gates 1/30/18 302, at 7; Gates 3/1/18 302, at 3-4. Although the March 1 302 refers to “June 19,” that is likely a typographical error; external emails indicate that a meeting with those participants occurred on June 6. *See* NOSC00023603 (6/6/16 Email, Gates to Trump Jr. et al.).

⁷⁰⁴ Gates 1/30/18 302, at 7. Aras Agalarov is originally from Azerbaijan, and public reporting indicates that his company, the Crocus Group, has done substantial work in Kyrgyzstan. *See* Neil MacFarquhar, *A Russian Developer Helps Out the Kremlin on Occasion. Was He a Conduit to Trump?*, New York Times (July 16, 2017).

⁷⁰⁵ Gates 3/1/18 302, at 3-4.

⁷⁰⁶ Hicks 12/7/17 302, at 6.

⁷⁰⁷ Kushner 4/11/18 302, at 8.

⁷⁰⁸ Cohen 8/7/18 302, at 4-6.

⁷⁰⁹ Cohen 8/7/18 302, at 4-5.

⁷¹⁰ Cohen 9/12/18 302, at 15-16.

emails or the upcoming meeting.⁷¹¹ Similarly, neither Manafort nor Kushner recalled anyone informing candidate Trump of the meeting, including Trump Jr.⁷¹² President Trump has stated to this Office, in written answers to questions, that he has “no recollection of learning at the time” that his son, Manafort, or “Kushner was considering participating in a meeting in June 2016 concerning potentially negative information about Hillary Clinton.”⁷¹³

b. The Events of June 9, 2016

i. Arrangements for the Meeting

Veselnitskaya was in New York on June 9, 2016, for appellate proceedings in the *Prevezon* civil forfeiture litigation.⁷¹⁴ That day, Veselnitskaya called Rinat Akhmetshin, a Soviet-born U.S. lobbyist, **Grand Jury** and when she learned that he was in New York, invited him to lunch.⁷¹⁵ Akhmetshin told the Office that he had worked on issues relating to the Magnitsky Act and had worked on the *Prevezon* litigation.⁷¹⁶ Kaveladze and Anatoli Samochornov, a

⁷¹¹ *Interview of: Donald J. Trump, Jr., Senate Judiciary Committee*, 115th Cong. 28-29, 84, 94-95 (Sept. 7, 2017). The Senate Judiciary Committee interview was not under oath, but Trump Jr. was advised that it is a violation of 18 U.S.C. § 1001 to make materially false statements in a congressional investigation. *Id.* at 10-11.

⁷¹² Manafort 9/11/18 302, at 3-4; Kushner 4/11/18 302, at 10.

⁷¹³ Written Responses of Donald J. Trump (Nov. 20, 2018), at 8 (Response to Question I, Parts (a)-(c)). We considered whether one sequence of events suggested that candidate Trump had contemporaneous knowledge of the June 9 meeting. On June 7, 2016 Trump announced his intention to give “a major speech” “probably Monday of next week”—which would have been June 13—about “all of the things that have taken place with the Clintons.” *See, e.g.,* Phillip Bump, *What we know about the Trump Tower meeting*, Washington Post (Aug. 7, 2018). Following the June 9 meeting, Trump changed the subject of his planned speech to national security. But the Office did not find evidence that the original idea for the speech was connected to the anticipated June 9 meeting or that the change of topic was attributable to the failure of that meeting to produce concrete evidence about Clinton. Other events, such as the Pulse nightclub shooting on June 12, could well have caused the change. The President’s written answers to our questions state that the speech’s focus was altered “[i]n light of” the Pulse nightclub shooting. *See* Written Responses, *supra*. As for the original topic of the June 13 speech, Trump has said that “he expected to give a speech referencing the publicly available, negative information about the Clintons,” and that the draft of the speech prepared by Campaign staff “was based on publicly available material, including, in particular, information from the book *Clinton Cash* by Peter Schweizer.” Written Responses, *supra*. In a later June 22 speech, Trump did speak extensively about allegations that Clinton was corrupt, drawing from the *Clinton Cash* book. *See Full Transcript: Donald Trump NYC Speech on Stakes of the Election*, politico.com (June 22, 2016).

⁷¹⁴ Testimony of Natalia Veselnitskaya Before the Senate Committee on Judiciary (Nov. 20, 2017) at 41, 42; Alison Frankel, *How Did Russian Lawyer Veselnitskaya Get into U.S. for Trump Tower Meeting?* Reuters, (Nov. 6, 2017); Michael Kranish et al., *Russian Lawyer who Met with Trump Jr. Has Long History Fighting Sanctions*, Washington Post (July 11, 2017); *see* OSC-KAV00113 (6/8/16 Email, Goldstone to Kaveladze); RG000073 (6/8/16 Email, Goldstone to Trump Jr.); Lieberman 12/13/17 302, at 5; *see also Prevezon Holdings Order* (Oct. 17, 2016).

⁷¹⁵ **Grand Jury**

⁷¹⁶ Akhmetshin 11/14/17 302, at 4-6; **Grand Jury**

Russian-born translator who had assisted Veselnitskaya with Magnitsky-related lobbying and the *Prevezon* case, also attended the lunch.⁷¹⁷ **Grand Jury** Veselnitskaya said she was meeting **Grand Jury** and asked Akhmetshin what she should tell him.⁷¹⁸ According to several participants in the lunch, Veselnitskaya showed Akhmetshin a document alleging financial misconduct by Bill Browder and the Ziff brothers (Americans with business in Russia), and those individuals subsequently making political donations to the DNC.⁷¹⁹ **Grand Jury**

20

The group then went to Trump Tower for the meeting.⁷²¹

ii. Conduct of the Meeting

Trump Jr., Manafort, and Kushner participated on the Trump side, while Kaveladze, Samochornov, Akhmetshin, and Goldstone attended with Veselnitskaya.⁷²² The Office spoke to every participant except Veselnitskaya and Trump Jr., the latter of whom declined to be voluntarily interviewed by the Office **Grand Jury**

The meeting lasted approximately 20 minutes.⁷²³ **Grand Jury**

²⁴ Goldstone recalled that Trump Jr. invited Veselnitskaya to begin but did not say anything about the subject of the meeting.⁷²⁵ Participants agreed that Veselnitskaya stated that the Ziff brothers had broken Russian laws and had donated their profits to the DNC or the Clinton Campaign.⁷²⁶ She asserted that the Ziff brothers had engaged in tax evasion and money laundering

⁷¹⁷ Kaveladze 11/16/17 302, at 7; **Grand Jury** Samochornov 7/13/17 302, at 2, 4; **Grand Jury**

⁷¹⁸ **Grand Jury**

⁷¹⁹ **Grand Jury** Kaveladze 11/16/17 302, at 7; **Grand Jury**

Grand Jury Samochornov did not recall the planned subject matter of the Trump Tower meeting coming up at lunch. **Grand Jury**

Grand Jury Samochornov 7/12/17 302, at 4. In her later Senate statement and interactions with the press, Veselnitskaya produced what she claimed were the talking points that she brought to the June 9 meeting.

⁷²⁰ **Grand Jury**

⁷²¹ *E.g.*, Samochornov 7/12/17 302, at 4.

⁷²² *E.g.*, Samochornov 7/12/17 302, at 4.

⁷²³ *E.g.*, Samochornov 7/12/17 302, at 4; Goldstone 2/8/18 302, at 9.

⁷²⁴ **Grand Jury**

⁷²⁵ **Grand Jury**

⁷²⁶ **Grand Jury**

in both the United States and Russia,⁷²⁷ **Grand Jury**
⁷²⁸ According to Akhmetshin, Trump Jr. asked follow-up questions about how the alleged payments could be tied specifically to the Clinton Campaign, but Veselnitskaya indicated that she could not trace the money once it entered the United States.⁷²⁹ Kaveladze similarly recalled that Trump Jr. asked what they have on Clinton, and Kushner became aggravated and asked “[w]hat are we doing here?”⁷³⁰

Akhmetshin then spoke about U.S. sanctions imposed under the Magnitsky Act and Russia’s response prohibiting U.S. adoption of Russian children.⁷³¹ Several participants recalled that Trump Jr. commented that Trump is a private citizen, and there was nothing they could do at that time.⁷³² Trump Jr. also said that they could revisit the issue if and when they were in government.⁷³³ Notes that Manafort took on his phone reflect the general flow of the conversation, although not all of its details.⁷³⁴

At some point in the meeting, Kushner sent an iMessage to Manafort stating “waste of time,” followed immediately by two separate emails to assistants at Kushner Companies with requests that

⁷²⁷ **Grand Jury**

⁷²⁸ **Grand Jury**

⁷²⁹ **Grand Jury** Akhmetshin 11/14/17 302, at 12.

⁷³⁰ Kaveladze 11/16/17 302, at 8; **Grand Jury**

⁷³¹ Samochornov 7/13/17 302, at 3; **Grand Jury**

⁷³² *E.g.*, Akhmetshin 11/14/17 302, at 12-13; **Grand Jury**

⁷³³ Akhmetshin 11/14/17 302, at 12-13; **Grand Jury** Samochornov 7/13/17 302, at 3. Trump Jr. confirmed this in a statement he made in July 2017 after news of the June 2016 meeting broke. *Interview of: Donald J. Trump, Jr., Senate Judiciary Committee U.S. Senate Washington DC*, 115th Cong. 57 (Sept. 7, 2017).

⁷³⁴ Manafort’s notes state:

- Bill Browder
- Offshore - Cyprus
- 133m shares
- Companies
- Not invest - loan
- Value in Cyprus as inter
- Illicit
- Active sponsors of RNC
- Browder hired Joanna Glover
- Tied into Cheney
- Russian adoption by American families

they call him to give him an excuse to leave.⁷³⁵ Samochornov recalled that Kushner departed the meeting before it concluded; Veselnitskaya recalled the same when interviewed by the press in July 2017.⁷³⁶

Veselnitskaya's press interviews and written statements to Congress differ materially from other accounts. In a July 2017 press interview, Veselnitskaya claimed that she has no connection to the Russian government and had not referred to any derogatory information concerning the Clinton Campaign when she met with Trump Campaign officials.⁷³⁷ Veselnitskaya's November 2017 written submission to the Senate Judiciary Committee stated that the purpose of the June 9 meeting was not to connect with "the Trump Campaign" but rather to have "a private meeting with Donald Trump Jr.—a friend of my good acquaintance's son on the matter of assisting me or my colleagues in informing the Congress members as to the criminal nature of manipulation and interference with the legislative activities of the US Congress."⁷³⁸ In other words, Veselnitskaya claimed her focus was on Congress and not the Campaign. No witness, however, recalled any reference to Congress during the meeting. Veselnitskaya also maintained that she "attended the meeting as a lawyer of Denis Katsyv," the previously mentioned owner of Prevezon Holdings, but she did not "introduce [her]self in this capacity."⁷³⁹

In a July 2017 television interview, Trump Jr. stated that while he had no way to gauge the reliability, credibility, or accuracy of what Goldstone had stated was the purpose of the meeting, if "someone has information on our opponent . . . maybe this is something. I should hear them out."⁷⁴⁰ Trump Jr. further stated in September 2017 congressional testimony that he thought he should "listen to what Rob and his colleagues had to say."⁷⁴¹ Depending on what, if any, information was provided, Trump Jr. stated he could then "consult with counsel to make an informed decision as to whether to give it any further consideration."⁷⁴²

⁷³⁵ NOSC00003992 (6/9/16 Text Message, Kushner to Manafort); Kushner 4/11/18 302, at 9; Vargas 4/4/18 302, at 7; NOSC00000044 (6/9/16 Email, Kushner to Vargas); NOSC00000045 (6/9/16 Email, Kushner to Cain).

⁷³⁶ Samochornov 7/12/17 302, at 4; **Grand Jury** Kushner 4/11/18 302, at 9-10; see also *Interview of: Donald J. Trump, Jr., Senate Judiciary Committee*, 115th Cong. 48-49 (Sept. 7, 2017).

⁷³⁷ *Russian Lawyer Veselnitskaya Says She Didn't Give Trump Jr. Info on Clinton*, NBC News (July 11, 2017).

⁷³⁸ *Testimony of Natalia Veselnitskaya before the United States Senate Committee on the Judiciary*, 115th Cong. 10 (Nov 20, 2017).

⁷³⁹ *Testimony of Natalia Veselnitskaya before the United States Senate Committee on the Judiciary*, 115th Cong. 21 (Nov. 20, 2017).

⁷⁴⁰ Sean Hannity, *Transcript-Donald Trump Jr*, Fox News (July 11, 2017).

⁷⁴¹ *Interview of: Donald J. Trump, Jr, Senate Judiciary Committee*, 115th Cong. 16 (Sept. 7, 2017).

⁷⁴² *Interview of: Donald J. Trump, Jr, Senate Judiciary Committee*, 115th Cong. 16-17 (Sept. 7, 2017).

After the June 9 meeting concluded, Goldstone apologized to Trump Jr.⁷⁴³ According to Goldstone, he told Trump Jr. **Grand Jury**⁷⁴⁴ and told Emin Agalarov in a phone call that the meeting was about adoption **Grand**⁷⁴⁵ **Grand Jury**⁷⁴⁶. Aras Agalarov asked Kaveladze to report in after the meeting, but before Kaveladze could call, Aras Agalarov called him.⁷⁴⁷ With Veselnitskaya next to him, Kaveladze reported that the meeting had gone well, but he later told Aras Agalarov that the meeting about the Magnitsky Act had been a waste of time because it was not with lawyers and they were “preaching to the wrong crowd.”⁷⁴⁸

c. Post-June 9 Events

Veselnitskaya and Aras Agalarov made at least two unsuccessful attempts after the election to meet with Trump representatives to convey similar information about Browder and the Magnitsky Act.⁷⁴⁹ On November 23, 2016, Kaveladze emailed Goldstone about setting up another meeting “with T people” and sent a document bearing allegations similar to those conveyed on June 9.⁷⁵⁰ Kaveladze followed up with Goldstone, stating that “Mr. A,” which Goldstone understood to mean Aras Agalarov, called to ask about the meeting.⁷⁵¹ Goldstone emailed the document to Rhona Graff, saying that “Aras Agalarov has asked me to pass on this document in the hope it can be passed on to the appropriate team. If needed, a lawyer representing the case is

⁷⁴³ Kaveladze 11/16/17 302, at 8; **Grand Jury** Goldstone 2/8/18 302, at 9; **Grand Jury**

⁷⁴⁴ **Grand Jury**

⁷⁴⁵ **Grand Jury**

The week after the June 9 meeting, a cybersecurity firm and the DNC announced the Russian hack of the DNC. *See* Volume I, Section III.B.2, *supra*. **Grand Jury**

(and one text message shows) that, shortly after the DNC announcement, Goldstone made comments connecting the DNC hacking announcement to the June 9 meeting. **Grand Jury** OSC-KAV_00029 (6/14/16 Email, Goldstone to E. Agalarov & Kaveladze (10:09 a.m.)). The investigation did not identify evidence connecting the events of June 9 to the GRU’s hack-and-dump operation. OSC-KAV_00029-30 (6/14/16 Email, Goldstone to E. Agalarov).

⁷⁴⁶ **Grand Jury**

⁷⁴⁷ Kaveladze 11/16/17 302, at 8; Call Records of Ike Kaveladze **Grand Jury**

⁷⁴⁸ Kaveladze 11/16/17 302, at 8; Call Records of Ike Kaveladze **Grand Jury**

On June 14, 2016 Kaveladze’s teenage daughter emailed asking how the June 9 meeting had gone, and Kaveladze responded, “meeting was boring. The Russians did not have any bad info on Hilary.” OSC-KAV_00257 (6/14/16 Email, I. Kaveladze to A. Kaveladze; **Grand Jury**

⁷⁴⁹ Goldstone 2/8/18 302, at 11; **Grand Jury**

⁷⁵⁰ OSC-KAV_00138 (11/23/16 Email, Goldstone to Kaveladze); **Grand Jury**

⁷⁵¹ RG000196 (11/26-29/16 Text Messages, Goldstone & Kaveladze); **Grand Jury**

in New York currently and happy to meet with any member of his transition team.”⁷⁵² According to Goldstone, around January 2017, Kaveladze contacted him again to set up another meeting, but Goldstone did not make the request.⁷⁵³ The investigation did not identify evidence of the transition team following up.

Participants in the June 9, 2016 meeting began receiving inquiries from attorneys representing the Trump Organization starting in approximately June 2017.⁷⁵⁴ On approximately June 2, 2017, Goldstone spoke with Alan Garten, general counsel of the Trump Organization, about his participation in the June 9 meeting.⁷⁵⁵ The same day, Goldstone emailed Veselnitskaya’s name to Garten, identifying her as the “woman who was the attorney who spoke at the meeting from Moscow.”⁷⁵⁶ Later in June 2017, Goldstone participated in a lengthier call with Garten and Alan Futerfas, outside counsel for the Trump Organization (and, subsequently, personal counsel for Trump Jr.).⁷⁵⁷ On June 27, 2017, Goldstone emailed Emin Agalarov with the subject “Trump attorneys” and stated that he was “interviewed by attorneys” about the June 9 meeting who were “concerned because it links Don Jr. to officials from Russia—which he has always denied meeting.”⁷⁵⁸ Goldstone stressed that he “did say at the time this was an awful idea and a terrible meeting.”⁷⁵⁹ Emin Agalarov sent a screenshot of the message to Kaveladze.⁷⁶⁰

The June 9 meeting became public in July 2017. In a July 9, 2017 text message to Emin Agalarov, Goldstone wrote “I made sure I kept you and your father out of [t]his story,”⁷⁶¹ and “[i]f contacted I can do a dance and keep you out of it.”⁷⁶² Goldstone added, “FBI now investigating,” and “I hope this favor was worth for your dad—it could blow up.”⁷⁶³ On July 12, 2017 Emin Agalarov complained to Kaveladze that his father, Aras, “never listens” to him and that their

⁷⁵² Goldstone 2/8/18 302, at 11; **Grand Jury** [REDACTED] DJTJR00118 (11/28/16 Email, Goldstone to Graff).

⁷⁵³ **Grand Jury** [REDACTED]

⁷⁵⁴ **Grand Jury** [REDACTED]

⁷⁵⁵ **Grand Jury** [REDACTED]

⁷⁵⁶ RG000256 (6/2/17 Email, Goldstone to Garten).

⁷⁵⁷ **Grand Jury** [REDACTED]

⁷⁵⁸ RG000092 (6/27/17 Email, Goldstone to E. Agalarov).

⁷⁵⁹ RG000092 (6/27/17 Email, Goldstone to E. Agalarov). **Grand Jury** [REDACTED]

⁷⁶⁰ OSC-KAV_01190 (6/27/17 Text Message, E. Agalarov to Kaveladze).

⁷⁶¹ RG000286-87 (7/9/17 Text Messages, E. Agalarov & Goldstone); **Grand Jury** [REDACTED]

⁷⁶² **Investigative Technique** [REDACTED]

⁷⁶³ **Investigative Technique** [REDACTED]

Grand Jury [REDACTED]

relationship with “mr T has been thrown down the drain.”⁷⁶⁴ The next month, Goldstone commented to Emin Agalarov about the volume of publicity the June 9 meeting had generated, stating that his “reputation [was] basically destroyed by this dumb meeting which your father insisted on even though Ike and Me told him would be bad news and not to do.”⁷⁶⁵ Goldstone added, “I am not able to respond out of courtesy to you and your father. So am painted as some mysterious link to Putin.”⁷⁶⁶

After public reporting on the June 9 meeting began, representatives from the Trump Organization again reached out to participants. On July 10, 2017, Futerfas sent Goldstone an email with a proposed statement for Goldstone to issue, which read:

As the person who arranged the meeting, I can definitively state that the statements I have read by Donald Trump Jr. are 100% accurate. The meeting was a complete waste of time and Don was never told Ms. Veselnitskaya’s name prior to the meeting. Ms. Veselnitskaya mostly talked about the Magnitsky Act and Russian adoption laws and the meeting lasted 20 to 30 minutes at most. There was never any follow up and nothing ever came of the meeting.⁷⁶⁷

Grand Jury [REDACTED] the statement drafted by Trump Organization representatives was **Grand Jury** [REDACTED].⁷⁶⁸ He proposed a different statement, asserting that he had been asked “by [his] client in Moscow – Emin Agalarov – to facilitate a meeting between a Russian attorney (Natalia Veselnitzkaya [sic]) and Donald Trump Jr. The lawyer had apparently stated that she had some information regarding funding to the DNC from Russia, which she believed Mr. Trump Jr. might find interesting.”⁷⁶⁹ Goldstone never released either statement.⁷⁷⁰

On the Russian end, there were also communications about what participants should say about the June 9 meeting. Specifically, the organization that hired Samochornov—an anti-Magnitsky Act group controlled by Veselnitskaya and the owner of Prevezon—offered to pay \$90,000 of Samochornov’s legal fees.⁷⁷¹ At Veselnitskaya’s request, the organization sent Samochornov a transcript of a Veselnitskaya press interview, and Samochornov understood that the organization would pay his legal fees only if he made statements consistent with Veselnitskaya’s.⁷⁷² Samochornov declined, telling the Office that he did not want to perjure

⁷⁶⁴ OSC-KAV 01197 (7/11-12/17 Text Messages, Kaveladze & E. Agalarov); **Grand Jury** [REDACTED]

⁷⁶⁵ **Investigative Technique** [REDACTED]

⁷⁶⁶ **Investigative Technique** [REDACTED]

⁷⁶⁷ 7/10/17 Email, Goldstone to Futerfas & Garten.

⁷⁶⁸ **Grand Jury** [REDACTED]

⁷⁶⁹ 7/10/17 Email, Goldstone to Futerfas & Garten.

⁷⁷⁰ **Grand Jury** [REDACTED]

⁷⁷¹ Samochornov 7/13/17 302, at 1; **Grand Jury** [REDACTED]

⁷⁷² **Grand Jury** [REDACTED] Samochornov 7/13/17 302, at 1.

himself.⁷⁷³ The individual who conveyed Veselnitskaya's request to Samochornov stated that he did not expressly condition payment on following Veselnitskaya's answers but, in hindsight, recognized that by sending the transcript, Samochornov could have interpreted the offer of assistance to be conditioned on his not contradicting Veselnitskaya's account.⁷⁷⁴

Volume II, Section II.G, *infra*, discusses interactions between President Trump, Trump Jr., and others in June and July 2017 regarding the June 9 meeting.

6. Events at the Republican National Convention

Trump Campaign officials met with Russian Ambassador Sergey Kislyak during the week of the Republican National Convention. The evidence indicates that those interactions were brief and non-substantive. During platform committee meetings immediately before the Convention, J.D. Gordon, a senior Campaign advisor on policy and national security, diluted a proposed amendment to the Republican Party platform expressing support for providing "lethal" assistance to Ukraine in response to Russian aggression. Gordon requested that platform committee personnel revise the proposed amendment to state that only "appropriate" assistance be provided to Ukraine. The original sponsor of the "lethal" assistance amendment stated that Gordon told her (the sponsor) that he was on the phone with candidate Trump in connection with his request to dilute the language. Gordon denied making that statement to the sponsor, although he acknowledged it was possible he mentioned having previously spoken to the candidate about the subject matter. The investigation did not establish that Gordon spoke to or was directed by the candidate to make that proposal. Gordon said that he sought the change because he believed the proposed language was inconsistent with Trump's position on Ukraine.

a. Ambassador Kislyak's Encounters with Senator Sessions and J.D. Gordon the Week of the RNC

In July 2016, Senator Sessions and Gordon spoke at the Global Partners in Diplomacy event, a conference co-sponsored by the State Department and the Heritage Foundation held in Cleveland, Ohio the same week as the Republican National Convention (RNC or "Convention").⁷⁷⁵ Approximately 80 foreign ambassadors to the United States, including Kislyak, were invited to the conference.⁷⁷⁶

On July 20, 2016, Gordon and Sessions delivered their speeches at the conference.⁷⁷⁷ In his speech, Gordon stated in pertinent part that the United States should have better relations with

⁷⁷³ Samochornov 7/13/17 302, at 1.

⁷⁷⁴ **Grand Jury**

⁷⁷⁵ Gordon 8/29/17 302, at 9; Sessions 1/17/18 302, at 22; Allan Smith, *We Now Know More About why Jeff Sessions and a Russian Ambassador Crossed Paths at the Republican Convention*, Business Insider (Mar. 2, 2017).

⁷⁷⁶ Gordon 8/29/17 302, at 9; Laura DeMarco, *Global Cleveland and Sen. Bob Corker Welcome International Republican National Convention Guests*, Cleveland Plain Dealer (July 20, 2016).

⁷⁷⁷ Gordon 8/29/17 302, at 9; Sessions 1/17/18 302, at 22.

Russia.⁷⁷⁸ During Sessions's speech, he took questions from the audience, one of which may have been asked by Kislyak.⁷⁷⁹ When the speeches concluded, several ambassadors lined up to greet the speakers.⁷⁸⁰ Gordon shook hands with Kislyak and reiterated that he had meant what he said in the speech about improving U.S.-Russia relations.⁷⁸¹ Sessions separately spoke with between six and 12 ambassadors, including Kislyak.⁷⁸² Although Sessions stated during interviews with the Office that he had no specific recollection of what he discussed with Kislyak, he believed that the two spoke for only a few minutes and that they would have exchanged pleasantries and said some things about U.S.-Russia relations.⁷⁸³

Later that evening, Gordon attended a reception as part of the conference.⁷⁸⁴ Gordon ran into Kislyak as the two prepared plates of food, and they decided to sit at the same table to eat.⁷⁸⁵ They were joined at that table by the ambassadors from Azerbaijan and Kazakhstan, and by Trump Campaign advisor Carter Page.⁷⁸⁶ As they ate, Gordon and Kislyak talked for what Gordon estimated to have been three to five minutes, during which Gordon again mentioned that he meant what he said in his speech about improving U.S.-Russia relations.⁷⁸⁷

b. Change to Republican Party Platform

In preparation for the 2016 Convention, foreign policy advisors to the Trump Campaign, working with the Republican National Committee, reviewed the 2012 Convention's foreign policy platform to identify divergence between the earlier platform and candidate Trump's positions.⁷⁸⁸ The Campaign team discussed toning down language from the 2012 platform that identified Russia as the country's number one threat, given the candidate's belief that there needed to be better U.S. relations with Russia.⁷⁸⁹ The RNC Platform Committee sent the 2016 draft platform to the National Security and Defense Platform Subcommittee on July 10, 2016, the evening before its

⁷⁷⁸ Gordon 8/29/17 302, at 9.

⁷⁷⁹ Sessions 1/17/18 302, at 22; Luff 1/30/18 302, at 3.

⁷⁸⁰ Gordon 8/29/17 302, at 9; Luff 1/30/18 302, at 3.

⁷⁸¹ Gordon 8/29/17 302, at 9.

⁷⁸² Sessions 1/17/18 302, at 22; Luff 1/30/18 302, at 3; *see also* Volume I, Section IV.A.4.b, *supra* (explaining that Sessions and Kislyak may have met three months before this encounter during a reception held on April 26, 2016, at the Mayflower Hotel).

⁷⁸³ Sessions 1/17/18 302, at 22.

⁷⁸⁴ Gordon 8/29/17 302, at 9-10.

⁷⁸⁵ Gordon 8/29/17 302, at 9-10.

⁷⁸⁶ Gordon 8/29/17 302, at 10; *see also* Volume I, Section IV.A.3.d, *supra* (explaining that Page acknowledged meeting Kislyak at this event).

⁷⁸⁷ Gordon 8/29/17 302, at 10.

⁷⁸⁸ Gordon 8/29/17 302, at 10.

⁷⁸⁹ Gordon 8/29/17 302, at 10.

first meeting to propose amendments.⁷⁹⁰

Although only delegates could participate in formal discussions and vote on the platform, the Trump Campaign could request changes, and members of the Trump Campaign attended committee meetings.⁷⁹¹ John Mashburn, the Campaign's policy director, helped oversee the Campaign's involvement in the platform committee meetings.⁷⁹² He told the Office that he directed Campaign staff at the Convention, including J.D. Gordon, to take a hands-off approach and only to challenge platform planks if they directly contradicted Trump's wishes.⁷⁹³

On July 11, 2016, delegate Diana Denman submitted a proposed platform amendment that included provision of armed support for Ukraine.⁷⁹⁴ The amendment described Russia's "ongoing military aggression" in Ukraine and announced "support" for "maintaining (and, if warranted, increasing) sanctions against Russia until Ukraine's sovereignty and territorial integrity are fully restored" and for "providing lethal defensive weapons to Ukraine's armed forces and greater coordination with NATO on defense planning."⁷⁹⁵ Gordon reviewed the proposed platform changes, including Denman's.⁷⁹⁶ Gordon stated that he flagged this amendment because of Trump's stated position on Ukraine, which Gordon personally heard the candidate say at the March 31 foreign policy meeting—namely, that the Europeans should take primary responsibility for any assistance to Ukraine, that there should be improved U.S.-Russia relations, and that he did not want to start World War III over that region.⁷⁹⁷ Gordon told the Office that Trump's statements on the campaign trail following the March meeting underscored those positions to the point where Gordon felt obliged to object to the proposed platform change and seek its dilution.⁷⁹⁸

On July 11, 2016, at a meeting of the National Security and Defense Platform Subcommittee, Denman offered her amendment.⁷⁹⁹ Gordon and another Campaign staffer, Matt Miller, approached a committee co-chair and asked him to table the amendment to permit further discussion.⁸⁰⁰ Gordon's concern with the amendment was the language about providing "lethal

⁷⁹⁰ Gordon 8/29/17 302, at 10; Hoff 5/26/17 302, at 1-2.

⁷⁹¹ Hoff 5/26/17 302, at 1; Gordon 9/7/17 302, at 10.

⁷⁹² Mashburn 6/25/18 302, at 4; Manafort 9/20/18 302, at 7-8.

⁷⁹³ Mashburn 6/25/18 302, at 4; Gordon 8/29/17 302, at 10.

⁷⁹⁴ DENMAN 000001-02, DENMAN 000012, DENMAN 000021-22; Denman 12/4/17 302, at 1; Denman 6/7/17 302, at 2.

⁷⁹⁵ DENMAN 000001-02, DENMAN 000012, DENMAN 000021-22.

⁷⁹⁶ Gordon 8/29/17 302, at 10-11.

⁷⁹⁷ Gordon 8/29/17 302, at 11; Gordon 9/7/17 302, at 11; Gordon 2/14/19 302, at 1-2, 5-6.

⁷⁹⁸ Gordon 2/14/19 302, at 5-6.

⁷⁹⁹ Denman 6/7/17 302, at 2; *see* DENMAN 000014.

⁸⁰⁰ Denman 6/7/17 302, at 2; Denman 12/4/17 302, at 2; Gordon 9/7/17 302, at 11-12; *see* Hoff 5/26/17 302, at 2.

defensive weapons to Ukraine.”⁸⁰¹ Miller did not have any independent basis to believe that this language contradicted Trump’s views and relied on Gordon’s recollection of the candidate’s views.⁸⁰²

According to Denman, she spoke with Gordon and Matt Miller, and they told her that they had to clear the language and that Gordon was “talking to New York.”⁸⁰³ Denman told others that she was asked by the two Trump Campaign staffers to strike “lethal defense weapons” from the proposal but that she refused.⁸⁰⁴ Denman recalled Gordon saying that he was on the phone with candidate Trump, but she was skeptical whether that was true.⁸⁰⁵ Gordon denied having told Denman that he was on the phone with Trump, although he acknowledged it was possible that he mentioned having previously spoken to the candidate about the subject matter.⁸⁰⁶ Gordon’s phone records reveal a call to Sessions’s office in Washington that afternoon, but do not include calls directly to a number associated with Trump.⁸⁰⁷ And according to the President’s written answers to the Office’s questions, he does not recall being involved in the change in language of the platform amendment.⁸⁰⁸

Gordon stated that he tried to reach Rick Dearborn, a senior foreign policy advisor, and Mashburn, the Campaign policy director. Gordon stated that he connected with both of them (he could not recall if by phone or in person) and apprised them of the language he took issue with in the proposed amendment. Gordon recalled no objection by either Dearborn or Mashburn and that all three Campaign advisors supported the alternative formulation (“appropriate assistance”).⁸⁰⁹ Dearborn recalled Gordon warning them about the amendment, but not weighing in because Gordon was more familiar with the Campaign’s foreign policy stance.⁸¹⁰ Mashburn stated that Gordon reached him, and he told Gordon that Trump had not taken a stance on the issue and that the Campaign should not intervene.⁸¹¹

When the amendment came up again in the committee’s proceedings, the subcommittee changed the amendment by striking the “lethal defense weapons” language and replacing it with

⁸⁰¹ Denman 6/7/17 302, at 3.

⁸⁰² M. Miller 10/25/17 302 at 3.

⁸⁰³ Denman 12/4/17 302, at 2; Denman 6/7/17 302, at 2.

⁸⁰⁴ Hoff 5/26/17 302, at 2.

⁸⁰⁵ Denman 6/7/17 302, at 2-3, 3-4; Denman 12/4/17 302, at 2.

⁸⁰⁶ Gordon 2/14/19 302, at 7.

⁸⁰⁷ Call Records of J.D. Gordon **Grand Jury**. Gordon stated to the Office that his calls with Sessions were unrelated to the platform change. Gordon 2/14/19 302, at 7.

⁸⁰⁸ Written Responses of Donald J. Trump (Nov. 20, 2018), at 17 (Response to Question IV, Part (f)).

⁸⁰⁹ Gordon 2/14/19 302, at 6-7; Gordon 9/7/17 302, at 11-12; *see* Gordon 8/29/17 302, at 11.

⁸¹⁰ Dearborn 11/28/17 302, at 7-8.

⁸¹¹ Mashburn 6/25/18 302, at 4.

“appropriate assistance.”⁸¹² Gordon stated that he and the subcommittee co-chair ultimately agreed to replace the language about armed assistance with “appropriate assistance.”⁸¹³ The subcommittee accordingly approved Denman’s amendment but with the term “appropriate assistance.”⁸¹⁴ Gordon stated that, to his recollection, this was the only change sought by the Campaign.⁸¹⁵ Sam Clovis, the Campaign’s national co-chair and chief policy advisor, stated he was surprised by the change and did not believe it was in line with Trump’s stance.⁸¹⁶ Mashburn stated that when he saw the word “appropriate assistance,” he believed that Gordon had violated Mashburn’s directive not to intervene.⁸¹⁷

7. Post-Convention Contacts with Kislyak

Ambassador Kislyak continued his efforts to interact with Campaign officials with responsibility for the foreign-policy portfolio—among them Sessions and Gordon—in the weeks after the Convention. The Office did not identify evidence in those interactions of coordination between the Campaign and the Russian government.

a. Ambassador Kislyak Invites J.D. Gordon to Breakfast at the Ambassador’s Residence

On August 3, 2016, an official from the Embassy of the Russian Federation in the United States wrote to Gordon “[o]n behalf of” Ambassador Kislyak inviting Gordon “to have breakfast/tea with the Ambassador at his residence” in Washington, D.C. the following week.⁸¹⁸ Gordon responded five days later to decline the invitation. He wrote, “[t]hese days are not optimal for us, as we are busily knocking down a constant stream of false media stories while also preparing for the first debate with HRC. Hope to take a raincheck for another time when things quiet down a bit. Please pass along my regards to the Ambassador.”⁸¹⁹ The investigation did not identify evidence that Gordon made any other arrangements to meet (or met) with Kislyak after this email.

b. Senator Sessions’s September 2016 Meeting with Ambassador Kislyak

Also in August 2016, a representative of the Russian Embassy contacted Sessions’s Senate office about setting up a meeting with Kislyak.⁸²⁰ At the time, Sessions was a member of the

⁸¹² Hoff 5/26/17 302, at 2-3; see Denman 12/4/17 302, at 2-3; Gordon 8/29/17 302, at 11.

⁸¹³ Gordon 8/29/17 302, at 11; Gordon 9/7/17 302, at 12.

⁸¹⁴ Hoff 5/26/17 302, at 2-3.

⁸¹⁵ Gordon 2/14/19 302, at 6.

⁸¹⁶ Clovis 10/3/17 302, at 10-11.

⁸¹⁷ Mashburn 6/25/18 302, at 4.

⁸¹⁸ DJTFP00004828 (8/3/16 Email, Pchelyakov [embassy@russianembassy.org] to Gordon).

⁸¹⁹ DJTFP00004953 (8/8/16 Email, Gordon to embassy@russianembassy.org).

⁸²⁰ Luff 1/30/18 302, at 5.

Senate Foreign Relations Committee and would meet with foreign officials in that capacity.⁸²¹ But Sessions's staff reported, and Sessions himself acknowledged, that meeting requests from ambassadors increased substantially in 2016, as Sessions assumed a prominent role in the Trump Campaign and his name was mentioned for potential cabinet-level positions in a future Trump Administration.⁸²²

On September 8, 2016, Sessions met with Kislyak in his Senate office.⁸²³ Sessions said that he believed he was doing the Campaign a service by meeting with foreign ambassadors, including Kislyak.⁸²⁴ He was accompanied in the meeting by at least two of his Senate staff: Sandra Luff, his legislative director; and Pete Landrum, who handled military affairs.⁸²⁵ The meeting lasted less than 30 minutes.⁸²⁶ Sessions voiced concerns about Russia's sale of a missile-defense system to Iran, Russian planes buzzing U.S. military assets in the Middle East, and Russian aggression in emerging democracies such as Ukraine and Moldova.⁸²⁷ Kislyak offered explanations on these issues and complained about NATO land forces in former Soviet-bloc countries that border Russia.⁸²⁸ Landrum recalled that Kislyak referred to the presidential campaign as "an interesting campaign,"⁸²⁹ and Sessions also recalled Kislyak saying that the Russian government was receptive to the overtures Trump had laid out during his campaign.⁸³⁰ None of the attendees, though, remembered any discussion of Russian election interference or any request that Sessions convey information from the Russian government to the Trump Campaign.⁸³¹

During the meeting, Kislyak invited Sessions to further discuss U.S.-Russia relations with him over a meal at the ambassador's residence.⁸³² Sessions was non-committal when Kislyak extended the invitation. After the meeting ended, Luff advised Sessions against accepting the one-on-one meeting with Kislyak, whom she assessed to be an "old school KGB guy."⁸³³ Neither Luff nor Landrum recalled that Sessions followed up on the invitation or made any further effort to dine

⁸²¹ Sessions 1/17/18 302, at 23-24; Luff 1/30/18 302, at 5.

⁸²² Sessions 1/17/18 302, at 23-24; Luff 1/30/18 302, at 5; Landrum 2/27/18 302, at 3-5.

⁸²³ Sessions 1/17/18 302, at 23.

⁸²⁴ Sessions 1/17/18 302, at 23.

⁸²⁵ Sessions 1/17/18 302, at 23; Luff 1/30/18 302, at 5-6; Landrum 2/27/18 302, at 4-5 (stating he could not remember if election was discussed).

⁸²⁶ Luff 1/30/18 302, at 6; Landrum 2/27/18 302, at 5.

⁸²⁷ Luff 1/30/18 302, at 6; Landrum 2/27/18 302, at 4-5.

⁸²⁸ Luff 1/30/18 302, at 6; Landrum 2/27/18 302 at 4-5.

⁸²⁹ Landrum 2/27/18 302, at 5.

⁸³⁰ Sessions 1/17/18 302, at 23. Sessions also noted that ambassadors came to him for information about Trump and hoped he would pass along information to Trump. Sessions 1/17/18 302, at 23-24.

⁸³¹ Sessions 1/17/18 302, at 23; Luff 1/30/18 302, at 6; Landrum 2/27/18 302, at 5.

⁸³² Luff 1/30/18 302, at 5; Landrum 2/27/18 302, at 4.

⁸³³ Luff 1/30/18 302, at 5.

or meet with Kislyak before the November 2016 election.⁸³⁴ Sessions and Landrum recalled that, after the election, some efforts were made to arrange a meeting between Sessions and Kislyak.⁸³⁵ According to Sessions, the request came through CNI and would have involved a meeting between Sessions and Kislyak, two other ambassadors, and the Governor of Alabama.⁸³⁶ Sessions, however, was in New York on the day of the anticipated meeting and was unable to attend.⁸³⁷ The investigation did not identify evidence that the two men met at any point after their September 8 meeting.

8. Paul Manafort

Paul Manafort served on the Trump Campaign, including a period as campaign chairman, from March to August 2016.⁸³⁸ Manafort had connections to Russia through his prior work for Russian oligarch Oleg Deripaska and later through his work for a pro-Russian regime in Ukraine. Manafort stayed in touch with these contacts during the campaign period through Konstantin Kilimnik, a longtime Manafort employee who previously ran Manafort's office in Kiev and who the FBI assesses to have ties to Russian intelligence.

Manafort instructed Rick Gates, his deputy on the Campaign and a longtime employee,⁸³⁹ to provide Kilimnik with updates on the Trump Campaign—including internal polling data, although Manafort claims not to recall that specific instruction. Manafort expected Kilimnik to share that information with others in Ukraine and with Deripaska. Gates periodically sent such polling data to Kilimnik during the campaign.

⁸³⁴ Luff 1/30/18 302, at 6; Landrum 2/27/18 302, at 4-5.

⁸³⁵ Sessions 1/17/18 302, at 23.

⁸³⁶ Sessions 1/17/18 302, at 23.

⁸³⁷ Sessions 1/17/18 302, at 23.

⁸³⁸ On August 21, 2018, Manafort was convicted in the Eastern District of Virginia on eight tax, Foreign Bank Account Registration (FBAR), and bank fraud charges. On September 14, 2018, Manafort pleaded guilty in the District of Columbia to (1) conspiracy to defraud the United States and conspiracy to commit offenses against the United States (money laundering, tax fraud, FBAR, Foreign Agents Registration Act (FARA), and FARA false statements), and (2) conspiracy to obstruct justice (witness tampering). Manafort also admitted criminal conduct with which he had been charged in the Eastern District of Virginia, but as to which the jury hung. The conduct at issue in both cases involved Manafort's work in Ukraine and the money he earned for that work, as well as crimes after the Ukraine work ended. On March 7, 2019, Manafort was sentenced to 47 months of imprisonment in the Virginia prosecution. On March 13, the district court in D.C. sentenced Manafort to a total term of 73 months: 60 months on the Count 1 conspiracy (with 30 of those months to run concurrent to the Virginia sentence), and 13 months on the Count 1 conspiracy, to be served consecutive to the other two sentences. The two sentences resulted in a total term of 90 months.

⁸³⁹ As noted in Volume I, Section III.D.1.b, *supra*, Gates pleaded guilty to two criminal charges in the District of Columbia, including making a false statement to the FBI, pursuant to a plea agreement. He has provided information and in-court testimony that the Office has deemed to be reliable. *See also* Transcript at 16, *United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. Feb. 13, 2019), Doc. 514 (“*Manafort 2/13/19 Transcript*”) (court's explanation of reasons to credit Gates's statements in one instance).

Manafort also twice met Kilimnik in the United States during the campaign period and conveyed campaign information. The second meeting took place on August 2, 2016, in New York City. Kilimnik requested the meeting to deliver in person a message from former Ukrainian President Viktor Yanukovich, who was then living in Russia. The message was about a peace plan for Ukraine that Manafort has since acknowledged was a “backdoor” means for Russia to control eastern Ukraine. Several months later, after the presidential election, Kilimnik wrote an email to Manafort expressing the view—which Manafort later said he shared—that the plan’s success would require U.S. support to succeed: “all that is required to start the process is a very minor ‘wink’ (or slight push) from [Donald Trump].”⁸⁴⁰ The email also stated that if Manafort were designated as the U.S. representative and started the process, Yanukovich would ensure his reception in Russia “at the very top level.”

Manafort communicated with Kilimnik about peace plans for Ukraine on at least four occasions after their first discussion of the topic on August 2: December 2016 (the Kilimnik email described above); January 2017; February 2017; and again in the spring of 2018. The Office reviewed numerous Manafort email and text communications, and asked President Trump about the plan in written questions.⁸⁴¹ The investigation did not uncover evidence of Manafort’s passing along information about Ukrainian peace plans to the candidate or anyone else in the Campaign or the Administration. The Office was not, however, able to gain access to all of Manafort’s electronic communications (in some instances, messages were sent using encryption applications). And while Manafort denied that he spoke to members of the Trump Campaign or the new Administration about the peace plan, he lied to the Office and the grand jury about the peace plan and his meetings with Kilimnik, and his unreliability on this subject was among the reasons that the district judge found that he breached his cooperation agreement.⁸⁴²

The Office could not reliably determine Manafort’s purpose in sharing internal polling data with Kilimnik during the campaign period. Manafort **Grand Jury** did not see a downside to sharing campaign information, and told Gates that his role in the Campaign would

⁸⁴⁰ The email was drafted in Kilimnik’s DMP email account (in English) **[REDACTED]**

Investigative Technique

⁸⁴¹ According to the President’s written answers, he does not remember Manafort communicating to him any particular positions that Ukraine or Russia would want the United States to support. Written Responses of Donald J. Trump (Nov. 20, 2018), at 16-17 (Response to Question IV, Part (d)).

⁸⁴² Manafort made several false statements during debriefings. Based on that conduct, the Office determined that Manafort had breached his plea agreement and could not be a cooperating witness. The judge presiding in Manafort’s D.C. criminal case found by a preponderance of the evidence that Manafort intentionally made multiple false statements to the FBI, the Office, and the grand jury concerning his interactions and communications with Kilimnik (and concerning two other issues). Although the report refers at times to Manafort’s statements, it does so only when those statements are sufficiently corroborated to be trustworthy, to identify issues on which Manafort’s untruthful responses may themselves be of evidentiary value, or to provide Manafort’s explanations for certain events, even when we were unable to determine whether that explanation was credible.

be “good for business” and potentially a way to be made whole for work he previously completed in the Ukraine. As to Deripaska, Manafort claimed that by sharing campaign information with him, Deripaska might see value in their relationship and resolve a “disagreement”—a reference to one or more outstanding lawsuits. Because of questions about Manafort’s credibility and our limited ability to gather evidence on what happened to the polling data after it was sent to Kilimnik, the Office could not assess what Kilimnik (or others he may have given it to) did with it. The Office did not identify evidence of a connection between Manafort’s sharing polling data and Russia’s interference in the election, which had already been reported by U.S. media outlets at the time of the August 2 meeting. The investigation did not establish that Manafort otherwise coordinated with the Russian government on its election-interference efforts.

a. Paul Manafort’s Ties to Russia and Ukraine

Manafort’s Russian contacts during the campaign and transition periods stem from his consulting work for Deripaska from approximately 2005 to 2009 and his separate political consulting work in Ukraine from 2005 to 2015, including through his company DMP International LLC (DMI). Kilimnik worked for Manafort in Kiev during this entire period and continued to communicate with Manafort through at least June 2018. Kilimnik, who speaks and writes Ukrainian and Russian, facilitated many of Manafort’s communications with Deripaska and Ukrainian oligarchs.

i. Oleg Deripaska Consulting Work

In approximately 2005, Manafort began working for Deripaska, a Russian oligarch who has a global empire involving aluminum and power companies and who is closely aligned with Vladimir Putin.⁸⁴³ A memorandum describing work that Manafort performed for Deripaska in 2005 regarding the post-Soviet republics referenced the need to brief the Kremlin and the benefits that the work could confer on “the Putin Government.”⁸⁴⁴ Gates described the work Manafort did for Deripaska as “political risk insurance,” and explained that Deripaska used Manafort to install friendly political officials in countries where Deripaska had business interests.⁸⁴⁵ Manafort’s company earned tens of millions of dollars from its work for Deripaska and was loaned millions of dollars by Deripaska as well.⁸⁴⁶

In 2007, Deripaska invested through another entity in Pericles Emerging Market Partners L.P. (“Pericles”), an investment fund created by Manafort and former Manafort business partner Richard Davis. The Pericles fund was established to pursue investments in Eastern Europe.⁸⁴⁷ Deripaska was the sole investor.⁸⁴⁸ Gates stated in interviews with the Office that the venture led

⁸⁴³ Pinchuk et al., *Russian Tycoon Deripaska in Putin Delegation to China*, Reuters (June 8, 2018).

⁸⁴⁴ 6/23/05 Memo, Manafort & Davis to Deripaska & Rothchild.

⁸⁴⁵ Gates 2/2/18 302, at 7.

⁸⁴⁶ Manafort 9/20/18 302, at 2-5; Manafort Income by Year, 2005 – 2015; Manafort Loans from Wire Transfers, 2005 – 2015.

⁸⁴⁷ Gates 3/12/18 302, at 5.

⁸⁴⁸ Manafort 12/16/15 Dep., at 157:8-11.

to a deterioration of the relationship between Manafort and Deripaska.⁸⁴⁹ In particular, when the fund failed, litigation between Manafort and Deripaska ensued. Gates stated that, by 2009, Manafort's business relationship with Deripaska had "dried up."⁸⁵⁰ According to Gates, various interactions with Deripaska and his intermediaries over the past few years have involved trying to resolve the legal dispute.⁸⁵¹ As described below, in 2016, Manafort, Gates, Kilimnik, and others engaged in efforts to revive the Deripaska relationship and resolve the litigation.

ii. Political Consulting Work

Through Deripaska, Manafort was introduced to Rinat Akhmetov, a Ukrainian oligarch who hired Manafort as a political consultant.⁸⁵² In 2005, Akhmetov hired Manafort to engage in political work supporting the Party of Regions,⁸⁵³ a political party in Ukraine that was generally understood to align with Russia. Manafort assisted the Party of Regions in regaining power, and its candidate, Viktor Yanukovych, won the presidency in 2010. Manafort became a close and trusted political advisor to Yanukovych during his time as President of Ukraine. Yanukovych served in that role until 2014, when he fled to Russia amidst popular protests.⁸⁵⁴

iii. Konstantin Kilimnik

Kilimnik is a Russian national who has lived in both Russia and Ukraine and was a longtime Manafort employee.⁸⁵⁵ Kilimnik had direct and close access to Yanukovych and his senior entourage, and he facilitated communications between Manafort and his clients, including Yanukovych and multiple Ukrainian oligarchs.⁸⁵⁶ Kilimnik also maintained a relationship with Deripaska's deputy, Viktor Boyarkin,⁸⁵⁷ a Russian national who previously served in the defense attaché office of the Russian Embassy to the United States.⁸⁵⁸

⁸⁴⁹ Gates 2/2/18 302, at 9.

⁸⁵⁰ Gates 2/2/18 302, at 6.

⁸⁵¹ Gates 2/2/18 302, at 9-10.

⁸⁵² Manafort 7/30/14 302, at 1; Manafort 9/20/18 302, at 2.

⁸⁵³ Manafort 9/11/18 302, at 5-6.

⁸⁵⁴ Gates 3/16/18 302, at 1; Davis 2/8/18 302, at 9; Devine 7/6/18 302, at 2-3.

⁸⁵⁵ Patten 5/22/18 302, at 5; Gates 1/29/18 302, at 18-19; 10/28/97 Kilimnik Visa Record, U.S. Department of State.

⁸⁵⁶ Gates 1/29/18 302, at 18-19; Patten 5/22/18 302, at 8; Gates 1/31/18 302, at 4-5; Gates 1/30/18 302, at 2; Gates 2/2/18 302, at 11.

⁸⁵⁷ Gates 1/29/18 302, at 18; Patten 5/22/18 302, at 8.

⁸⁵⁸ Boyarkin Visa Record, U.S. Department of State.

Manafort told the Office that he did not believe Kilimnik was working as a Russian “spy.”⁸⁵⁹ The FBI, however, assesses that Kilimnik has ties to Russian intelligence.⁸⁶⁰ Several pieces of the Office’s evidence—including witness interviews and emails obtained through court-authorized search warrants—support that assessment:

- Kilimnik was born on April 27, 1970, in Dnipropetrovsk Oblast, then of the Soviet Union, and attended the Military Institute of the Ministry of Defense from 1987 until 1992.⁸⁶¹ Sam Patten, a business partner to Kilimnik,⁸⁶² stated that Kilimnik told him that he was a translator in the Russian army for seven years and that he later worked in the Russian armament industry selling arms and military equipment.⁸⁶³
- U.S. government visa records reveal that Kilimnik obtained a visa to travel to the United States with a Russian diplomatic passport in 1997.⁸⁶⁴
- Kilimnik worked for the International Republican Institute’s (IRI) Moscow office, where he did translation work and general office management from 1998 to 2005.⁸⁶⁵ While another official recalled the incident differently,⁸⁶⁶ one former associate of Kilimnik’s at IRI told the FBI that Kilimnik was fired from his post because his links to Russian intelligence were too strong. The same individual stated that it was well known at IRI that Kilimnik had links to the Russian government.⁸⁶⁷
- Jonathan Hawker, a British national who was a public relations consultant at FTI Consulting, worked with DMI on a public relations campaign for Yanukovych. After Hawker’s work for DMI ended, Kilimnik contacted Hawker about working for a Russian

⁸⁵⁹ Manafort 9/11/18 302, at 5.

⁸⁶⁰ The Office has noted Kilimnik’s assessed ties to Russian intelligence in public court filings. *E.g.*, Gov’t Opp. to Mot. to Modify, *United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. Dec. 4, 2017), Doc. 73, at 2 (“*Manafort* (D.D.C.) Gov’t Opp. to Mot. to Modify”).

⁸⁶¹ 12/17/16 Kilimnik Visa Record, U.S. Department of State.

⁸⁶² In August 2018, Patten pleaded guilty pursuant to a plea agreement to violating the Foreign Agents Registration Act, and admitted in his Statement of Offense that he also misled and withheld documents from the Senate Select Committee on Intelligence in the course of its investigation of Russian election interference. Plea Agreement, *United States v. W. Samuel Patten*, 1:18-cr-260 (D.D.C. Aug. 31, 2018), Doc. 6; Statement of Offense, *United States v. W. Samuel Patten*, 1:18-cr-260 (D.D.C. Aug. 31, 2018), Doc. 7.

⁸⁶³ Patten 5/22/18 302, at 5-6.

⁸⁶⁴ 10/28/97 Kilimnik Visa Record, U.S. Department of State.

⁸⁶⁵ Nix 3/30/18 302, at 1-2.

⁸⁶⁶ Nix 3/30/18 302, at 2.

⁸⁶⁷ Lenzi 1/30/18 302, at 2.

government entity on a public-relations project that would promote, in Western and Ukrainian media, Russia's position on its 2014 invasion of Crimea.⁸⁶⁸

- Gates suspected that Kilimnik was a “spy,” a view that he shared with Manafort, Hawker, and Alexander van der Zwaan,⁸⁶⁹ an attorney who had worked with DMI on a report for the Ukrainian Ministry of Foreign Affairs.⁸⁷⁰

Investigative Technique

b. Contacts during Paul Manafort's Time with the Trump Campaign

i. Paul Manafort Joins the Campaign

Manafort served on the Trump Campaign from late March to August 19, 2016. On March 29, 2016, the Campaign announced that Manafort would serve as the Campaign's “Convention Manager.”⁸⁷¹ On May 19, 2016, Manafort was promoted to campaign chairman and chief strategist, and Gates, who had been assisting Manafort on the Campaign, was appointed deputy campaign chairman.⁸⁷²

Thomas Barrack and Roger Stone both recommended Manafort to candidate Trump.⁸⁷³ In early 2016, at Manafort's request, Barrack suggested to Trump that Manafort join the Campaign to manage the Republican Convention.⁸⁷⁴ Stone had worked with Manafort from approximately 1980 until the mid-1990s through various consulting and lobbying firms. Manafort met Trump in 1982 when Trump hired the Black, Manafort, Stone and Kelly lobbying firm.⁸⁷⁵ Over the years, Manafort saw Trump at political and social events in New York City and at Stone's wedding, and Trump requested VIP status at the 1988 and 1996 Republican conventions worked by Manafort.⁸⁷⁶

⁸⁶⁸ Hawker 1/9/18 302, at 13; 3/18/14 Email, Hawker & Tulukbaev.

⁸⁶⁹ van der Zwaan pleaded guilty in the U.S. District Court for the District of Columbia to making false statements to the Special Counsel's Office. Plea Agreement, *United States v. Alex van der Zwaan*, 1:18-cr-31 (D.D.C. Feb. 20, 2018), Doc. 8.

⁸⁷⁰ Hawker 6/9/18 302, at 4; van der Zwaan 11/3/17 302, at 22. Manafort said in an interview that Gates had joked with Kilimnik about Kilimnik's going to meet with his KGB handler. Manafort 10/16/18 302, at 7.

⁸⁷¹ *Press Release – Donald J. Trump Announces Campaign Convention Manager Paul J. Manafort*, The American Presidency Project – U.C. Santa Barbara (Mar. 29, 2016).

⁸⁷² Gates 1/29/18 302, at 8; Meghan Keneally, *Timeline of Manafort's role in the Trump Campaign*, ABC News (Oct. 20, 2017).

⁸⁷³ Gates 1/29/18 302, at 7-8; Manafort 9/11/18 302, at 1-2; Barrack 12/12/17 302, at 3.

⁸⁷⁴ Barrack 12/12/17 302, at 3; Gates 1/29/18 302, at 7-8.

⁸⁷⁵ Manafort 10/16/18 302, at 6.

⁸⁷⁶ Manafort 10/16/18 302, at 6.

According to Gates, in March 2016, Manafort traveled to Trump's Mar-a-Lago estate in Florida to meet with Trump. Trump hired him at that time.⁸⁷⁷ Manafort agreed to work on the Campaign without pay. Manafort had no meaningful income at this point in time, but resuscitating his domestic political campaign career could be financially beneficial in the future. Gates reported that Manafort intended, if Trump won the Presidency, to remain outside the Administration and monetize his relationship with the Administration.⁸⁷⁸

ii. Paul Manafort's Campaign-Period Contacts

Immediately upon joining the Campaign, Manafort directed Gates to prepare for his review separate memoranda addressed to Deripaska, Akhmetov, Serhiy Lyovochkin, and Boris Kolesnikov,⁸⁷⁹ the last three being Ukrainian oligarchs who were senior Opposition Bloc officials.⁸⁸⁰ The memoranda described Manafort's appointment to the Trump Campaign and indicated his willingness to consult on Ukrainian politics in the future. On March 30, 2016, Gates emailed the memoranda and a press release announcing Manafort's appointment to Kilimnik for translation and dissemination.⁸⁸¹ Manafort later followed up with Kilimnik to ensure his messages had been delivered, emailing on April 11, 2016 to ask whether Kilimnik had shown "our friends" the media coverage of his new role.⁸⁸² Kilimnik replied, "Absolutely. Every article." Manafort further asked: "How do we use to get whole. Has Ovd [Oleg Vladimirovich Deripaska] operation seen?" Kilimnik wrote back the same day, "Yes, I have been sending everything to Victor [Boyarkin, Deripaska's deputy], who has been forwarding the coverage directly to OVD."⁸⁸³

Gates reported that Manafort said that being hired on the Campaign would be "good for business" and increase the likelihood that Manafort would be paid the approximately \$2 million he was owed for previous political consulting work in Ukraine.⁸⁸⁴ Gates also explained to the Office that Manafort thought his role on the Campaign could help "confirm" that Deripaska had dropped the Pericles lawsuit, and that Gates believed Manafort sent polling data to Deripaska (as

⁸⁷⁷ Gates 2/2/18 302, at 10.

⁸⁷⁸ Gates 1/30/18 302, at 4.

⁸⁷⁹ Gates 2/2/18 302, at 11.

⁸⁸⁰ See Sharon LaFraniere, Manafort's Trial Isn't About Russia, but It Will Be in the Air, *New York Times* (July 30, 2018); Tierney Sneed, *Prosecutors Believe Manafort Made \$60 Million Consulting in Ukraine*, Talking Points Memo (July 30, 2018); Mykola Vorobiov, *How Pro-Russian Forces Will Take Revenge on Ukraine*, Atlantic Council (Sept. 23, 2018); Sergii Leshchenko, *Ukraine's Oligarchs Are Still Calling the Shots*, Foreign Policy (Aug. 14, 2014); Interfax-Ukraine, *Kolesnikov: Inevitability of Punishment Needed for Real Fight Against Smuggling in Ukraine*, Kyiv Post (June 23, 2018); Igor Kossov, *Kyiv Hotel Industry Makes Room for New Entrants*, Kyiv Post (Mar. 7, 2019); Markian Kuzmowycz, *How the Kremlin Can Win Ukraine's Elections*, Atlantic Council (Nov. 19, 2018). The Opposition Bloc is a Ukraine political party that largely reconstituted the Party of Regions.

⁸⁸¹ 3/30/16 Email, Gates to Kilimnik.

⁸⁸² 4/11/16 Email, Manafort & Kilimnik.

⁸⁸³ 4/11/16 Email, Manafort & Kilimnik.

⁸⁸⁴ Gates 2/2/18 302, at 10.

discussed further below) so that Deripaska would not move forward with his lawsuit against Manafort.⁸⁸⁵ Gates further stated that Deripaska wanted a visa to the United States, that Deripaska could believe that having Manafort in a position inside the Campaign or Administration might be helpful to Deripaska, and that Manafort's relationship with Trump could help Deripaska in other ways as well.⁸⁸⁶ Gates stated, however, that Manafort never told him anything specific about what, if anything, Manafort might be offering Deripaska.⁸⁸⁷

Gates also reported that Manafort instructed him in April 2016 or early May 2016 to send Kilimnik Campaign internal polling data and other updates so that Kilimnik, in turn, could share it with Ukrainian oligarchs.⁸⁸⁸ Gates understood that the information would also be shared with Deripaska. **Grand Jury**.⁸⁸⁹ Gates reported to the Office that he did not know why Manafort wanted him to send polling information, but Gates thought it was a way to showcase Manafort's work, and Manafort wanted to open doors to jobs after the Trump Campaign ended.⁸⁹⁰ Gates said that Manafort's instruction included sending internal polling data prepared for the Trump Campaign by pollster Tony Fabrizio.⁸⁹¹ Fabrizio had worked with Manafort for years and was brought into the Campaign by Manafort. Gates stated that, in accordance with Manafort's instruction, he periodically sent Kilimnik polling data via WhatsApp; Gates then deleted the communications on a daily basis.⁸⁹² Gates further told the Office that, after Manafort left the Campaign in mid-August, Gates sent Kilimnik polling data less frequently and that the data he sent was more publicly available information and less internal data.⁸⁹³

Gates's account about polling data is consistent **Grand Jury** with multiple emails that Kilimnik sent to U.S. associates and press contacts between late July and mid-August of 2016. Those emails referenced "internal polling," described the status of the Trump Campaign and

⁸⁸⁵ Gates 2/2/18 302, at 11; Gates 9/27/18 302 (serial 740), at 2.

⁸⁸⁶ Gates 2/2/18 302, at 12.

⁸⁸⁷ Gates 2/2/18 302, at 12.

⁸⁸⁸ Gates 1/31/18 302, at 17; Gates 9/27/18 302 (serial 740), at 2. In a later interview with the Office, Gates stated that Manafort directed him to send polling data to Kilimnik after a May 7, 2016 meeting between Manafort and Kilimnik in New York, discussed in Volume I, Section IV.A.8.b.iii, *infra*. Gates 11/7/18 302, at 3.

⁸⁸⁹ Gates 9/27/18 302, Part II, at 2; **Grand Jury**.

⁸⁹⁰ Gates 2/12/18 302, at 10; Gates 1/31/18 302, at 17.

⁸⁹¹ Gates 9/27/18 302 (serial 740), at 2; Gates 2/7/18 302, at 15.

⁸⁹² Gates 1/31/18 302, at 17.

⁸⁹³ Gates 2/12/18 302, at 11-12. According to Gates, his access to internal polling data was more limited because Fabrizio was himself distanced from the Campaign at that point.

⁸⁹⁴ **Grand Jury**

Manafort's role in it, and assessed Trump's prospects for victory.⁸⁹⁵ Manafort did not acknowledge instructing Gates to send Kilimnik internal data, **Grand Jury**

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The Office also obtained contemporaneous emails that shed light on the purpose of the communications with Deripaska and that are consistent with Gates's account. For example, in response to a July 7, 2016, email from a Ukrainian reporter about Manafort's failed Deripaska-backed investment, Manafort asked Kilimnik whether there had been any movement on "this issue with our friend."⁸⁹⁷ Gates stated that "our friend" likely referred to Deripaska,⁸⁹⁸ and Manafort told the Office that the "issue" (and "our biggest interest," as stated below) was a solution to the Deripaska-Pericles issue.⁸⁹⁹ Kilimnik replied:

I am carefully optimistic on the question of our biggest interest.

Our friend [Boyarkin] said there is lately significantly more attention to the campaign in his boss' [Deripaska's] mind, and he will be most likely looking for ways to reach out to you pretty soon, understanding all the time sensitivity. I am more than sure that it will be resolved and we will get back to the original relationship with V.'s boss [Deripaska].⁹⁰⁰

Eight minutes later, Manafort replied that Kilimnik should tell Boyarkin's "boss," a reference to Deripaska, "that if he needs private briefings we can accommodate."⁹⁰¹ Manafort has alleged to the Office that he was willing to brief Deripaska only on public campaign matters and gave an example: why Trump selected Mike Pence as the Vice-Presidential running mate.⁹⁰² Manafort said he never gave Deripaska a briefing.⁹⁰³ Manafort noted that if Trump won, Deripaska would want to use Manafort to advance whatever interests Deripaska had in the United States and elsewhere.⁹⁰⁴

⁸⁹⁵ 8/18/16 Email, Kilimnik to Dirkse; 8/18/16 Email, Kilimnik to Schultz; 8/18/16 Email, Kilimnik to Marson; 7/27/16 Email, Kilimnik to Ash; 8/18/16 Email, Kilimnik to Ash; 8/18/16 Email, Kilimnik to Jackson; 8/18/16 Email, Kilimnik to Mendoza-Wilson; 8/19/16 Email, Kilimnik to Patten.

⁸⁹⁶ **Grand Jury**

⁸⁹⁷ 7/7/16 Email, Manafort to Kilimnik.

⁸⁹⁸ Gates 2/2/18 302, at 13.

⁸⁹⁹ Manafort 9/11/18 302, at 6.

⁹⁰⁰ 7/8/16 Email, Kilimnik to Manafort.

⁹⁰¹ 7/8/16 Email, Kilimnik to Manafort; Gates 2/2/18 302, at 13.

⁹⁰² Manafort 9/11/18 302, at 6.

⁹⁰³ Manafort 9/11/18 302, at 6.

⁹⁰⁴ Manafort 9/11/18 302, at 6.

iii. Paul Manafort's Two Campaign-Period Meetings with Konstantin Kilimnik in the United States

Manafort twice met with Kilimnik in person during the campaign period—once in May and again in August 2016. The first meeting took place on May 7, 2016, in New York City.⁹⁰⁵ In the days leading to the meeting, Kilimnik had been working to gather information about the political situation in Ukraine. That included information gleaned from a trip that former Party of Regions official Yuriy Boyko had recently taken to Moscow—a trip that likely included meetings between Boyko and high-ranking Russian officials.⁹⁰⁶ Kilimnik then traveled to Washington, D.C. on or about May 5, 2016; while in Washington, Kilimnik had pre-arranged meetings with State Department employees.⁹⁰⁷

Late on the evening of May 6, Gates arranged for Kilimnik to take a 3:00 a.m. train to meet Manafort in New York for breakfast on May 7.⁹⁰⁸ According to Manafort, during the meeting, he and Kilimnik talked about events in Ukraine, and Manafort briefed Kilimnik on the Trump Campaign, expecting Kilimnik to pass the information back to individuals in Ukraine and elsewhere.⁹⁰⁹ Manafort stated that Opposition Bloc members recognized Manafort's position on the Campaign was an opportunity, but Kilimnik did not ask for anything.⁹¹⁰ Kilimnik spoke about a plan of Boyko to boost election participation in the eastern zone of Ukraine, which was the base for the Opposition Bloc.⁹¹¹ Kilimnik returned to Washington, D.C. right after the meeting with Manafort.

Manafort met with Kilimnik a second time at the Grand Havana Club in New York City on the evening of August 2, 2016. The events leading to the meeting are as follows. On July 28, 2016, Kilimnik flew from Kiev to Moscow.⁹¹² The next day, Kilimnik wrote to Manafort requesting that they meet, using coded language about a conversation he had that day.⁹¹³ In an email with a subject line "Black Caviar," Kilimnik wrote:

I met today with the guy who gave you your biggest black caviar jar several years ago. We spent about 5 hours talking about his story, and I have several important messages from him to you. He asked me to go and brief you on our conversation. I said I have to run it by you first, but in principle I am prepared to do it. . . . It has to do about the future of his

⁹⁰⁵ **Investigative Technique**

⁹⁰⁶ 4/26/16 Email, Kilimnik to Purcell, at 2; Gates 2/2/18 302, at 12; Patten 5/22/18 302, at 6-7; Gates 11/7/18 302, at 3.

⁹⁰⁷ 5/7/16 Email, Kilimnik to Charap & Kimmage; 5/7/16 Email, Kasanof to Kilimnik.

⁹⁰⁸ 5/6/16 Email, Manafort to Gates; 5/6/16 Email, Gates to Kilimnik.

⁹⁰⁹ Manafort 10/11/18 302, at 1.

⁹¹⁰ Manafort 10/11/18 302, at 1.

⁹¹¹ Manafort 10/11/18 302, at 1.

⁹¹² 7/25/16 Email, Kilimnik to katrin@yana.kiev.ua (2:17:34 a.m.).

⁹¹³ 7/29/16 Email, Kilimnik to Manafort (10:51 a.m.).

country, and is quite interesting.⁹¹⁴

Manafort identified “the guy who gave you your biggest black caviar jar” as Yanukovych. He explained that, in 2010, he and Yanukovych had lunch to celebrate the recent presidential election. Yanukovych gave Manafort a large jar of black caviar that was worth approximately \$30,000 to \$40,000.⁹¹⁵ Manafort’s identification of Yanukovych as “the guy who gave you your biggest black caviar jar” is consistent with Kilimnik being in Moscow—where Yanukovych resided—when Kilimnik wrote “I met today with the guy,” and with a December 2016 email in which Kilimnik referred to Yanukovych as “BG,” **Grand Jury**.⁹¹⁶ Manafort replied to Kilimnik’s July 29 email, “Tuesday [August 2] is best . . . Tues or weds in NYC.”⁹¹⁷

Three days later, on July 31, 2016, Kilimnik flew back to Kiev from Moscow, and on that same day, wrote to Manafort that he needed “about 2 hours” for their meeting “because it is a long caviar story to tell.”⁹¹⁸ Kilimnik wrote that he would arrive at JFK on August 2 at 7:30 p.m., and he and Manafort agreed to a late dinner that night.⁹¹⁹ Documentary evidence—including flight, phone, and hotel records, and the timing of text messages exchanged⁹²⁰—confirms the dinner took place as planned on August 2.⁹²¹

As to the contents of the meeting itself, the accounts of Manafort and Gates—who arrived late to the dinner—differ in certain respects. But their versions of events, when assessed alongside available documentary evidence and what Kilimnik told business associate Sam Patten, indicate that at least three principal topics were discussed.

First, Manafort and Kilimnik discussed a plan to resolve the ongoing political problems in Ukraine by creating an autonomous republic in its more industrialized eastern region of Donbas,⁹²²

⁹¹⁴ 7/29/16 Email, Kilimnik to Manafort (10:51 a.m.).

⁹¹⁵ Manafort 9/12/18 302, at 3.

⁹¹⁶ 7/29/16 Email, Manafort to Kilimnik; **Investigative Technique**; **Grand Jury**

⁹¹⁷ 7/29/16 Email, Manafort to Kilimnik.

⁹¹⁸ 7/31/16 Email, Manafort to Kilimnik.

⁹¹⁹ 7/31/16 Email, Manafort to Kilimnik.

⁹²⁰ Kilimnik 8/2/16 CBP Record; Call Records of Konstantin Kilimnik **Grand Jury**; Call Records of Rick Gates **Grand Jury**; 8/2-3/16, Kilimnik Park Lane Hotel Receipt.

⁹²¹ Deripaska’s private plane also flew to Teterboro Airport in New Jersey on the evening of August 2, 2016. According to Customs and Border Protection records, the only passengers on the plane were Deripaska’s wife, daughter, mother, and father-in-law, and separate records obtained by our Office confirm that Kilimnik flew on a commercial flight to New York.

⁹²² The Luhansk and Donetsk People’s Republics, which are located in the Donbas region of Ukraine, declared themselves independent in response to the popular unrest in 2014 that removed President Yanukovych from power. Pro-Russian Ukrainian militia forces, with backing from the Russian military, have occupied the region since 2014. Under the Yanukovych-backed plan, Russia would assist in withdrawing the military, and Donbas would become an autonomous region within Ukraine with its own

and having Yanukovych, the Ukrainian President ousted in 2014, elected to head that republic.⁹²³ That plan, Manafort later acknowledged, constituted a “backdoor” means for Russia to control eastern Ukraine.⁹²⁴ Manafort initially said that, if he had not cut off the discussion, Kilimnik would have asked Manafort in the August 2 meeting to convince Trump to come out in favor of the peace plan, and Yanukovych would have expected Manafort to use his connections in Europe and Ukraine to support the plan.⁹²⁵ Manafort also initially told the Office that he had said to Kilimnik that the plan was crazy, that the discussion ended, and that he did not recall Kilimnik asking Manafort to reconsider the plan after their August 2 meeting.⁹²⁶ Manafort said **Grand Jury**

Grand Jury that he reacted negatively to Yanukovych sending—years later—an “urgent” request when Yanukovych needed him.⁹²⁷ When confronted with an email written by Kilimnik on or about December 8, 2016, however, Manafort acknowledged Kilimnik raised the peace plan again in that email.⁹²⁸ Manafort ultimately acknowledged Kilimnik also raised the peace plan in January and February 2017 meetings with Manafort **Grand Jury**

Grand Jury⁹²⁹

Second, Manafort briefed Kilimnik on the state of the Trump Campaign and Manafort’s plan to win the election.⁹³⁰ That briefing encompassed the Campaign’s messaging and its internal polling data. According to Gates, it also included discussion of “battleground” states, which Manafort identified as Michigan, Wisconsin, Pennsylvania, and Minnesota.⁹³¹ Manafort did not refer explicitly to “battleground” states in his telling of the August 2 discussion, **Grand Jury**

Grand Jury³²

prime minister. The plan emphasized that Yanukovych would be an ideal candidate to bring peace to the region as prime minister of the republic, and facilitate the reintegration of the region into Ukraine with the support of the U.S. and Russian presidents. As noted above, according to **CJ** the written documentation describing the plan, for the plan to work, both U.S. and Russian support were necessary. **Grand Jury** 2/21/18 Email, Manafort, Ward, & Fabrizio, at 3-5.

⁹²³ Manafort 9/11/18 302, at 4; **Grand Jury**

⁹²⁴ **Grand Jury**

⁹²⁵ Manafort 9/11/18 302, at 4.

⁹²⁶ Manafort 9/12/18 302, at 4.

⁹²⁷ **Grand Jury** Manafort 9/11/18 302, at 5; Manafort 9/12/18 302, at 4.

⁹²⁸ Manafort 9/12/18 302, at 4; **Investigative Technique**

⁹²⁹ **Grand Jury** Documentary evidence confirms the peace-plan discussions in 2018. 2/19/18 Email, Fabrizio to Ward (forwarding email from Manafort); 2/21/18 Email, Manafort to Ward & Fabrizio.

⁹³⁰ Manafort 9/11/18 302, at 5.

⁹³¹ Gates 1/30/18 302, at 3, 5.

⁹³² **Grand Jury**

Third, according to Gates and what Kilimnik told Patten, Manafort and Kilimnik discussed two sets of financial disputes related to Manafort's previous work in the region. Those consisted of the unresolved Deripaska lawsuit and the funds that the Opposition Bloc owed to Manafort for his political consulting work and how Manafort might be able to obtain payment.⁹³³

After the meeting, Gates and Manafort both stated that they left separately from Kilimnik because they knew the media was tracking Manafort and wanted to avoid media reporting on his connections to Kilimnik.⁹³⁴

c. Post-Resignation Activities

Manafort resigned from the Trump Campaign in mid-August 2016, approximately two weeks after his second meeting with Kilimnik, amidst negative media reporting about his political consulting work for the pro-Russian Party of Regions in Ukraine. Despite his resignation, Manafort continued to offer advice to various Campaign officials through the November election. Manafort told Gates that he still spoke with Kushner, Bannon, and candidate Trump,⁹³⁵ and some of those post-resignation contacts are documented in emails. For example, on October 21, 2016, Manafort sent Kushner an email and attached a strategy memorandum proposing that the Campaign make the case against Clinton "as the failed and corrupt champion of the establishment" and that "Wikileaks provides the Trump campaign the ability to make the case in a very credible way – by using the words of Clinton, its campaign officials and DNC members."⁹³⁶ Later, in a November 5, 2016 email to Kushner entitled "Securing the Victory," Manafort stated that he was "really feeling good about our prospects on Tuesday and focusing on preserving the victory," and that he was concerned the Clinton Campaign would respond to a loss by "mov[ing] immediately to discredit the [Trump] victory and claim voter fraud and cyber-fraud, including the claim that the Russians have hacked into the voting machines and tampered with the results."⁹³⁷

Trump was elected President on November 8, 2016. Manafort told the Office that, in the wake of Trump's victory, he was not interested in an Administration job. Manafort instead preferred to stay on the "outside," and monetize his campaign position to generate business given his familiarity and relationship with Trump and the incoming Administration.⁹³⁸ Manafort appeared to follow that plan, as he traveled to the Middle East, Cuba, South Korea, Japan, and China and was paid to explain what a Trump presidency would entail.⁹³⁹

Manafort's activities in early 2017 included meetings relating to Ukraine and Russia. The

⁹³³ Gates 1/30/18 302, at 2-4; Patten 5/22/18 302, at 7.

⁹³⁴ Gates 1/30/18 302, at 5; Manafort 9/11/18 302, at 5.

⁹³⁵ Gates 2/12/18 302, at 12.

⁹³⁶ NOSC00021517-20 (10/21/16 Email, Manafort to Kushner).

⁹³⁷ NOSC00021573-75 (11/5/16 Email, Manafort to Kushner).

⁹³⁸ Manafort 9/12/18 302, at 1, 4-5; Gates 1/30/18 302, at 4.

⁹³⁹ Manafort 9/12/18 302, at 1.

acknowledged having read,⁹⁵¹ Kilimnik wrote, “[a]ll that is required to start the process is a very minor ‘wink’ (or slight push) from DT”—an apparent reference to President-elect Trump—“and a decision to authorize you to be a ‘special representative’ and manage this process.” Kilimnik assured Manafort, with that authority, he “could start the process and within 10 days visit Russia [Yanukovych] guarantees your reception at the very top level,” and that “DT could have peace in Ukraine basically within a few months after inauguration.”⁹⁵²

As noted above, **Grand Jury** and statements to the Office, Manafort sought to qualify his engagement on and support for the plan. **Grand Jury**

53 Grand Jury

54 Grand Jury

955 Grand Jury

On February 26, 2017, Manafort met Kilimnik in Madrid, where Kilimnik had flown from Moscow.⁹⁵⁶ In his first two interviews with the Office, Manafort denied meeting with Kilimnik on his Madrid trip and then—after being confronted with documentary evidence that Kilimnik was in Madrid at the same time as him—recognized that he met him in Madrid. Manafort said that Kilimnik had updated him on a criminal investigation into so-called “black ledger” payments to Manafort that was being conducted by Ukraine’s National Anti-Corruption Bureau.⁹⁵⁷

Grand Jury

958

Manafort remained in contact with Kilimnik throughout 2017 and into the spring of 2018.

⁹⁵¹ Manafort 9/11/18 302, at 6; **Grand Jury**

⁹⁵² **Investigative Technique**

⁹⁵³ **Grand Jury**

⁹⁵⁴ **Grand Jury**

⁹⁵⁵ **Grand Jury**

⁹⁵⁶ 2/21/17 Email, Zatorynaiko to Kilimnik.

⁹⁵⁷ Manafort 9/13/18 302, at 1.

⁹⁵⁸ **Grand Jury** In resolving whether Manafort breached his cooperation plea agreement by lying to the Office, the district court found that Manafort lied about, among other things, his contacts with Kilimnik regarding the peace plan, including the meeting in Madrid. *Manafort* 2/13/19 Transcript, at 29-31, 40.

Those contacts included matters pertaining to the criminal charges brought by the Office,⁹⁵⁹ and the Ukraine peace plan. In early 2018, Manafort retained his longtime polling firm to craft a draft poll in Ukraine, sent the pollsters a three-page primer on the plan sent by Kilimnik, and worked with Kilimnik to formulate the polling questions.⁹⁶⁰ The primer sent to the pollsters specifically called for the United States and President Trump to support the Autonomous Republic of Donbas with Yanukovich as Prime Minister,⁹⁶¹ and a series of questions in the draft poll asked for opinions on Yanukovich's role in resolving the conflict in Donbas.⁹⁶² (The poll was not solely about Donbas; it also sought participants' views on leaders apart from Yanukovich as they pertained to the 2019 Ukraine presidential election.)

The Office has not uncovered evidence that Manafort brought the Ukraine peace plan to the attention of the Trump Campaign or the Trump Administration. Kilimnik continued his efforts to promote the peace plan to the Executive Branch (e.g., U.S. Department of State) into the summer of 2018.⁹⁶³

B. Post-Election and Transition-Period Contacts

Trump was elected President on November 8, 2016. Beginning immediately after the election, individuals connected to the Russian government started contacting officials on the Trump Campaign and Transition Team through multiple channels—sometimes through Russian Ambassador Kislyak and at other times through individuals who sought reliable contacts through U.S. persons not formally tied to the Campaign or Transition Team. The most senior levels of the Russian government encouraged these efforts. The investigation did not establish that these efforts reflected or constituted coordination between the Trump Campaign and Russia in its election-interference activities.

1. Immediate Post-Election Activity

As soon as news broke that Trump had been elected President, Russian government officials and prominent Russian businessmen began trying to make inroads into the new Administration. They appeared not to have preexisting contacts and struggled to connect with senior officials around the President-Elect. As explained below, those efforts entailed both official contact through the Russian Embassy in the United States and outreaches—sanctioned at high levels of the Russian government—through business rather than political contacts.

⁹⁵⁹ *Manafort* (D.D.C.) Gov't Opp. to Mot. to Modify, at 2; Superseding Indictment ¶¶ 48-51, *United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. June 8, 2018), Doc. 318.

⁹⁶⁰ 2/12/18 Email, Fabrizio to Manafort & Ward; 2/16/18 Email, Fabrizio to Manafort; 2/19/18 Email, Fabrizio to Ward; 2/21/18 Email, Manafort to Ward & Fabrizio.

⁹⁶¹ 2/21/18 Email, Manafort to Ward & Fabrizio (7:16:49 a.m.) (attachment).

⁹⁶² 3/9/18 Email, Ward to Manafort & Fabrizio (attachment).

⁹⁶³ **Investigative Technique**

a. Outreach from the Russian Government

At approximately 3 a.m. on election night, Trump Campaign press secretary Hope Hicks received a telephone call on her personal cell phone from a person who sounded foreign but was calling from a number with a DC area code.⁹⁶⁴ Although Hicks had a hard time understanding the person, she could make out the words “Putin call.”⁹⁶⁵ Hicks told the caller to send her an email.⁹⁶⁶

The following morning, on November 9, 2016, Sergey Kuznetsov, an official at the Russian Embassy to the United States, emailed Hicks from his Gmail address with the subject line, “Message from Putin.”⁹⁶⁷ Attached to the email was a message from Putin, in both English and Russian, which Kuznetsov asked Hicks to convey to the President-Elect.⁹⁶⁸ In the message, Putin offered his congratulations to Trump for his electoral victory, stating he “look[ed] forward to working with [Trump] on leading Russian-American relations out of crisis.”⁹⁶⁹

Hicks forwarded the email to Kushner, asking, “Can you look into this? Don’t want to get duped but don’t want to blow off Putin!”⁹⁷⁰ Kushner stated in Congressional testimony that he believed that it would be possible to verify the authenticity of the forwarded email through the Russian Ambassador, whom Kushner had previously met in April 2016.⁹⁷¹ Unable to recall the Russian Ambassador’s name, Kushner emailed Dimitri Simes of CNI, whom he had consulted previously about Russia, *see* Volume I, Section IV.A.4, *supra*, and asked, “What is the name of Russian ambassador?”⁹⁷² Kushner forwarded Simes’s response—which identified Kislyak by name—to Hicks.⁹⁷³ After checking with Kushner to see what he had learned, Hicks conveyed Putin’s letter to transition officials.⁹⁷⁴ Five days later, on November 14, 2016, Trump and Putin spoke by phone in the presence of Transition Team members, including incoming National Security Advisor Michael Flynn.⁹⁷⁵

⁹⁶⁴ Hicks 12/8/17 302, at 3.

⁹⁶⁵ Hicks 12/8/17 302, at 3.

⁹⁶⁶ Hicks 12/8/17 302, at 3.

⁹⁶⁷ NOSC00044381 (11/9/16 Email, Kuznetsov to Hicks (5:27 a.m.)).

⁹⁶⁸ NOSC00044381-82 (11/9/16 Email, Kuznetsov to Hicks (5:27 a.m.)).

⁹⁶⁹ NOSC00044382 (11/9/16 Letter from Putin to President-Elect Trump (Nov. 9, 2016) (translation)).

⁹⁷⁰ NOSC00044381 (11/9/16 Email, Hicks to Kushner (10:26 a.m.)).

⁹⁷¹ Statement of Jared C. Kushner to Congressional Committees, at 4 (Jul. 24, 2017).

⁹⁷² NOSC00000058 (11/9/16 Email, Kushner to Simes (10:28 a.m.)); Statement of Jared Kushner to Congressional Committees, at 4 (Jul. 24, 2017).

⁹⁷³ NOSC00000058 (11/9/16 Email, Kushner to Hicks (11:05:44 a.m.)).

⁹⁷⁴ Hicks 12/8/17 302, at 3-4.

⁹⁷⁵ Flynn 11/16/17 302, at 8-10; *see* Doug G. Ware, *Trump, Russia's Putin Talk about Syria, Icy Relations in Phone Call*, UPI (Nov. 14, 2016).

b. High-Level Encouragement of Contacts through Alternative Channels

As Russian officials in the United States reached out to the President-Elect and his team, a number of Russian individuals working in the private sector began their own efforts to make contact. Petr Aven, a Russian national who heads Alfa-Bank, Russia's largest commercial bank, described to the Office interactions with Putin during this time period that might account for the flurry of Russian activity.⁹⁷⁶

Aven told the Office that he is one of approximately 50 wealthy Russian businessmen who regularly meet with Putin in the Kremlin; these 50 men are often referred to as "oligarchs."⁹⁷⁷ Aven told the Office that he met on a quarterly basis with Putin, including in the fourth quarter (Q4) of 2016, shortly after the U.S. presidential election.⁹⁷⁸ Aven said that he took these meetings seriously and understood that any suggestions or critiques that Putin made during these meetings were implicit directives, and that there would be consequences for Aven if he did not follow through.⁹⁷⁹ As was typical, the 2016 Q4 meeting with Putin was preceded by a preparatory meeting with Putin's chief of staff, Anton Vaino.⁹⁸⁰

According to Aven, at his Q4 2016 one-on-one meeting with Putin,⁹⁸¹ Putin raised the prospect that the United States would impose additional sanctions on Russian interests, including sanctions against Aven and/or Alfa-Bank.⁹⁸² Putin suggested that Aven needed to take steps to protect himself and Alfa-Bank.⁹⁸³ Aven also testified that Putin spoke of the difficulty faced by the Russian government in getting in touch with the incoming Trump Administration.⁹⁸⁴ According to Aven, Putin indicated that he did not know with whom formally to speak and generally did not know the people around the President-Elect.⁹⁸⁵

⁹⁷⁶ Aven provided information to the Office in an interview and through an attorney proffer, [REDACTED]

Grand Jury [REDACTED]

⁹⁷⁷ Aven 8/2/18 302, at 7.

⁹⁷⁸ **Grand Jury** [REDACTED]

⁹⁷⁹ Aven 8/2/18 302, at 2-3.

⁹⁸⁰ **Grand Jury** [REDACTED]

and interview with the Office, Aven referred to the high-ranking Russian government officials using numbers (e.g., Official 1, Official 2). Aven separately confirmed through an attorney proffer that Official 1 was Putin and Official 2 was Putin's chief of staff, Vaino. See Affidavit of Ryan Junck (Aug. 2, 2018) (hard copy on file).

⁹⁸¹ At the time of his Q4 2016 meeting with Putin, Aven was generally aware of the press coverage about Russian interference in the U.S. election. According to Aven, he did not discuss that topic with Putin at any point, and Putin did not mention the rationale behind the threat of new sanctions. Aven 8/2/18 302, at 5-7.

⁹⁸² **Grand Jury** [REDACTED]

⁹⁸³ **Grand Jury** [REDACTED]

⁹⁸⁴ **Grand Jury** [REDACTED]

⁹⁸⁵ **Grand Jury** [REDACTED]

Aven **Grand Jury** told Putin he would take steps to protect himself and the Alfa-Bank shareholders from potential sanctions, and one of those steps would be to try to reach out to the incoming Administration to establish a line of communication.⁹⁸⁶ Aven described Putin responding with skepticism about Aven's prospect for success.⁹⁸⁷ According to Aven, although Putin did not expressly direct him to reach out to the Trump Transition Team, Aven understood that Putin expected him to try to respond to the concerns he had raised.⁹⁸⁸ Aven's efforts are described in Volume I, Section IV.B.5, *infra*.

2. Kirill Dmitriev's Transition-Era Outreach to the Incoming Administration

Aven's description of his interactions with Putin is consistent with the behavior of Kirill Dmitriev, a Russian national who heads Russia's sovereign wealth fund and is closely connected to Putin. Dmitriev undertook efforts to meet members of the incoming Trump Administration in the months after the election. Dmitriev asked a close business associate who worked for the United Arab Emirates (UAE) royal court, George Nader, to introduce him to Trump transition officials, and Nader eventually arranged a meeting in the Seychelles between Dmitriev and Erik Prince, a Trump Campaign supporter and an associate of Steve Bannon.⁹⁸⁹ In addition, the UAE national security advisor introduced Dmitriev to a hedge fund manager and friend of Jared Kushner, Rick Gerson, in late November 2016. In December 2016 and January 2017, Dmitriev and Gerson worked on a proposal for reconciliation between the United States and Russia, which Dmitriev implied he cleared through Putin. Gerson provided that proposal to Kushner before the inauguration, and Kushner later gave copies to Bannon and Secretary of State Rex Tillerson.

a. Background

Dmitriev is a Russian national who was appointed CEO of Russia's sovereign wealth fund, the Russian Direct Investment Fund (RDIF), when it was founded in 2011.⁹⁹⁰ Dmitriev reported directly to Putin and frequently referred to Putin as his "boss."⁹⁹¹

RDIF has co-invested in various projects with UAE sovereign wealth funds.⁹⁹² Dmitriev regularly interacted with Nader, a senior advisor to UAE Crown Prince Mohammed bin Zayed

⁹⁸⁶ **Grand Jury**

⁹⁸⁷ **Grand Jury** Aven 8/2/18 302, at 6.

⁹⁸⁸ Aven 8/2/18 302, at 4-8; **Grand Jury**

⁹⁸⁹ Nader provided information to the Office in multiple interviews, all but one of which were conducted under a proffer agreement. **Grand Jury**. The investigators also interviewed Prince under a proffer agreement. Bannon was interviewed by the Office, **Grand Jury** under a proffer agreement.

⁹⁹⁰ Kirill Dmitriev Biography, Russian Direct Investment Fund, *available at* https://rdif.ru/Eng_person_dmitriev_kirill/. *See also* Overview, Russian Direct Investment Fund, *available at* https://rdif.ru/Eng_About/.

⁹⁹¹ Gerson 6/15/18 302, at 1. *See also, e.g.,* 12/14/16 Text Message, Dmitriev to Gerson; 1/9/17 Text Message, Dmitriev to Gerson.

⁹⁹² **Grand Jury**

(Crown Prince Mohammed), in connection with RDIF's dealings with the UAE.⁹⁹³ Putin wanted Dmitriev to be in charge of both the financial and the political relationship between Russia and the Gulf states, in part because Dmitriev had been educated in the West and spoke English fluently.⁹⁹⁴ Nader considered Dmitriev to be Putin's interlocutor in the Gulf region, and would relay Dmitriev's views directly to Crown Prince Mohammed.⁹⁹⁵

Nader developed contacts with both U.S. presidential campaigns during the 2016 election, and kept Dmitriev abreast of his efforts to do so.⁹⁹⁶ According to Nader, Dmitriev said that his and the government of Russia's preference was for candidate Trump to win, and asked Nader to assist him in meeting members of the Trump Campaign.⁹⁹⁷ **Grand Jury**
Grand Jury⁹⁸ Nader did not introduce Dmitriev to anyone associated with the Trump Campaign before the election.⁹⁹⁹

Grand Jury
Grand Jury¹⁰⁰⁰
Grand Jury¹⁰⁰¹
Grand Jury¹⁰⁰²
Grand Jury¹⁰⁰³
Grand Jury¹⁰⁰⁴

Erik Prince is a businessman who had relationships with various individuals associated with the Trump Campaign, including Steve Bannon, Donald Trump Jr., and Roger Stone.¹⁰⁰⁵ Prince did not have a formal role in the Campaign, although he offered to host a fundraiser for

⁹⁹³ Nader 1/22/18 302, at 1-2; Nader 1/23/18 302, at 2-3; 5/3/16 Email, Nader to Phares; **Grand Jury**

⁹⁹⁴ Nader 1/22/18 302, at 1-2.

⁹⁹⁵ Nader 1/22/18 302, at 3.

⁹⁹⁶ Nader 1/22/18 302, at 3; **Grand Jury**

⁹⁹⁷ Nader 1/22/18 302, at 3; **Grand Jury**

⁹⁹⁸ **Grand Jury**

⁹⁹⁹ Nader 1/22/18 302, at 3.

¹⁰⁰⁰ **Grand Jury**

¹⁰⁰¹ **Grand Jury**

¹⁰⁰² **Grand Jury**

¹⁰⁰³ **Grand Jury**

¹⁰⁰⁴ **Grand Jury**

¹⁰⁰⁵ Prince 4/4/18 302, at 1-5; Bannon 2/14/18 302, at 21.

Trump and sent unsolicited policy papers on issues such as foreign policy, trade, and Russian election interference to Bannon.¹⁰⁰⁶

After the election, Prince frequently visited transition offices at Trump Tower, primarily to meet with Bannon but on occasion to meet Michael Flynn and others.¹⁰⁰⁷ Prince and Bannon would discuss, *inter alia*, foreign policy issues and Prince's recommendations regarding who should be appointed to fill key national security positions.¹⁰⁰⁸ Although Prince was not formally affiliated with the transition, Nader **Grand Jury** received assurances **Grand Jury** that the incoming Administration considered Prince a trusted associate.¹⁰⁰⁹

b. Kirill Dmitriev's Post-Election Contacts With the Incoming Administration

Soon after midnight on election night, Dmitriev messaged **Investigative Technique** who was traveling to New York to attend the 2016 World Chess Championship. **Investigative Technique** Dmitry Peskov, the Russian Federation's press secretary, who was also attending the World Chess Championship.¹⁰¹⁰ **Investigative Technique**¹⁰¹¹ **Investigative Technique**¹⁰¹² **Investigative Technique**¹⁰¹³

At approximately 2:40 a.m. on November 9, 2016, news reports stated that candidate Clinton had called President-Elect Trump to concede. At **Investigative Technique**¹⁰¹⁴ **Investigative Technique** wrote to Dmitriev, "Putin has won."¹⁰¹⁵

¹⁰⁰⁶ Prince 4/4/18 302, at 1, 3-4; Prince 5/3/18 302, at 2; Bannon 2/14/18 302, at 19-20; 10/18/16 Email, Prince to Bannon.

¹⁰⁰⁷ Flynn 11/20/17 302, at 6; Flynn 1/11/18 302, at 5; Flynn 1/24/18 302, at 5-6; Flynn 5/1/18 302, at 11; Prince 4/4/18 302, at 5, 8; Bannon 2/14/18 302, at 20-21; 11/12/16 Email, Prince to Corallo.

¹⁰⁰⁸ Prince 4/4/18 302, at 5; Bannon 2/14/18 302, at 21.

¹⁰⁰⁹ **Grand Jury**

¹⁰¹⁰ **Investigative Technique** Nader 1/22/18 302, at 5-6; **Grand Jury**

Grand Jury

¹⁰¹¹ **Investigative Technique**

¹⁰¹² **Investigative Technique**

¹⁰¹³ **Investigative Technique**

¹⁰¹⁴ **Investigative Technique**

¹⁰¹⁵ **Investigative Technique**

Later that morning, Dmitriev contacted Nader, who was in New York, to request a meeting with the “key people” in the incoming Administration as soon as possible in light of the “[g]reat results.”¹⁰¹⁶ He asked Nader to convey to the incoming Administration that “we want to start rebuilding the relationship in whatever is a comfortable pace for them. We understand all of the sensitivities and are not in a rush.”¹⁰¹⁷ Dmitriev and Nader had previously discussed Nader introducing him to the contacts Nader had made within the Trump Campaign.¹⁰¹⁸ Dmitriev also told Nader that he would ask Putin for permission to travel to the United States, where he would be able to speak to media outlets about the positive impact of Trump’s election and the need for reconciliation between the United States and Russia.¹⁰¹⁹

Later that day, Dmitriev flew to New York, where Peskov was separately traveling to attend the chess tournament.¹⁰²⁰ Dmitriev invited Nader to the opening of the tournament and noted that, if there was “a chance to see anyone key from Trump camp,” he “would love to start building for the future.”¹⁰²¹ Dmitriev also asked Nader to invite Kushner to the event so that he (Dmitriev) could meet him.¹⁰²² Nader did not pass along Dmitriev’s invitation to anyone connected with the incoming Administration.¹⁰²³ Although one World Chess Federation official recalled hearing from an attendee that President-Elect Trump had stopped by the tournament, the investigation did not establish that Trump or any Campaign or Transition Team official attended the event.¹⁰²⁴ And the President’s written answers denied that he had.¹⁰²⁵

Nader stated that Dmitriev continued to press him to set up a meeting with transition officials, and was particularly focused on Kushner and Trump Jr.¹⁰²⁶ Dmitriev told Nader that Putin would be very grateful to Nader and that a meeting would make history.¹⁰²⁷

Grand Jury

¹⁰¹⁶ 11/9/16 Text Message, Dmitriev to Nader (9:34 a.m.); Nader 1/22/18 302, at 4.

¹⁰¹⁷ 11/9/16 Text Message, Dmitriev to Nader (11:58 p.m.).

¹⁰¹⁸ Nader 1/22/18 302, at 3.

¹⁰¹⁹ 11/9/16 Text Message, Dmitriev to Nader (10:06 a.m.); 11/9/16 Text Message, Dmitriev to Nader (10:10 a.m.); **Grand Jury**

¹⁰²⁰ 11/9/16 Text Message, Dmitriev to Nader (10:08 a.m.); 11/9/16 Text Message, Dmitriev to Nader (3:40 p.m.); Nader 1/22/18 302, at 5.

¹⁰²¹ 11/9/16 Text Message, Dmitriev to Nader (7:10 p.m.).

¹⁰²² 11/10/16 Text Message, Dmitriev to Nader (5:20 a.m.).

¹⁰²³ Nader 1/22/18 302, at 5-6.

¹⁰²⁴ Marinello 5/31/18 302, at 2-3; Nader 1/22/18 302, at 5-6.

¹⁰²⁵ Written Responses of Donald J. Trump (Nov. 20, 2018), at 17-18 (Response to Question V, Part (a)).

¹⁰²⁶ Nader 1/22/18 302, at 6; **Grand Jury**

¹⁰²⁷ Nader 1/22/18 302, at 6; **Grand Jury**

GJ 1028 Grand Jury

¹⁰²⁹ According to Nader, Dmitriev was very anxious to connect with the incoming Administration and told Nader that he would try other routes to do so besides Nader himself.¹⁰³⁰ Nader did not ultimately introduce Dmitriev to anyone associated with the incoming Administration during Dmitriev's post-election trip to New York.¹⁰³¹

In early December 2016, Dmitriev again broached the topic of meeting incoming Administration officials with Nader in January or February.¹⁰³² Dmitriev sent Nader a list of publicly available quotes of Dmitriev speaking positively about Donald Trump "in case they [were] helpful."¹⁰³³

c. Erik Prince and Kirill Dmitriev Meet in the Seychelles

i. George Nader and Erik Prince Arrange Seychelles Meeting with Dmitriev

Nader traveled to New York in early January 2017 and had lunchtime and dinner meetings with Erik Prince on January 3, 2017.¹⁰³⁴ Nader and Prince discussed Dmitriev.¹⁰³⁵ Nader informed Prince that the Russians were looking to build a link with the incoming Trump Administration.¹⁰³⁶ Grand Jury he told Prince that Dmitriev had been pushing Nader to introduce him to someone from the incoming Administration Grand Jury. ¹⁰³⁷ Nader suggested, in light of Prince's relationship with Transition Team officials, that Prince and Dmitriev meet to discuss issues of mutual concern.¹⁰³⁸ Grand Jury Prince told Nader that he needed to think further about it and to check with Transition Team officials.¹⁰³⁹

After his dinner with Prince, Nader sent Prince a link to a Wikipedia entry about Dmitriev, and sent Dmitriev a message stating that he had just met "with some key people within the family and inner circle"—a reference to Prince—and that he had spoken at length and positively about

¹⁰²⁸ Grand Jury

¹⁰²⁹ Grand Jury

¹⁰³⁰ Nader 1/22/18 302, at 6.

¹⁰³¹ Nader 1/22/18 302, at 5-7.

¹⁰³² 12/8/16 Text Messages, Dmitriev to Nader (12:10:31 a.m.); Nader 1/22/18 302, at 11.

¹⁰³³ 12/8/16 Text Message, Dmitriev to Nader (12:10:31 a.m.); 12/8/16 Text Message, Dmitriev to Nader (12:10:57 a.m.).

¹⁰³⁴ Prince 4/4/18 302, at 8.

¹⁰³⁵ Prince 5/3/18 302, at 3; Grand Jury

¹⁰³⁶ Grand Jury

¹⁰³⁷ Grand Jury

¹⁰³⁸ Grand Jury

¹⁰³⁹ Grand Jury

Dmitriev.¹⁰⁴⁰ Nader told Dmitriev that the people he met had asked for Dmitriev's bio, and Dmitriev replied that he would update and send it.¹⁰⁴¹ Nader later received from Dmitriev two files concerning Dmitriev: one was a two-page biography, and the other was a list of Dmitriev's positive quotes about Donald Trump.¹⁰⁴²

The next morning, Nader forwarded the message and attachments Dmitriev had sent him to Prince.¹⁰⁴³ Nader wrote to Prince that these documents were the versions "to be used with some additional details for them" (with "them" referring to members of the incoming Administration).¹⁰⁴⁴ Prince opened the attachments at Trump Tower within an hour of receiving them.¹⁰⁴⁵ Prince stated that, while he was at Trump Tower that day, he spoke with Kellyanne Conway, Wilbur Ross, Steve Mnuchin, and others while waiting to see Bannon.¹⁰⁴⁶ Cell-site location data for Prince's mobile phone indicates that Prince remained at Trump Tower for approximately three hours.¹⁰⁴⁷ Prince said that he could not recall whether, during those three hours, he met with Bannon and discussed Dmitriev with him.¹⁰⁴⁸ **Grand Jury**

Prince booked a ticket to the Seychelles on January 7, 2017.¹⁰⁵⁰ The following day, Nader wrote to Dmitriev that he had a "pleasant surprise" for him, namely that he had arranged for Dmitriev to meet "a Special Guest" from "the New Team," referring to Prince.¹⁰⁵¹ Nader asked Dmitriev if he could come to the Seychelles for the meeting on January 12, 2017, and Dmitriev agreed.¹⁰⁵²

The following day, Dmitriev sought assurance from Nader that the Seychelles meeting would be worthwhile.¹⁰⁵³ **Grand Jury** Dmitriev was not enthusiastic about the idea of meeting with Prince, and that Nader assured him that Prince wielded influence with the incoming

¹⁰⁴⁰ 1/4/17 Text Message, Nader to Prince; 1/4/17 Text Messages, Nader to Dmitriev (5:24 a.m. – 5:26 a.m.); Nader 1/22/18 302, at 8-9; **Grand Jury**

¹⁰⁴¹ 1/4/17 Text Messages, Nader & Dmitriev (7:24:27 a.m.).

¹⁰⁴² 1/4/17 Text Messages, Dmitriev to Nader (7:25-7:29 a.m.)

¹⁰⁴³ 1/4/17 Text Messages, Nader to Prince.

¹⁰⁴⁴ 1/4/17 Text Messages, Nader to Prince; **Grand Jury**

¹⁰⁴⁵ Prince 5/3/18 302, at 1-3.

¹⁰⁴⁶ Prince 5/3/18 302, at 2-3.

¹⁰⁴⁷ Cell-site location data for Prince's mobile phone **Investigative Technique**

¹⁰⁴⁸ Prince 5/3/18 302, at 3.

¹⁰⁴⁹ **Grand Jury**

¹⁰⁵⁰ 1/5/17 Email, Kasbo to Prince.

¹⁰⁵¹ 1/8/17 Text Messages, Nader to Dmitriev (6:05 – 6:10 p.m.).

¹⁰⁵² 1/8/17 Text Messages, Nader & Dmitriev (6:10 – 7:27 p.m.).

¹⁰⁵³ 1/9/17 Text Message, Dmitriev to Nader.

Administration.¹⁰⁵⁴ Nader wrote to Dmitriev, "This guy [Prince] is designated by Steve [Bannon] to meet you! I know him and he is very very well connected and trusted by the New Team. His sister is now a Minister of Education."¹⁰⁵⁵ According to Nader, Prince had led him to believe that Bannon was aware of Prince's upcoming meeting with Dmitriev, and Prince acknowledged that it was fair for Nader to think that Prince would pass information on to the Transition Team.¹⁰⁵⁶ Bannon, however, told the Office that Prince did not tell him in advance about his meeting with Dmitriev.¹⁰⁵⁷

ii. The Seychelles Meetings

Dmitriev arrived with his wife in the Seychelles on January 11, 2017, and checked into the Four Seasons Resort where Crown Prince Mohammed and Nader were staying.¹⁰⁵⁸ Prince arrived that same day.¹⁰⁵⁹ Prince and Dmitriev met for the first time that afternoon in Nader's villa, with Nader present.¹⁰⁶⁰ The initial meeting lasted approximately 30-45 minutes.¹⁰⁶¹

Grand Jury

Grand Jury¹⁰⁶² Prince described the eight years of the Obama Administration in negative terms, and stated that he was looking forward to a new era of cooperation and conflict resolution.¹⁰⁶³ According to Prince, he told Dmitriev that Bannon was effective if not conventional, and that Prince provided policy papers to Bannon.¹⁰⁶⁴

Grand Jury

Grand Jury¹⁰⁶⁵

¹⁰⁵⁴ **Grand Jury**

¹⁰⁵⁵ 1/9/17 Text Message, Nader to Dmitriev (2:12:56 p.m.); Nader 1/19/18 302, at 13; **Grand Jury**

Grand Jury

¹⁰⁵⁶ Nader 1/19/18 302, at 13; **Grand Jury** Prince 5/3/18 302, at 3.

¹⁰⁵⁷ Bannon 2/14/18 302, at 25-26.

¹⁰⁵⁸ 1/10/17 Text Messages, Dmitriev & Nader (2:05:54 – 3:30:25 p.m.); 1/11/17 Text Messages, Dmitriev & Nader (2:16:16 – 5:17:59 p.m.).

¹⁰⁵⁹ 1/7/17 Email, Kasbo to Prince.

¹⁰⁶⁰ 1/11/17 Text Messages, Nader & Dmitriev (5:18:24 – 5:37:14 p.m.); **Grand Jury**

¹⁰⁶¹ Prince 5/3/18 302, at 4; **Grand Jury**

¹⁰⁶² **Grand Jury**

¹⁰⁶³ **Grand Jury**

¹⁰⁶⁴ Prince 5/3/18 302, at 4.

¹⁰⁶⁵ **Grand Jury**

Grand Jury ¹⁰⁶⁶ **Grand Jury** ¹⁰⁶⁷
Grand Jury ¹⁰⁶⁸ The
topic of Russian interference in the 2016 election did not come up. ¹⁰⁶⁹

Grand Jury ¹⁰⁷⁰
Prince added that he would inform Bannon about his meeting with Dmitriev, and that if there was interest in continuing the discussion, Bannon or someone else on the Transition Team would do so. ¹⁰⁷¹ **Grand Jury** ¹⁰⁷²

Afterwards, Prince returned to his room, where he learned that a Russian aircraft carrier had sailed to Libya, which led him to call Nader and ask him to set up another meeting with Dmitriev. ¹⁰⁷³ According to Nader, Prince called and said he had checked with his associates back home and needed to convey to Dmitriev that Libya was “off the table.” ¹⁰⁷⁴ Nader wrote to Dmitriev that Prince had “received an urgent message that he needs to convey to you immediately,” and arranged for himself, Dmitriev, and Prince to meet at a restaurant on the Four Seasons property. ¹⁰⁷⁵

At the second meeting, Prince told Dmitriev that the United States could not accept any Russian involvement in Libya because it would make the situation there much worse. ¹⁰⁷⁶ **Grand Jury**

¹⁰⁶⁶ **Grand Jury**
¹⁰⁶⁷ **Grand Jury**
¹⁰⁶⁸ **Grand Jury**
¹⁰⁶⁹ Prince 5/3/18 302, at 4-5.
¹⁰⁷⁰ **Grand Jury**
¹⁰⁷¹ Prince 5/3/18 302, at 4; **Grand Jury**
¹⁰⁷² **Grand Jury**
¹⁰⁷³ Prince 4/4/18 302, at 10; Prince 5/3/18 302, at 4; **Grand Jury**
¹⁰⁷⁴ Nader 1/22/18 302, at 14; **Grand Jury**
¹⁰⁷⁵ **Grand Jury** 1/11/17 Text Messages, Dmitriev & Nader (9:13:54 – 10:24:25 p.m.).
¹⁰⁷⁶ **Grand Jury** Prince, however, denied that and recalled that he was making these remarks to Dmitriev not in an official capacity for the transition but based on his experience as a former naval officer. Prince 5/3/18 302, at 4.

Grand Jury [REDACTED] ¹⁰⁷⁷

After the brief second meeting concluded, Nader and Dmitriev discussed what had transpired.¹⁰⁷⁸ Dmitriev told Nader that he was disappointed in his meetings with Prince for two reasons: first, he believed the Russians needed to be communicating with someone who had more authority within the incoming Administration than Prince had.¹⁰⁷⁹ Second, he had hoped to have a discussion of greater substance, such as outlining a strategic roadmap for both countries to follow.¹⁰⁸⁰ Dmitriev told Nader that **Grand Jury** Prince's comments **Grand Jury** **Grand Jury** were insulting **Grand Jury**¹⁰⁸¹

Hours after the second meeting, Prince sent two text messages to Bannon from the Seychelles.¹⁰⁸² As described further below, investigators were unable to obtain the content of these or other messages between Prince and Bannon, and the investigation also did not identify evidence of any further communication between Prince and Dmitriev after their meetings in the Seychelles.

iii. Erik Prince's Meeting with Steve Bannon after the Seychelles Trip

After the Seychelles meetings, Prince told Nader that he would inform Bannon about his discussion with Dmitriev and would convey that someone within the Russian power structure was interested in seeking better relations with the incoming Administration.¹⁰⁸³ On January 12, 2017, Prince contacted Bannon's personal assistant to set up a meeting for the following week.¹⁰⁸⁴ Several days later, Prince messaged her again asking about Bannon's schedule.¹⁰⁸⁵

Prince said that he met Bannon at Bannon's home after returning to the United States in mid-January and briefed him about several topics, including his meeting with Dmitriev.¹⁰⁸⁶ Prince told the Office that he explained to Bannon that Dmitriev was the head of a Russian sovereign wealth fund and was interested in improving relations between the United States and Russia.¹⁰⁸⁷ Prince had on his cellphone a screenshot of Dmitriev's Wikipedia page dated January 16, 2017,

¹⁰⁷⁷ **Grand Jury** [REDACTED]

¹⁰⁷⁸ Nader 1/22/18 302, at 15; **Grand Jury** [REDACTED]

¹⁰⁷⁹ Nader 1/22/18 302, at 9, 15; **Grand Jury** [REDACTED]

¹⁰⁸⁰ Nader 1/22/18 302, at 15.

¹⁰⁸¹ **Grand Jury** [REDACTED] Nader 1/22/18 302, at 15.

¹⁰⁸² Call Records of Erik Prince **Grand Jury** [REDACTED].

¹⁰⁸³ Prince 4/4/18 302, at 10; Prince 5/3/18 302, at 4; **Grand Jury** [REDACTED]

¹⁰⁸⁴ 1/12/17 Text Messages, Prince to Preate.

¹⁰⁸⁵ 1/15/17 Text Message, Prince to Preate.

¹⁰⁸⁶ Prince 4/4/18 302, at 11; Prince 5/3/18 302, at 5.

¹⁰⁸⁷ Prince 4/4/18 302, at 11; Prince 5/3/18 302, at 5.

and Prince told the Office that he likely showed that image to Bannon.¹⁰⁸⁸ Prince also believed he provided Bannon with Dmitriev's contact information.¹⁰⁸⁹ According to Prince, Bannon instructed Prince not to follow up with Dmitriev, and Prince had the impression that the issue was not a priority for Bannon.¹⁰⁹⁰ Prince related that Bannon did not appear angry, just relatively uninterested.¹⁰⁹¹

Bannon, by contrast, told the Office that he never discussed with Prince anything regarding Dmitriev, RDIF, or any meetings with Russian individuals or people associated with Putin.¹⁰⁹² Bannon also stated that had Prince mentioned such a meeting, Bannon would have remembered it, and Bannon would have objected to such a meeting having taken place.¹⁰⁹³

The conflicting accounts provided by Bannon and Prince could not be independently clarified by reviewing their communications, because neither one was able to produce any of the messages they exchanged in the time period surrounding the Seychelles meeting. Prince's phone contained no text messages prior to March 2017, though provider records indicate that he and Bannon exchanged dozens of messages.¹⁰⁹⁴ Prince denied deleting any messages but claimed he did not know why there were no messages on his device before March 2017.¹⁰⁹⁵ Bannon's devices similarly contained no messages in the relevant time period, and Bannon also stated he did not know why messages did not appear on his device.¹⁰⁹⁶ Bannon told the Office that, during both the months before and after the Seychelles meeting, he regularly used his personal Blackberry and personal email for work-related communications (including those with Prince), and he took no steps to preserve these work communications.¹⁰⁹⁷

d. Kirill Dmitriev's Post-Election Contact with Rick Gerson Regarding U.S.-Russia Relations

Dmitriev's contacts during the transition period were not limited to those facilitated by Nader. In approximately late November 2016, the UAE national security advisor introduced Dmitriev to Rick Gerson, a friend of Jared Kushner who runs a hedge fund in New York.¹⁰⁹⁸ Gerson stated he had no formal role in the transition and had no involvement in the Trump

¹⁰⁸⁸ Prince 5/3/18 302, at 5; 1/16/17 Image on Prince Phone (on file with the Office).

¹⁰⁸⁹ Prince 5/3/18 302, at 5.

¹⁰⁹⁰ Prince 5/3/18 302, at 5.

¹⁰⁹¹ Prince 5/3/18 302, at 5.

¹⁰⁹² Bannon 10/26/18 302, at 10-11.

¹⁰⁹³ Bannon 10/26/18 302, at 10-11.

¹⁰⁹⁴ Call Records of Erik Prince **Grand Jury**.

¹⁰⁹⁵ Prince 4/4/18 302, at 6.

¹⁰⁹⁶ Bannon 10/26/18 302, at 11; Bannon 2/14/18 302, at 36.

¹⁰⁹⁷ Bannon 10/26/18 302, at 11.

¹⁰⁹⁸ Gerson 6/5/18 302, at 1, 3; 11/26/16 Text Message, Dmitriev to Gerson; 1/25/17 Text Message, Dmitriev to Nader.

Campaign other than occasional casual discussions about the Campaign with Kushner.¹⁰⁹⁹ After the election, Gerson assisted the transition by arranging meetings for transition officials with former UK prime minister Tony Blair and a UAE delegation led by Crown Prince Mohammed.¹¹⁰⁰

When Dmitriev and Gerson met, they principally discussed potential joint ventures between Gerson's hedge fund and RDIF.¹¹⁰¹ Dmitriev was interested in improved economic cooperation between the United States and Russia and asked Gerson who he should meet with in the incoming Administration who would be helpful towards this goal.¹¹⁰² Gerson replied that he would try to figure out the best way to arrange appropriate introductions, but noted that confidentiality would be required because of the sensitivity of holding such meetings before the new Administration took power, and before Cabinet nominees had been confirmed by the Senate.¹¹⁰³ Gerson said he would ask Kushner and Michael Flynn who the "key person or people" were on the topics of reconciliation with Russia, joint security concerns, and economic matters.¹¹⁰⁴

Dmitriev told Gerson that he had been tasked by Putin to develop and execute a reconciliation plan between the United States and Russia. He noted in a text message to Gerson that if Russia was "approached with respect and willingness to understand our position, we can have Major Breakthroughs quickly."¹¹⁰⁵ Gerson and Dmitriev exchanged ideas in December 2016 about what such a reconciliation plan would include.¹¹⁰⁶ Gerson told the Office that the Transition Team had not asked him to engage in these discussions with Dmitriev, and that he did so on his own initiative and as a private citizen.¹¹⁰⁷

On January 9, 2017, the same day he asked Nader whether meeting Prince would be worthwhile, Dmitriev sent his biography to Gerson and asked him if he could "share it with Jared (or somebody else very senior in the team) – so that they know that we are focused from our side on improving the relationship and my boss asked me to play a key role in that."¹¹⁰⁸ Dmitriev also asked Gerson if he knew Prince, and if Prince was somebody important or worth spending time

¹⁰⁹⁹ Gerson 6/5/18 302, at 1.

¹¹⁰⁰ Gerson 6/5/18 302, at 1-2; Kushner 4/11/18 302, at 21.

¹¹⁰¹ Gerson 6/5/18 302, at 3-4; *see, e.g.*, 12/2/16 Text Messages, Dmitriev & Gerson; 12/14/16 Text Messages, Dmitriev & Gerson; 1/3/17 Text Message, Gerson to Dmitriev; 12/2/16 Email, Tolokonnikov to Gerson.

¹¹⁰² Gerson 6/5/18 302, at 3; 12/14/16 Text Message, Dmitriev to Gerson.

¹¹⁰³ 12/14/16 Text Message, Gerson to Dmitriev.

¹¹⁰⁴ 12/14/16 Text Message, Gerson to Dmitriev.

¹¹⁰⁵ 12/14/16 Text Messages, Dmitriev & Gerson; Gerson 6/15/18 302, at 1.

¹¹⁰⁶ 12/14/16 Text Messages, Dmitriev & Gerson.

¹¹⁰⁷ Gerson 6/15/18 302, at 1.

¹¹⁰⁸ 1/9/17 Text Messages, Dmitriev to Gerson; 1/9/17 Text Message, Dmitriev to Nader.

with.¹¹⁰⁹ After his trip to the Seychelles, Dmitriev told Gerson that Bannon had asked Prince to meet with Dmitriev and that the two had had a positive meeting.¹¹¹⁰

On January 16, 2017, Dmitriev consolidated the ideas for U.S.-Russia reconciliation that he and Gerson had been discussing into a two-page document that listed five main points: (1) jointly fighting terrorism; (2) jointly engaging in anti-weapons of mass destruction efforts; (3) developing “win-win” economic and investment initiatives; (4) maintaining an honest, open, and continual dialogue regarding issues of disagreement; and (5) ensuring proper communication and trust by “key people” from each country.¹¹¹¹ On January 18, 2017, Gerson gave a copy of the document to Kushner.¹¹¹² Kushner had not heard of Dmitriev at that time.¹¹¹³ Gerson explained that Dmitriev was the head of RDIF, and Gerson may have alluded to Dmitriev’s being well connected.¹¹¹⁴ Kushner placed the document in a file and said he would get it to the right people.¹¹¹⁵ Kushner ultimately gave one copy of the document to Bannon and another to Rex Tillerson; according to Kushner, neither of them followed up with Kushner about it.¹¹¹⁶ On January 19, 2017, Dmitriev sent Nader a copy of the two-page document, telling him that this was “a view from our side that I discussed in my meeting on the islands and with you and with our friends. Please share with them – we believe this is a good foundation to start from.”¹¹¹⁷

Gerson informed Dmitriev that he had given the document to Kushner soon after delivering it.¹¹¹⁸ On January 26, 2017, Dmitriev wrote to Gerson that his “boss”—an apparent reference to Putin—was asking if there had been any feedback on the proposal.¹¹¹⁹ Dmitriev said, “[w]e do not want to rush things and move at a comfortable speed. At the same time, my boss asked me to try to have the key US meetings in the next two weeks if possible.”¹¹²⁰ He informed Gerson that Putin and President Trump would speak by phone that Saturday, and noted that that information was “very confidential.”¹¹²¹

The same day, Dmitriev wrote to Nader that he had seen his “boss” again yesterday who had “emphasized that this is a great priority for us and that we need to build this communication

¹¹⁰⁹ Gerson 6/5/18 302, at 4.

¹¹¹⁰ 1/18/17 Text Messages, Dmitriev & Gerson.

¹¹¹¹ 1/16/17 Text Messages, Dmitriev & Gerson.

¹¹¹² Gerson 6/5/18 302, at 3; Gerson 6/15/18 302, at 2.

¹¹¹³ Gerson 6/5/18 302, at 3.

¹¹¹⁴ Gerson 6/5/18 302, at 3; Gerson 6/15/18 302, at 1-2; Kushner 4/11/18 302, at 22.

¹¹¹⁵ Gerson 6/5/18 302, at 3.

¹¹¹⁶ Kushner 4/11/18 302, at 32.

¹¹¹⁷ 1/19/17 Text Message, Dmitriev to Nader (11:11:56 a.m.).

¹¹¹⁸ 1/18/17 Text Message, Gerson to Dmitriev; Gerson 6/15/18 302, at 2.

¹¹¹⁹ 1/26/17 Text Message, Dmitriev to Gerson.

¹¹²⁰ 1/26/17 Text Message, Dmitriev to Gerson.

¹¹²¹ 1/26/17 Text Message, Dmitriev to Gerson.

channel to avoid bureaucracy.”¹¹²² On January 28, 2017, Dmitriev texted Nader that he wanted “to see if I can confirm to my boss that your friends may use some of the ideas from the 2 pager I sent you in the telephone call that will happen at 12 EST,”¹¹²³ an apparent reference to the call scheduled between President Trump and Putin. Nader replied, “Definitely paper was so submitted to Team by Rick and me. They took it seriously!”¹¹²⁴ After the call between President Trump and Putin occurred, Dmitriev wrote to Nader that “the call went very well. My boss wants me to continue making some public statements that us [sic] Russia cooperation is good and important.”¹¹²⁵ Gerson also wrote to Dmitriev to say that the call had gone well, and Dmitriev replied that the document they had drafted together “played an important role.”¹¹²⁶

Gerson and Dmitriev appeared to stop communicating with one another in approximately March 2017, when the investment deal they had been working on together showed no signs of progressing.¹¹²⁷

3. Ambassador Kislyak’s Meeting with Jared Kushner and Michael Flynn in Trump Tower Following the Election

On November 16, 2016, Catherine Vargas, an executive assistant to Kushner, received a request for a meeting with Russian Ambassador Sergey Kislyak.¹¹²⁸ That same day, Vargas sent Kushner an email with the subject, “MISSED CALL: Russian Ambassador to the US, Sergey Ivanovich Kislyak”¹¹²⁹ The text of the email read, “RE: setting up a time to meet w/you on 12/1. LMK how to proceed.” Kushner responded in relevant part, “I think I do this one -- confirm with Dimitri [Simes of CNI] that this is the right guy.”¹¹³⁰ After reaching out to a colleague of Simes at CNI, Vargas reported back to Kushner that Kislyak was “the best go-to guy for routine matters in the US,” while Yuri Ushakov, a Russian foreign policy advisor, was the contact for “more direct/substantial matters.”¹¹³¹

Bob Foresman, the UBS investment bank executive who had previously tried to transmit to candidate Trump an invitation to speak at an economic forum in Russia, *see* Volume I, Section IV.A.1.d.ii, *supra*, may have provided similar information to the Transition Team. According to

¹¹²² 1/26/17 Text Message, Dmitriev to Nader (10:04:41 p.m.).

¹¹²³ 1/28/17 Text Message, Dmitriev to Nader (11:05:39 a.m.).

¹¹²⁴ 1/28/17 Text Message, Nader to Dmitriev (11:11:33 a.m.).

¹¹²⁵ 1/29/17 Text Message, Dmitriev to Nader (11:06:35 a.m.).

¹¹²⁶ 1/28/17 Text Message, Gerson to Dmitriev; 1/29/17 Text Message, Dmitriev to Gerson.

¹¹²⁷ Gerson 6/15/18 302, at 4; 3/21/17 Text Message, Gerson to Dmitriev.

¹¹²⁸ *Statement of Jared C. Kushner to Congressional Committees* (“Kushner Stmt.”), at 6 (7/24/17) (written statement by Kushner to the Senate Judiciary Committee).

¹¹²⁹ NOSC00004356 (11/16/16 Email, Vargas to Kushner (6:44 p.m.)).

¹¹³⁰ NOSC00004356 (11/16/16 Email, Kushner to Vargas (9:54 p.m.)).

¹¹³¹ 11/17/16 Email, Brown to Simes (10:41 a.m.); Brown 10/13/17 302, at 4; 11/17/16 Email, Vargas to Kushner (12:31:18).

Foresman, at the end of an early December 2016 meeting with incoming National Security Advisor Michael Flynn and his designated deputy (K.T. McFarland) in New York, Flynn asked Foresman for his thoughts on Kislyak. Foresman had not met Kislyak but told Flynn that, while Kislyak was an important person, Kislyak did not have a direct line to Putin.¹¹³² Foresman subsequently traveled to Moscow, inquired of a source he believed to be close to Putin, and heard back from that source that Ushakov would be the official channel for the incoming U.S. national security advisor.¹¹³³ Foresman acknowledged that Flynn had not asked him to undertake that inquiry in Russia but told the Office that he nonetheless felt obligated to report the information back to Flynn, and that he worked to get a face-to-face meeting with Flynn in January 2017 so that he could do so.¹¹³⁴ Email correspondence suggests that the meeting ultimately went forward,¹¹³⁵ but Flynn has no recollection of it or of the earlier December meeting.¹¹³⁶ (The investigation did not identify evidence of Flynn or Kushner meeting with Ushakov after being given his name.¹¹³⁷)

In the meantime, although he had already formed the impression that Kislyak was not necessarily the right point of contact,¹¹³⁸ Kushner went forward with the meeting that Kislyak had requested on November 16. It took place at Trump Tower on November 30, 2016.¹¹³⁹ At Kushner's invitation, Flynn also attended; Bannon was invited but did not attend.¹¹⁴⁰ During the meeting, which lasted approximately 30 minutes, Kushner expressed a desire on the part of the incoming Administration to start afresh with U.S.-Russian relations.¹¹⁴¹ Kushner also asked Kislyak to identify the best person (whether Kislyak or someone else) with whom to direct future discussions—someone who had contact with Putin and the ability to speak for him.¹¹⁴²

The three men also discussed U.S. policy toward Syria, and Kislyak floated the idea of having Russian generals brief the Transition Team on the topic using a secure communications line.¹¹⁴³ After Flynn explained that there was no secure line in the Transition Team offices,

¹¹³² Foresman 10/17/18 302, at 17.

¹¹³³ Foresman 10/17/18 302, at 17-18.

¹¹³⁴ Foresman 10/17/18 302, at 18.

¹¹³⁵ RMF-SCO-00000015 (1/5/17 Email, Foresman to Atencio & Flaherty); RMF-SCO-00000015 (1/5/17 Email, Flaherty to Foresman & Atencio).

¹¹³⁶ 9/26/18 Attorney Proffer from Covington & Burling LLP (reflected in email on file with the Office).

¹¹³⁷ Vargas 4/4/18 302, at 5.

¹¹³⁸ Kushner 11/1/17 302, at 4.

¹¹³⁹ AKIN_GUMP_BERKOWITZ_0000016-019 (11/29/16 Email, Vargas to Kuznetsov).

¹¹⁴⁰ Flynn 1/11/18 302, at 2; NOS00004240 (Calendar Invite, Vargas to Kushner & Flynn).

¹¹⁴¹ Kushner Stmt. at 6.

¹¹⁴² Kushner Stmt. at 6; Kushner 4/11/18 302, at 18.

¹¹⁴³ Kushner Stmt. at 7; Kushner 4/11/18 302, at 18; Flynn 1/11/18 302, at 2.

Kushner asked Kislyak if they could communicate using secure facilities at the Russian Embassy.¹¹⁴⁴ Kislyak quickly rejected that idea.¹¹⁴⁵

4. Jared Kushner's Meeting with Sergey Gorkov

On December 6, 2016, the Russian Embassy reached out to Kushner's assistant to set up a second meeting between Kislyak and Kushner.¹¹⁴⁶ Kushner declined several proposed meeting dates, but Kushner's assistant indicated that Kislyak was very insistent about securing a second meeting.¹¹⁴⁷ Kushner told the Office that he did not want to take another meeting because he had already decided Kislyak was not the right channel for him to communicate with Russia, so he arranged to have one of his assistants, Avi Berkowitz, meet with Kislyak in his stead.¹¹⁴⁸ Although embassy official Sergey Kuznetsov wrote to Berkowitz that Kislyak thought it "important" to "continue the conversation with Mr. Kushner in person,"¹¹⁴⁹ Kislyak nonetheless agreed to meet instead with Berkowitz once it became apparent that Kushner was unlikely to take a meeting.

Berkowitz met with Kislyak on December 12, 2016, at Trump Tower.¹¹⁵⁰ The meeting lasted only a few minutes, during which Kislyak indicated that he wanted Kushner to meet someone who had a direct line to Putin: Sergey Gorkov, the head of the Russian-government-owned bank Vnesheconombank (VEB).

Kushner agreed to meet with Gorkov.¹¹⁵¹ The one-on-one meeting took place the next day, December 13, 2016, at the Colony Capital building in Manhattan, where Kushner had previously scheduled meetings.¹¹⁵² VEB was (and is) the subject of Department of Treasury economic sanctions imposed in response to Russia's annexation of Crimea.¹¹⁵³ Kushner did not, however, recall any discussion during his meeting with Gorkov about the sanctions against VEB or sanctions more generally.¹¹⁵⁴ Kushner stated in an interview that he did not engage in any preparation for

¹¹⁴⁴ Kushner 4/11/18 302, at 18.

¹¹⁴⁵ Kushner 4/11/18 302, at 18.

¹¹⁴⁶ Kushner Stmt. at 7; NOSC00000123 (12/6/16 Email, Vargas to Kushner (12:11:40 p.m.)).

¹¹⁴⁷ Kushner 4/11/18 302, at 19; NOSC00000130 (12/12/16 Email, Kushner to Vargas (10:41 p.m.)).

¹¹⁴⁸ Kushner 4/11/18 302, at 19; Kushner Stmt. at 7; DJTFP_SCO_01442290 (12/6/16 Email, Berkowitz to [REDACTED]).

¹¹⁴⁹ DJTFP_SCO_01442290 (12/7/16 Email, [REDACTED] to Berkowitz (12:31:39 p.m.)).

¹¹⁵⁰ Berkowitz 1/12/18 302, at 7; AKIN_GUMP_BERKOWITZ_000001-04 (12/12/16 Text Messages, Berkowitz & 202-701-8532).

¹¹⁵¹ Kushner 4/11/18 302, at 19; NOSC00000130-135 (12/12/16 Email, Kushner to Berkowitz).

¹¹⁵² Kushner 4/11/18 302, at 19; NOSC00000130-135 (12/12/16 Email, Kushner to Berkowitz).

¹¹⁵³ *Announcement of Treasury Sanctions on Entities Within the Financial Services and Energy Sectors of Russia, Against Arms or Related Materiel Entities, and those Undermining Ukraine's Sovereignty*, United States Department of the Treasury (Jul. 16, 2014).

¹¹⁵⁴ Kushner 4/11/18 302, at 20.

the meeting and that no one on the Transition Team even did a Google search for Gorkov's name.¹¹⁵⁵

At the start of the meeting, Gorkov presented Kushner with two gifts: a painting and a bag of soil from the town in Belarus where Kushner's family originated.¹¹⁵⁶

The accounts from Kushner and Gorkov differ as to whether the meeting was diplomatic or business in nature. Kushner told the Office that the meeting was diplomatic, with Gorkov expressing disappointment with U.S.-Russia relations under President Obama and hopes for improved relations with the incoming Administration.¹¹⁵⁷ According to Kushner, although Gorkov told Kushner a little bit about his bank and made some statements about the Russian economy, the two did not discuss Kushner's companies or private business dealings of any kind.¹¹⁵⁸ (At the time of the meeting, Kushner Companies had a debt obligation coming due on the building it owned at 666 Fifth Avenue, and there had been public reporting both about efforts to secure lending on the property and possible conflicts of interest for Kushner arising out of his company's borrowing from foreign lenders.¹¹⁵⁹)

In contrast, in a 2017 public statement, VEB suggested Gorkov met with Kushner in Kushner's capacity as CEO of Kushner Companies for the purpose of discussing business, rather than as part of a diplomatic effort. In particular, VEB characterized Gorkov's meeting with Kushner as part of a series of "roadshow meetings" with "representatives of major US banks and business circles," which included "negotiations" and discussion of the "most promising business lines and sectors."¹¹⁶⁰

Foresman, the investment bank executive mentioned in Volume I, Sections IV.A.1 and IV.B.3, *supra*, told the Office that he met with Gorkov and VEB deputy chairman Nikolay Tsekhomsky in Moscow just before Gorkov left for New York to meet Kushner.¹¹⁶¹ According to Foresman, Gorkov and Tsekhomsky told him that they were traveling to New York to discuss post-election issues with U.S. financial institutions, that their trip was sanctioned by Putin, and that they would be reporting back to Putin upon their return.¹¹⁶²

¹¹⁵⁵ Kushner 4/11/18 302, at 19. Berkowitz, by contrast, stated to the Office that he had googled Gorkov's name and told Kushner that Gorkov appeared to be a banker. Berkowitz 1/12/18 302, at 8.

¹¹⁵⁶ Kushner 4/11/18 302, at 19-20.

¹¹⁵⁷ Kushner Stmt. at 8.

¹¹⁵⁸ Kushner Stmt. at 8.

¹¹⁵⁹ See, e.g., Peter Grant, *Donald Trump Son-in-Law Jared Kushner Could Face His Own Conflict-of-Interest Questions*, Wall Street Journal (Nov. 29, 2016).

¹¹⁶⁰ Patrick Reeve & Matthew Mosk, *Russian Banker Sergey Gorkov Brushes off Questions About Meeting with Jared Kushner*, ABC News (June 1, 2017).

¹¹⁶¹ Foresman 10/17/18 302, at 14-15.

¹¹⁶² Foresman 10/17/18 302, at 15-16.

The investigation did not resolve the apparent conflict in the accounts of Kushner and Gorkov or determine whether the meeting was diplomatic in nature (as Kushner stated), focused on business (as VEB's public statement indicated), or whether it involved some combination of those matters or other matters. Regardless, the investigation did not identify evidence that Kushner and Gorkov engaged in any substantive follow-up after the meeting.

Rather, a few days after the meeting, Gorkov's assistant texted Kushner's assistant, "Hi, please inform your side that the information about the meeting had a very positive response!"¹¹⁶³ Over the following weeks, the two assistants exchanged a handful of additional cordial texts.¹¹⁶⁴ On February 8, 2017, Gorkov's assistant texted Kushner's assistant (Berkowitz) to try to set up another meeting, and followed up by text at least twice in the days that followed.¹¹⁶⁵ According to Berkowitz, he did not respond to the meeting request in light of the press coverage regarding the Russia investigation, and did not tell Kushner about the meeting request.¹¹⁶⁶

5. Petr Aven's Outreach Efforts to the Transition Team

In December 2016, weeks after the one-on-one meeting with Putin described in Volume I, Section IV.B.1.b, *supra*, Petr Aven attended what he described as a separate "all-hands" oligarch meeting between Putin and Russia's most prominent businessmen.¹¹⁶⁷ As in Aven's one-on-one meeting, a main topic of discussion at the oligarch meeting in December 2016 was the prospect of forthcoming U.S. economic sanctions.¹¹⁶⁸

After the December 2016 all-hands meeting, Aven tried to establish a connection to the Trump team. Aven instructed Richard Burt to make contact with the incoming Trump Administration. Burt was on the board of directors for LetterOne (L1), another company headed by Aven, and had done work for Alfa-Bank.¹¹⁶⁹ Burt had previously served as U.S. ambassador to Germany and Assistant Secretary of State for European and Canadian Affairs, and one of his primary roles with Alfa-Bank and L1 was to facilitate introductions to business contacts in the United States and other Western countries.¹¹⁷⁰

While at a L1 board meeting held in Luxembourg in late December 2016, Aven pulled Burt aside and told him that he had spoken to someone high in the Russian government who expressed

¹¹⁶³ AKIN_GUMP_BERKOWITZ_0000011 (12/19/16 Text Message, Ivanchenko to Berkowitz (9:56 a.m.)).

¹¹⁶⁴ AKIN_GUMP_BERKOWITZ_0000011-15 (12/19/16 – 2/16/17 Text Messages, Ivanchenko & Berkowitz).

¹¹⁶⁵ AKIN_GUMP_BERKOWITZ_0000015 (2/8/17 Text Message, Ivanchenko to Berkowitz (10:41 a.m.)).

¹¹⁶⁶ Berkowitz 3/22/18 302, at 4-5.

¹¹⁶⁷ Aven 8/2/18 302, at 7; **Grand Jury**

¹¹⁶⁸ **Grand Jury**

¹¹⁶⁹ **Grand Jury** Aven 8/2/18 302, at 6.

¹¹⁷⁰ **Grand Jury** Aven 8/2/18 302, at 6; Burt 2/9/18 302, at 2.

interest in establishing a communications channel between the Kremlin and the Trump Transition Team.¹¹⁷¹ Aven asked for Burt's help in contacting members of the Transition Team.¹¹⁷² Although Burt had been responsible for helping Aven build connections in the past, Burt viewed Aven's request as unusual and outside the normal realm of his dealings with Aven.¹¹⁷³

Burt, who is a member of the board of CNI (discussed at Volume I, Section IV.A.4, *supra*),¹¹⁷⁴ decided to approach CNI president Dimitri Simes for help facilitating Aven's request, recalling that Simes had some relationship with Kushner.¹¹⁷⁵ At the time, Simes was lobbying the Trump Transition Team, on Burt's behalf, to appoint Burt U.S. ambassador to Russia.¹¹⁷⁶

Burt contacted Simes by telephone and asked if he could arrange a meeting with Kushner to discuss setting up a high-level communications channel between Putin and the incoming Administration.¹¹⁷⁷ Simes told the Office that he declined and stated to Burt that setting up such a channel was not a good idea in light of the media attention surrounding Russian influence in the U.S. presidential election.¹¹⁷⁸ According to Simes, he understood that Burt was seeking a secret channel, and Simes did not want CNI to be seen as an intermediary between the Russian government and the incoming Administration.¹¹⁷⁹ Based on what Simes had read in the media, he stated that he already had concerns that Trump's business connections could be exploited by Russia, and Simes said that he did not want CNI to have any involvement or apparent involvement in facilitating any connection.¹¹⁸⁰

In an email dated December 22, 2016, Burt recounted for Aven his conversation with Simes:

Through a trusted third party, I have reached out to the very influential person I mentioned in Luxembourg concerning Project A. There is an interest and an understanding for the need to establish such a channel. But the individual emphasized that at this moment, with so much intense interest in the Congress and the media over the question of cyber-hacking (and who ordered what), Project A was too explosive to discuss. The individual agreed to discuss it again after the New Year. I trust the individual's instincts on this.

¹¹⁷¹ Burt 2/9/18 302, at 2; **Grand Jury**

¹¹⁷² **Grand Jury**

¹¹⁷³ Burt 2/9/18 302, at 4.

¹¹⁷⁴ Burt 2/9/18 302, at 5.

¹¹⁷⁵ Burt 2/9/18 302, at 3.

¹¹⁷⁶ Burt 2/9/18 302, at 3.

¹¹⁷⁷ Burt 2/9/18 302, at 3; Simes 3/27/18 302, at 4.

¹¹⁷⁸ Burt 2/9/18 302, at 3; Simes 3/27/18 302, at 4.

¹¹⁷⁹ Simes 3/27/18 302, at 5.

¹¹⁸⁰ Simes 3/27/18 302, at 5.

If this is unclear or you would like to discuss, don't hesitate to call.¹¹⁸¹

According to Burt, the "very influential person" referenced in his email was Simes, and the reference to a "trusted third party" was a fabrication, as no such third party existed. "Project A" was a term that Burt created for Aven's effort to help establish a communications channel between Russia and the Trump team, which he used in light of the sensitivities surrounding what Aven was requesting, especially in light of the recent attention to Russia's influence in the U.S. presidential election.¹¹⁸² According to Burt, his report that there was "interest" in a communications channel reflected Simes's views, not necessarily those of the Transition Team, and in any event, Burt acknowledged that he added some "hype" to that sentence to make it sound like there was more interest from the Transition Team than may have actually existed.¹¹⁸³

Aven replied to Burt's email on the same day, saying "Thank you. All clear."¹¹⁸⁴ According to Aven, this statement indicated that he did not want the outreach to continue.¹¹⁸⁵ Burt spoke to Aven some time thereafter about his attempt to make contact with the Trump team, explaining to Aven that the current environment made it impossible, **Grand Jury** [REDACTED].¹¹⁸⁶ Burt did not recall discussing Aven's request with Simes again, nor did he recall speaking to anyone else about the request.¹¹⁸⁷

In the first quarter of 2017, Aven met again with Putin and other Russian officials.¹¹⁸⁸ At that meeting, Putin asked about Aven's attempt to build relations with the Trump Administration, and Aven recounted his lack of success.¹¹⁸⁹ **Grand Jury** [REDACTED].¹¹⁹⁰ Putin continued to inquire about Aven's efforts to connect to the Trump Administration in several subsequent quarterly meetings.¹¹⁹¹

Aven also told Putin's chief of staff that he had been subpoenaed by the FBI.¹¹⁹² As part of that conversation, he reported that he had been asked by the FBI about whether he had worked to create a back channel between the Russian government and the Trump Administration.¹¹⁹³

¹¹⁸¹ 12/22/16 Email, Burt to Aven (7:23 p.m.).

¹¹⁸² Burt 2/9/18 302, at 3.

¹¹⁸³ Burt 2/9/18 302, at 3-4.

¹¹⁸⁴ 12/22/16 Email, Aven to Burt (4:58:22 p.m.).

¹¹⁸⁵ Aven 8/2/18 302, at 7.

¹¹⁸⁶ **Grand Jury** [REDACTED]

¹¹⁸⁷ Burt 2/9/18 302, at 3-4.

¹¹⁸⁸ **Grand Jury** [REDACTED]

¹¹⁸⁹ **Grand Jury** [REDACTED] Aven 8/2/18 302, at 7.

¹¹⁹⁰ **Grand Jury** [REDACTED]

¹¹⁹¹ **Grand Jury** [REDACTED]

¹¹⁹² Aven 8/2/18 302, at 8.

¹¹⁹³ Aven 8/2/18 302, at 8; **Grand Jury** [REDACTED]

According to Aven, the official showed no emotion in response to this report and did not appear to care.¹¹⁹⁴

6. Carter Page Contact with Deputy Prime Minister Arkady Dvorkovich

In December 2016, more than two months after he was removed from the Trump Campaign, former Campaign foreign policy advisor Carter Page again visited Moscow in an attempt to pursue business opportunities.¹¹⁹⁵ **Grand Jury**

Grand Jury¹¹⁹⁶ According to Konstantin Kilimnik, Paul Manafort's associate, Page also gave some individuals in Russia the impression that he had maintained his connections to President-Elect Trump. In a December 8, 2016 email intended for Manafort, Kilimnik wrote, "Carter Page is in Moscow today, sending messages he is authorized to talk to Russia on behalf of DT on a range of issues of mutual interest, including Ukraine."¹¹⁹⁷

On December 9, 2016, Page went to dinner with NES employees Shlomo Weber and Andrej Krickovic.¹¹⁹⁸ Weber had contacted Dvorkovich to let him know that Page was in town and to invite him to stop by the dinner if he wished to do so, and Dvorkovich came to the restaurant for a few minutes to meet with Page.¹¹⁹⁹ Dvorkovich congratulated Page on Trump's election and expressed interest in starting a dialogue between the United States and Russia.¹²⁰⁰ Dvorkovich asked Page if he could facilitate connecting Dvorkovich with individuals involved in the transition to begin a discussion of future cooperation.¹²⁰¹ **Grand Jury**

Grand Jury¹²⁰²

¹²⁰³

¹¹⁹⁴ Aven 8/2/18 302, at 8; **Grand Jury**

¹¹⁹⁵ Page 3/10/17 302, at 4; Page 3/16/17 302, at 3; **Grand Jury** Among other meetings, Page contacted Andrey Baranov, head of investor relations at Rosneft, and they discussed the sale of Rosneft and meetings Baranov had attended with Rosneft CEO Igor Sechin. **Grand Jury**

¹¹⁹⁶ **Grand Jury**

¹¹⁹⁷ **Investigative Technique**

¹¹⁹⁸ Page 3/16/17 302, at 3; Page 3/30/17 302, at 8.

¹¹⁹⁹ Weber 7/28/17 302, at 4; Page 3/16/17 302, at 3; **Grand Jury**

¹²⁰⁰ Page 3/16/17 302, at 3; **Grand Jury**

¹²⁰¹ Page 3/16/17 302, at 3; **Grand Jury**

¹²⁰² **Grand Jury**

¹²⁰³ **Grand Jury**

Grand Jury [REDACTED] Dvorkovich separately discussed working together in the future by forming an academic partnership.¹²⁰⁴ **Grand Jury** [REDACTED]

¹²⁰⁵ **Grand Jury** [REDACTED]

[REDACTED]
²⁰⁶

7. Contacts With and Through Michael T. Flynn

Incoming National Security Advisor Michael Flynn was the Transition Team's primary conduit for communications with the Russian Ambassador and dealt with Russia on two sensitive matters during the transition period: a United Nations Security Council vote and the Russian government's reaction to the United States's imposition of sanctions for Russian interference in the 2016 election.¹²⁰⁷ Despite Kushner's conclusion that Kislyak did not wield influence inside the Russian government, the Transition Team turned to Flynn's relationship with Kislyak on both issues. As to the sanctions, Flynn spoke by phone to K.T. McFarland, his incoming deputy, to prepare for his call to Kislyak; McFarland was with the President-Elect and other senior members of the Transition Team at Mar-a-Lago at the time. Although transition officials at Mar-a-Lago had some concern about possible Russian reactions to the sanctions, the investigation did not identify evidence that the President-Elect asked Flynn to make any request to Kislyak. Flynn asked Kislyak not to escalate the situation in response to U.S. sanctions imposed on December 29, 2016, and Kislyak later reported to Flynn that Russia acceded to that request.

a. United Nations Vote on Israeli Settlements

On December 21, 2016, Egypt submitted a resolution to the United Nations Security Council calling on Israel to cease settlement activities in Palestinian territory.¹²⁰⁸ The Security Council, which includes Russia, was scheduled to vote on the resolution the following day.¹²⁰⁹ There was speculation in the media that the Obama Administration would not oppose the resolution.¹²¹⁰

¹²⁰⁴ **Grand Jury** [REDACTED]

¹²⁰⁵ **Grand Jury** [REDACTED]

¹²⁰⁶ **Grand Jury** [REDACTED]

¹²⁰⁷ As discussed further in Volume I, Section V.C.4, *infra*, Flynn pleaded guilty to making false statements to the FBI, in violation of 18 U.S.C. § 1001, about these communications with Ambassador Kislyak. Plea Agreement, *United States v. Michael T. Flynn*, No. 1:17-cr-232 (D.D.C. Dec. 1, 2017), Doc. 3. Flynn's plea agreement required that he cooperate with this Office, and the statements from Flynn in this report reflect his cooperation over the course of multiple debriefings in 2017 and 2018.

¹²⁰⁸ Karen DeYoung, *How the U.S. Came to Abstain on a U.N. Resolution Condemning Israeli Settlements*, Washington Post (Dec. 28, 2016).

¹²⁰⁹ Karen DeYoung, *How the U.S. Came to Abstain on a U.N. Resolution Condemning Israeli Settlements*, Washington Post (Dec. 28, 2016).

¹²¹⁰ Michelle Nichols & Lesley Wroughton, *U.S. Intended to Allow Passage of U.N. Draft Critical of Israel*, Reuters (Dec. 21, 2016).

According to Flynn, the Transition Team regarded the vote as a significant issue and wanted to support Israel by opposing the resolution.¹²¹¹ On December 22, 2016, multiple members of the Transition Team, as well as President-Elect Trump, communicated with foreign government officials to determine their views on the resolution and to rally support to delay the vote or defeat the resolution.¹²¹² Kushner led the effort for the Transition Team; Flynn was responsible for the Russian government.¹²¹³ Minutes after an early morning phone call with Kushner on December 22, Flynn called Kislyak.¹²¹⁴ According to Flynn, he informed Kislyak about the vote and the Transition Team's opposition to the resolution, and requested that Russia vote against or delay the resolution.¹²¹⁵ Later that day, President-Elect Trump spoke with Egyptian President Abdel Fattah al-Sisi about the vote.¹²¹⁶ Ultimately, Egypt postponed the vote.¹²¹⁷

On December 23, 2016, Malaysia, New Zealand, Senegal, and Venezuela resubmitted the resolution.¹²¹⁸ Throughout the day, members of the Transition Team continued to talk with foreign leaders about the resolution, with Flynn continuing to lead the outreach with the Russian government through Kislyak.¹²¹⁹ When Flynn again spoke with Kislyak, Kislyak informed Flynn that if the resolution came to a vote, Russia would not vote against it.¹²²⁰ The resolution later passed 14-0, with the United States abstaining.¹²²¹

b. U.S. Sanctions Against Russia

Flynn was also the Transition Team member who spoke with the Russian government when the Obama Administration imposed sanctions and other measures against Russia in response to Russia's interference in the 2016 presidential election. On December 28, 2016, then-President Obama signed Executive Order 13757, which took effect at 12:01 a.m. the following day and

¹²¹¹ Flynn 11/16/17 302, at 12; Flynn 11/17/17 302, at 2.

¹²¹² Flynn 11/16/17 302, at 12-14; Flynn 11/17/17 302, at 2.

¹²¹³ Flynn 11/16/17 302, at 12-14; Flynn 11/17/17 302, at 2; Kushner 11/1/17 302, at 3; 12/22/16 Email, Kushner to Flynn; 12/22/16 Email, McFarland to **Personal Privacy** et al.

¹²¹⁴ Flynn 11/16/17 302, at 13; Call Records of Michael T. Flynn **Grand Jury**.

¹²¹⁵ Statement of Offense ¶ 3(d), *United States v. Michael T. Flynn*, No. 1:17-cr-232 (D.D.C. Dec. 1, 2017), Doc. 4 ("*Flynn* Statement of Offense"); Flynn 11/16/17 302, at 12-13.

¹²¹⁶ Flynn 11/17/17 302, at 2; Flynn 11/16/17 302, at 13.

¹²¹⁷ *U.N. Vote on Israeli Settlement Postponed, "Potentially Indefinitely"*, Reuters (Dec. 22, 2016).

¹²¹⁸ Somini Sengupta & Rick Gladstone, *Rebuffing Israel, U.S. Allows Censure Over Settlements*, New York Times (Dec. 23, 2016).

¹²¹⁹ Flynn 11/16/17 302, at 12-14; Kushner 11/1/17 302, at 3; 12/23/16 Email, Flynn to Kushner et al.

¹²²⁰ *Flynn* Statement of Offense ¶ 3(g).

¹²²¹ *Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms*, 7853rd Meeting (PM), United Nations Security Council (Dec. 23, 2016).

imposed sanctions on nine Russian individuals and entities.¹²²² On December 29, 2016, the Obama Administration also expelled 35 Russian government officials and closed two Russian government-owned compounds in the United States.¹²²³

During the rollout of the sanctions, President-Elect Trump and multiple Transition Team senior officials, including McFarland, Steve Bannon, and Reince Priebus, were staying at the Mar-a-Lago club in Palm Beach, Florida. Flynn was on vacation in the Dominican Republic,¹²²⁴ but was in daily contact with McFarland.¹²²⁵

The Transition Team and President-Elect Trump were concerned that these sanctions would harm the United States's relationship with Russia.¹²²⁶ Although the details and timing of sanctions were unknown on December 28, 2016, the media began reporting that retaliatory measures from the Obama Administration against Russia were forthcoming.¹²²⁷ When asked about imposing sanctions on Russia for its alleged interference in the 2016 presidential election, President-Elect Trump told the media, "I think we ought to get on with our lives."¹²²⁸

Russia initiated the outreach to the Transition Team. On the evening of December 28, 2016, Kislyak texted Flynn, "can you kindly call me back at your convenience."¹²²⁹ Flynn did not respond to the text message that evening. Someone from the Russian Embassy also called Flynn the next morning, at 10:38 a.m., but they did not talk.¹²³⁰

The sanctions were announced publicly on December 29, 2016.¹²³¹ At 1:53 p.m. that day, McFarland began exchanging emails with multiple Transition Team members and advisors about the impact the sanctions would have on the incoming Administration.¹²³² At 2:07 p.m., a Transition Team member texted Flynn a link to a New York Times article about the sanctions.¹²³³ At 2:29

¹²²² *Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities*, The White House, Office of the Press Secretary (Dec. 29, 2016).

¹²²³ *Statement by the President on Actions in Response to Russian Malicious Cyber Activity and Harassment*, The White House, Office of the Press Secretary (Dec. 29, 2016).

¹²²⁴ Flynn 11/16/17 302, at 14; McFarland 12/22/17 302, at 3-8; Bannon 2/12/18 302, at 5.

¹²²⁵ Flynn 11/17/17 302, at 5; Flynn 1/19/18 302, at 1; McFarland 11/22/17 302, at 3-9.

¹²²⁶ Flynn 11/17/17 302, at 3.

¹²²⁷ Christine Wang, *US to announce new sanctions against Russia in response to election hacking*, CNBC (Dec. 28, 2016).

¹²²⁸ John Wagner, *Trump on alleged election interference by Russia: "Get on with our lives"*, Washington Post (Dec. 29, 2016).

¹²²⁹ SF000006 (12/28/16 Text Message, Kislyak to Flynn).

¹²³⁰ Call Records of Michael T. Flynn **Grand Jury**

¹²³¹ Flynn 11/17/17 302, at 2-3; McFarland 12/22/17 302, at 4-5.

¹²³² 12/29/16 Email, McFarland to O'Brien et al.; 12/29/16 Email, McFarland to Flynn et al.

¹²³³ SF000001 (12/29/16 Text Message, Flaherty to Flynn).

p.m., McFarland called Flynn, but they did not talk.¹²³⁴ Shortly thereafter, McFarland and Bannon discussed the sanctions.¹²³⁵ According to McFarland, Bannon remarked that the sanctions would hurt their ability to have good relations with Russia, and that Russian escalation would make things more difficult.¹²³⁶ McFarland believed she told Bannon that Flynn was scheduled to talk to Kislyak later that night.¹²³⁷ McFarland also believed she may have discussed the sanctions with Priebus, and likewise told him that Flynn was scheduled to talk to Kislyak that night.¹²³⁸ At 3:14 p.m., Flynn texted a Transition Team member who was assisting McFarland, "Time for a call???"¹²³⁹ The Transition Team member responded that McFarland was on the phone with Tom Bossert, a Transition Team senior official, to which Flynn responded, "Tit for tat w Russia not good. Russian AMBO reaching out to me today."¹²⁴⁰

Flynn recalled that he chose not to communicate with Kislyak about the sanctions until he had heard from the team at Mar-a-Lago.¹²⁴¹ He first spoke with Michael Ledeen,¹²⁴² a Transition Team member who advised on foreign policy and national security matters, for 20 minutes.¹²⁴³ Flynn then spoke with McFarland for almost 20 minutes to discuss what, if anything, to communicate to Kislyak about the sanctions.¹²⁴⁴ On that call, McFarland and Flynn discussed the sanctions, including their potential impact on the incoming Trump Administration's foreign policy goals.¹²⁴⁵ McFarland and Flynn also discussed that Transition Team members in Mar-a-Lago did not want Russia to escalate the situation.¹²⁴⁶ They both understood that Flynn would relay a message to Kislyak in hopes of making sure the situation would not get out of hand.¹²⁴⁷

¹²³⁴ Call Records of K.T. McFarland **Grand Jury** .

¹²³⁵ McFarland 12/22/17 302, at 5-6.

¹²³⁶ McFarland 12/22/17 302, at 5-6.

¹²³⁷ McFarland 12/22/17 302, at 6.

¹²³⁸ McFarland 12/22/17 302, at 6.

¹²³⁹ SF000001 (12/29/16 Text Message, Flynn to Flaherty).

¹²⁴⁰ SF000001 (12/29/16 Text Message, Flynn to Flaherty).

¹²⁴¹ Flynn 11/20/17 302, at 3.

¹²⁴² Michael Ledeen is married to Barbara Ledeen, the Senate staffer whose 2016 efforts to locate Hillary Clinton's missing emails are described in Volume I, Section III.D.2, *supra*.

¹²⁴³ Flynn 11/17/17 302, at 3; Call Records of Michael Ledeen **Grand Jury** .

¹²⁴⁴ Flynn 11/17/17 302, at 3-4; *Flynn* Statement of Offense ¶ 3(c); Call Records of K.T. McFarland **Grand Jury** ; Call Records of Michael T. Flynn **Grand Jury** .

¹²⁴⁵ Flynn 11/17/17 302, at 3-4

¹²⁴⁶ Flynn 11/17/17 302, at 3-4; *Flynn* Statement of Offense ¶ 3(c); McFarland 12/22/17 302, at 6-7.

¹²⁴⁷ Flynn 11/17/17 302, at 4; McFarland 12/22/17 302, at 6-7.

Immediately after speaking with McFarland, Flynn called and spoke with Kislyak.¹²⁴⁸ Flynn discussed multiple topics with Kislyak, including the sanctions, scheduling a video teleconference between President-Elect Trump and Putin, an upcoming terrorism conference, and Russia's views about the Middle East.¹²⁴⁹ With respect to the sanctions, Flynn requested that Russia not escalate the situation, not get into a "tit for tat," and only respond to the sanctions in a reciprocal manner.¹²⁵⁰

Multiple Transition Team members were aware that Flynn was speaking with Kislyak that day. In addition to her conversations with Bannon and Reince Priebus, at 4:43 p.m., McFarland sent an email to Transition Team members about the sanctions, informing the group that "Gen [F]lynn is talking to russian ambassador this evening."¹²⁵¹ Less than an hour later, McFarland briefed President-Elect Trump. Bannon, Priebus, Sean Spicer, and other Transition Team members were present.¹²⁵² During the briefing, President-Elect Trump asked McFarland if the Russians did "it," meaning the intrusions intended to influence the presidential election.¹²⁵³ McFarland said yes, and President-Elect Trump expressed doubt that it was the Russians.¹²⁵⁴ McFarland also discussed potential Russian responses to the sanctions, and said Russia's response would be an indicator of what the Russians wanted going forward.¹²⁵⁵ President-Elect Trump opined that the sanctions provided him with leverage to use with the Russians.¹²⁵⁶ McFarland recalled that at the end of the meeting, someone may have mentioned to President-Elect Trump that Flynn was speaking to the Russian ambassador that evening.¹²⁵⁷

After the briefing, Flynn and McFarland spoke over the phone.¹²⁵⁸ Flynn reported on the substance of his call with Kislyak, including their discussion of the sanctions.¹²⁵⁹ According to McFarland, Flynn mentioned that the Russian response to the sanctions was not going to be escalatory because they wanted a good relationship with the incoming Administration.¹²⁶⁰ McFarland also gave Flynn a summary of her recent briefing with President-Elect Trump.¹²⁶¹

¹²⁴⁸ Flynn Statement of Offense ¶ 3(d).

¹²⁴⁹ Flynn 11/17/17 302, at 3-4; *Flynn* Statement of Offense ¶ 3(c); 12/30/16 Email, Flynn to McFarland.

¹²⁵⁰ Flynn 11/17/17 302, at 1; *Flynn* Statement of Offense ¶ 3(d).

¹²⁵¹ 12/29/16 Email, McFarland to Flynn et al.

¹²⁵² 12/29/16 Email, Westerhout to Flaherty; McFarland 12/22/17 302, at 7.

¹²⁵³ McFarland 12/22/17 302, at 7.

¹²⁵⁴ McFarland 12/22/17 302, at 7.

¹²⁵⁵ McFarland 12/22/17 302, at 7.

¹²⁵⁶ McFarland 12/22/17 302, at 7.

¹²⁵⁷ McFarland 12/22/17 302, at 7.

¹²⁵⁸ McFarland 12/22/17 302, at 7.

¹²⁵⁹ Flynn 11/17/17 302, at 4; *Flynn* Statement of Offense ¶ 3(e).

¹²⁶⁰ McFarland 12/22/17 302, at 8.

¹²⁶¹ McFarland 12/22/17 302, at 8.

The next day, December 30, 2016, Russian Foreign Minister Sergey Lavrov remarked that Russia would respond in kind to the sanctions.¹²⁶² Putin superseded that comment two hours later, releasing a statement that Russia would not take retaliatory measures in response to the sanctions at that time.¹²⁶³ Hours later President-Elect Trump tweeted, “Great move on delay (by V. Putin).”¹²⁶⁴ Shortly thereafter, Flynn sent a text message to McFarland summarizing his call with Kislyak from the day before, which she emailed to Kushner, Bannon, Priebus, and other Transition Team members.¹²⁶⁵ The text message and email did not include sanctions as one of the topics discussed with Kislyak.¹²⁶⁶ Flynn told the Office that he did not document his discussion of sanctions because it could be perceived as getting in the way of the Obama Administration’s foreign policy.¹²⁶⁷

On December 31, 2016, Kislyak called Flynn and told him the request had been received at the highest levels and that Russia had chosen not to retaliate to the sanctions in response to the request.¹²⁶⁸ Two hours later, Flynn spoke with McFarland and relayed his conversation with Kislyak.¹²⁶⁹ According to McFarland, Flynn remarked that the Russians wanted a better relationship and that the relationship was back on track.¹²⁷⁰ Flynn also told McFarland that he believed his phone call had made a difference.¹²⁷¹ McFarland recalled congratulating Flynn in response.¹²⁷² Flynn spoke with other Transition Team members that day, but does not recall whether they discussed the sanctions.¹²⁷³ Flynn recalled discussing the sanctions with Bannon the next day and that Bannon appeared to know about Flynn’s conversation with Kislyak.¹²⁷⁴ Bannon,

¹²⁶² *Comment by Foreign Minister Sergey Lavrov on recent US sanctions and the expulsion of Russian diplomats, Moscow, December 20, 2016*, The Ministry of Foreign Affairs of the Russian Federation (Dec. 30, 2016 (5:32 a.m.)).

¹²⁶³ *Statement of the President of the Russian Federation*, Kremlin, Office of the President (Dec. 30, 2016 (7:15 a.m.)).

¹²⁶⁴ @realDonaldTrump 12/30/16 (11:41 a.m.) Tweet.

¹²⁶⁵ 12/30/16 Email, Flynn to McFarland; 12/30/16 Email, McFarland to Kushner et al.

¹²⁶⁶ 12/30/16 Email, McFarland to Kushner et al.

¹²⁶⁷ Flynn 11/17/17 302, at 4.

¹²⁶⁸ Call Records of Michael T. Flynn **Grand Jury**; Flynn 11/17/17 302, at 1; Flynn 1/19/17 302, at 3; Flynn Statement of Offense ¶ 3(g).

¹²⁶⁹ Call Records of Michael T. Flynn **Grand Jury**; Flynn 11/17/17 302, at 5; Flynn 1/19/17 302, at 3; McFarland 12/22/17 302, at 10.

¹²⁷⁰ McFarland 12/22/17 302, at 10.

¹²⁷¹ McFarland 12/22/17 302, at 10.

¹²⁷² McFarland 12/22/17 302, at 10.

¹²⁷³ Flynn 11/17/17 302, at 5-6.

¹²⁷⁴ Flynn 11/21/17 302, at 1; Flynn 11/20/17 302, at 3; Flynn 1/19/17 302, at 5; *Flynn Statement of Offense* ¶ 3(h).

for his part, recalled meeting with Flynn that day, but said that he did not remember discussing sanctions with him.¹²⁷⁵

Additional information about Flynn's sanctions-related discussions with Kislyak, and the handling of those discussions by the Transition Team and the Trump Administration, is provided in Volume II of this report.

* * *

In sum, the investigation established multiple links between Trump Campaign officials and individuals tied to the Russian government. Those links included Russian offers of assistance to the Campaign. In some instances, the Campaign was receptive to the offer, while in other instances the Campaign officials shied away. Ultimately, the investigation did not establish that the Campaign coordinated or conspired with the Russian government in its election-interference activities.

¹²⁷⁵ Bannon 2/12/18 302, at 9.

V. PROSECUTION AND DECLINATION DECISIONS

The Appointment Order authorized the Special Counsel's Office "to prosecute federal crimes arising from [its] investigation" of the matters assigned to it. In deciding whether to exercise this prosecutorial authority, the Office has been guided by the Principles of Federal Prosecution set forth in the Justice (formerly U.S. Attorney's) Manual. In particular, the Office has evaluated whether the conduct of the individuals considered for prosecution constituted a federal offense and whether admissible evidence would probably be sufficient to obtain and sustain a conviction for such an offense. Justice Manual § 9-27.220 (2018). Where the answer to those questions was yes, the Office further considered whether the prosecution would serve a substantial federal interest, the individuals were subject to effective prosecution in another jurisdiction, and there existed an adequate non-criminal alternative to prosecution. *Id.*

As explained below, those considerations led the Office to seek charges against two sets of Russian nationals for their roles in perpetrating the active-measures social media campaign and computer-intrusion operations. **Harm to Ongoing Matter**

[REDACTED] The Office similarly determined that the contacts between Campaign officials and Russia-linked individuals either did not involve the commission of a federal crime or, in the case of campaign-finance offenses, that our evidence was not sufficient to obtain and sustain a criminal conviction. At the same time, the Office concluded that the Principles of Federal Prosecution supported charging certain individuals connected to the Campaign with making false statements or otherwise obstructing this investigation or parallel congressional investigations.

A. Russian "Active Measures" Social Media Campaign

On February 16, 2018, a federal grand jury in the District of Columbia returned an indictment charging 13 Russian nationals and three Russian entities—including the Internet Research Agency (IRA) and Concord Management and Consulting LLC (Concord)—with violating U.S. criminal laws in order to interfere with U.S. elections and political processes.¹²⁷⁶ The indictment charges all of the defendants with conspiracy to defraud the United States (Count One), three defendants with conspiracy to commit wire fraud and bank fraud (Count Two), and five defendants with aggravated identity theft (Counts Three through Eight). *Internet Research Agency* Indictment. Concord, which is one of the entities charged in the Count One conspiracy, entered an appearance through U.S. counsel and moved to dismiss the charge on multiple grounds. In orders and memorandum opinions issued on August 13 and November 15, 2018, the district court denied Concord's motions to dismiss. *United States v. Concord Management & Consulting LLC*, 347 F. Supp. 3d 38 (D.D.C. 2018). *United States v. Concord Management & Consulting LLC*, 317 F. Supp. 3d 598 (D.D.C. 2018). As of this writing, the prosecution of Concord remains ongoing before the U.S. District Court for the District of Columbia. The other defendants remain at large.

¹²⁷⁶ A more detailed explanation of the charging decision in this case is set forth in a separate memorandum provided to the Acting Attorney General before the indictment.

Although members of the IRA had contact with individuals affiliated with the Trump Campaign, the indictment does not charge any Trump Campaign official or any other U.S. person with participating in the conspiracy. That is because the investigation did not identify evidence that any U.S. person who coordinated or communicated with the IRA knew that he or she was speaking with Russian nationals engaged in the criminal conspiracy. The Office therefore determined that such persons did not have the knowledge or criminal purpose required to charge them in the conspiracy to defraud the United States (Count One) or in the separate count alleging a wire- and bank-fraud conspiracy involving the IRA and two individual Russian nationals (Count Two).

The Office did, however, charge one U.S. national for his role in supplying false or stolen bank account numbers that allowed the IRA conspirators to access U.S. online payment systems by circumventing those systems' security features. On February 12, 2018, Richard Pinedo pleaded guilty, pursuant to a single-count information, to identity fraud, in violation of 18 U.S.C. § 1028(a)(7) and (b)(1)(D). Plea Agreement, *United States v. Richard Pinedo*, No. 1:18-cr-24 (D.D.C. Feb. 12, 2018), Doc. 10. The investigation did not establish that Pinedo was aware of the identity of the IRA members who purchased bank account numbers from him. Pinedo's sales of account numbers enabled the IRA members to anonymously access a financial network through which they transacted with U.S. persons and companies. See Gov't Sent. Mem. at 3, *United States v. Richard Pinedo*, No. 1:18-cr-24 (D.D.C. Sept. 26, 2018), Doc. 24. On October 10, 2018, Pinedo was sentenced to six months of imprisonment, to be followed by six months of home confinement, and was ordered to complete 100 hours of community service.

B. Russian Hacking and Dumping Operations

1. Section 1030 Computer-Intrusion Conspiracy

a. Background

On July 13, 2018, a federal grand jury in the District of Columbia returned an indictment charging Russian military intelligence officers from the GRU with conspiring to hack into various U.S. computers used by the Clinton Campaign, DNC, DCCC, and other U.S. persons, in violation of 18 U.S.C. §§ 1030 and 371 (Count One); committing identity theft and conspiring to commit money laundering in furtherance of that hacking conspiracy, in violation of 18 U.S.C. §§ 1028A and 1956(h) (Counts Two through Ten); and a separate conspiracy to hack into the computers of U.S. persons and entities responsible for the administration of the 2016 U.S. election, in violation of 18 U.S.C. §§ 1030 and 371 (Count Eleven). *Netyksho* Indictment.¹²⁷⁷ As of this writing, all 12 defendants remain at large.

The *Netyksho* indictment alleges that the defendants conspired with one another and with others to hack into the computers of U.S. persons and entities involved in the 2016 U.S. presidential election, steal documents from those computers, and stage releases of the stolen documents to interfere in the election. *Netyksho* Indictment ¶ 2. The indictment also describes how, in staging

¹²⁷⁷ The Office provided a more detailed explanation of the charging decision in this case in meetings with the Office of the Acting Attorney General before the indictment.

the releases, the defendants used the Guccifer 2.0 persona to disseminate documents through WikiLeaks. On July 22, 2016, WikiLeaks released over 20,000 emails and other documents that the hacking conspirators had stolen from the DNC. *Netyksho* Indictment ¶ 48. In addition, on October 7, 2016, WikiLeaks began releasing emails that some conspirators had stolen from Clinton Campaign chairman John Podesta after a successful spearphishing operation. *Netyksho* Indictment ¶ 49.

Harm to Ongoing Matter

Harm to Ongoing Matter

Grand Jury

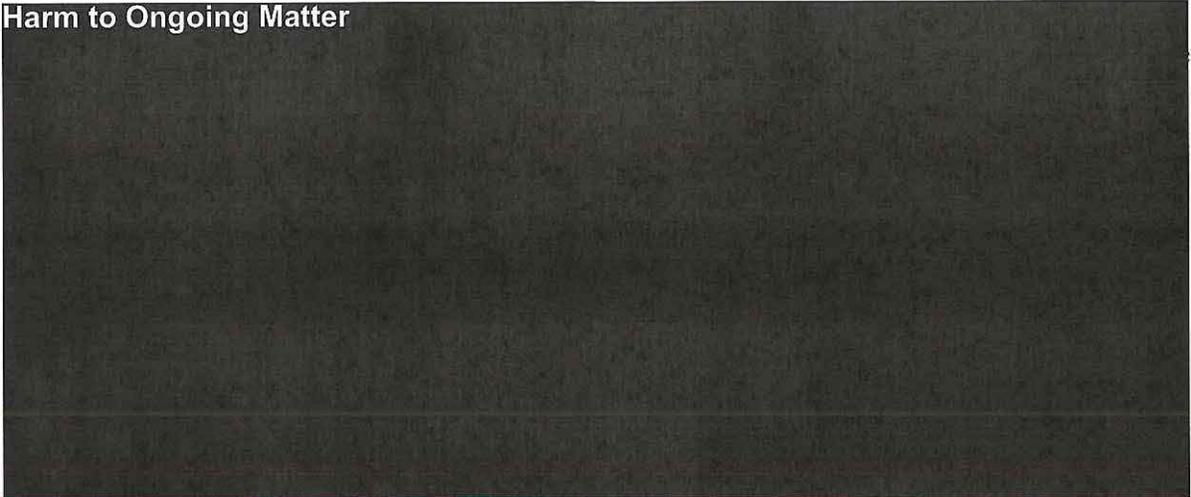
b. Charging Decision As to **Harm to Ongoing Matter**

Harm to Ongoing Matter

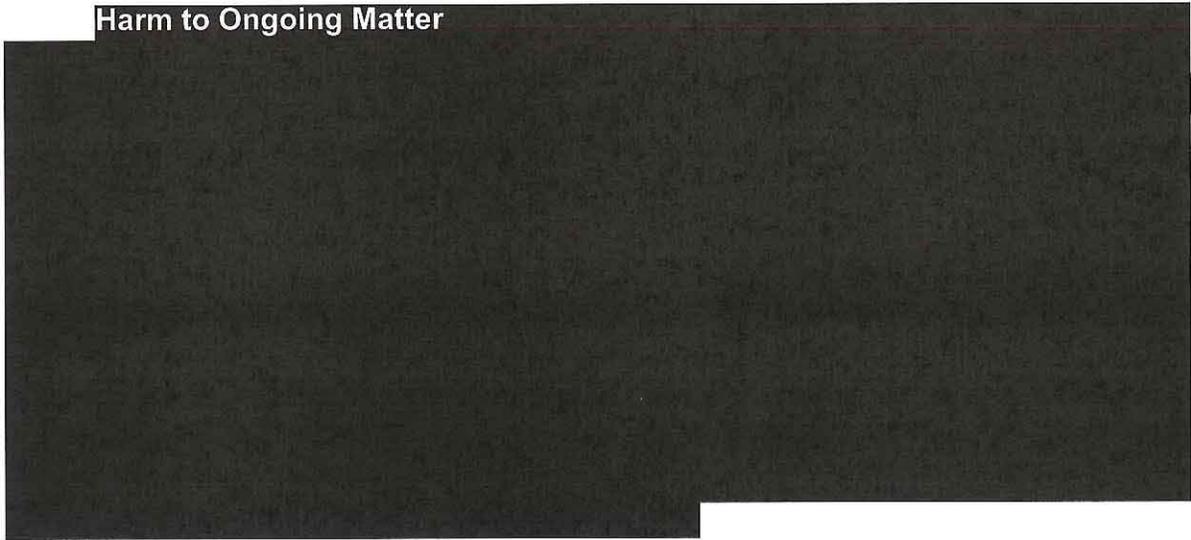
278 Harm to Ongoing Matter

¹²⁷⁸ The Office also considered, but ruled out, charges on the theory that the post-hacking sharing and dissemination of emails could constitute trafficking in or receipt of stolen property under the National Stolen Property Act (NSPA), 18 U.S.C. §§ 2314 and 2315. The statutes comprising the NSPA cover “goods, wares, or merchandise,” and lower courts have largely understood that phrase to be limited to tangible items since the Supreme Court’s decision in *Dowling v. United States*, 473 U.S. 207 (1985). See *United States v. Yijia Zhang*, 995 F. Supp. 2d 340, 344-48 (E.D. Pa. 2014) (collecting cases). One of those post-*Dowling* decisions—*United States v. Brown*, 925 F.2d 1301 (10th Cir. 1991)—specifically held that the NSPA does not reach “a computer program in source code form,” even though that code was stored in tangible items (*i.e.*, a hard disk and in a three-ring notebook). *Id.* at 1302-03. Congress, in turn, cited the *Brown* opinion in explaining the need for amendments to 18 U.S.C. § 1030(a)(2) that “would ensure that the theft of intangible information by the unauthorized use of a computer is prohibited in the same way theft of physical items [is] protected.” S. Rep. 104-357, at 7 (1996). That sequence of events would make it difficult to argue that hacked emails in electronic form, which are the relevant stolen items here, constitute “goods, wares, or merchandise” within the meaning of the NSPA.

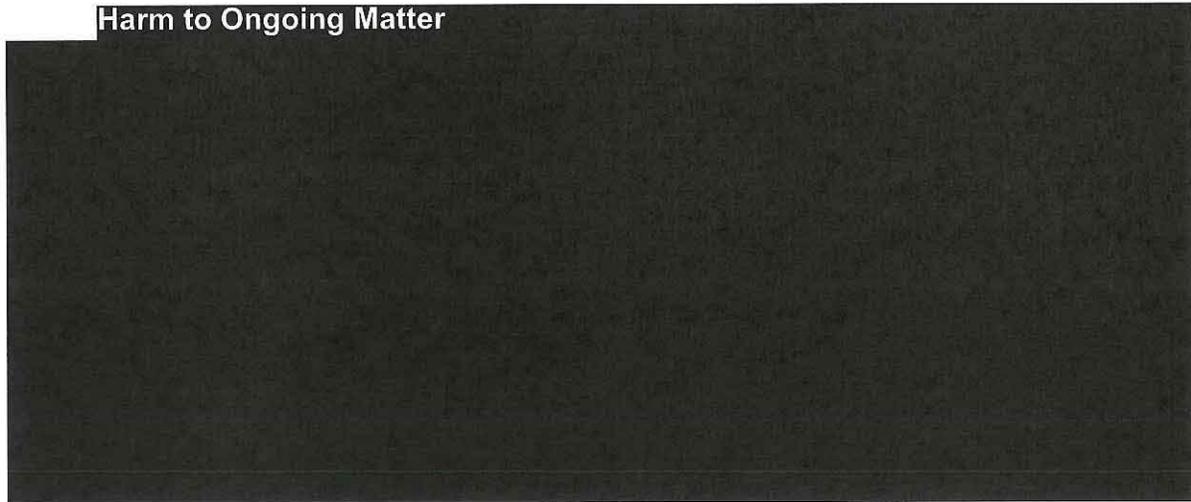
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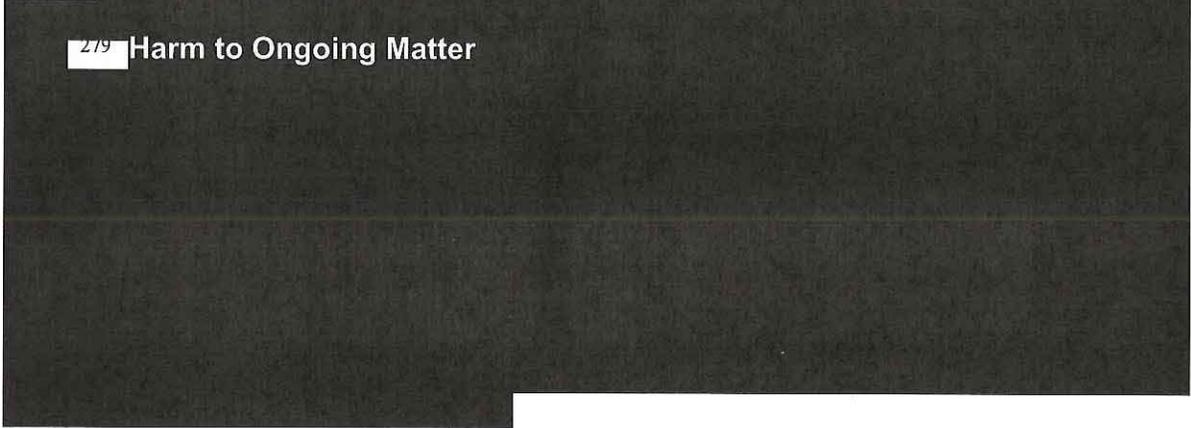
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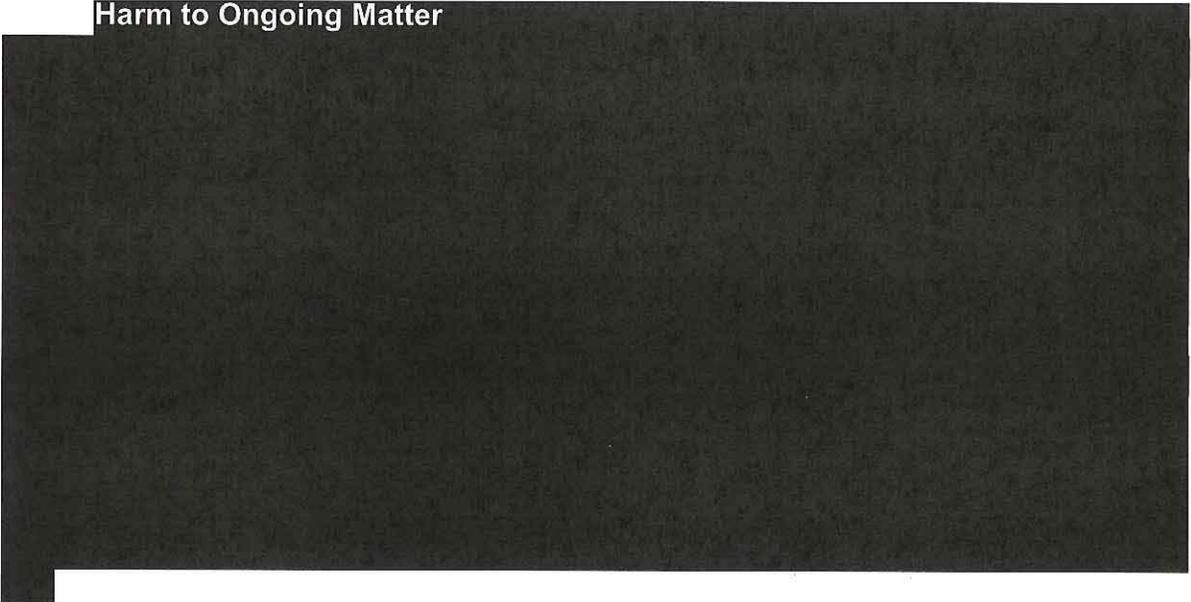
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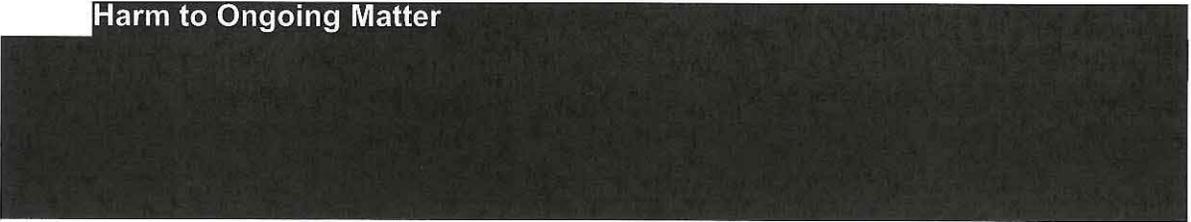
²¹⁹ Harm to Ongoing Matter



Harm to Ongoing Matter



Harm to Ongoing Matter



¹²⁷⁹ Harm to Ongoing Matter



Harm to Ongoing Matter

[REDACTED]

2. Potential Section 1030 Violation By PP

Personal Privacy

[REDACTED]

Personal Privacy

[REDACTED]

See United States v. Willis, 476 F.3d 1121, 1125 n.1 (10th Cir. 2007) (explaining that the 1986 amendments to Section 1030 reflect Congress's desire to reach "'intentional acts of unauthorized access—rather than mistaken, inadvertent, or careless ones'") (quoting S. Rep. 99-432, at 5 (1986)). In addition, the computer **Personal Privacy** likely qualifies as a "protected" one under the statute, which reaches "effectively all computers with Internet access." *United States v. Nosal*, 676 F.3d 854, 859 (9th Cir. 2012) (en banc). **Personal Privacy**

[REDACTED]

Applying the Principles of Federal Prosecution, however, the Office determined that prosecution of this potential violation was not warranted. Those Principles instruct prosecutors to consider, among other things, the nature and seriousness of the offense, the person's culpability in connection with the offense, and the probable sentence to be imposed if the prosecution is successful. Justice Manual § 9-27.230. **Personal Privacy**

[REDACTED]

Personal Privacy

C. Russian Government Outreach and Contacts

As explained in Section IV above, the Office's investigation uncovered evidence of numerous links (*i.e.*, contacts) between Trump Campaign officials and individuals having or claiming to have ties to the Russian government. The Office evaluated the contacts under several sets of federal laws, including conspiracy laws and statutes governing foreign agents who operate in the United States. After considering the available evidence, the Office did not pursue charges under these statutes against any of the individuals discussed in Section IV above—with the exception of FARA charges against Paul Manafort and Richard Gates based on their activities on behalf of Ukraine.

One of the interactions between the Trump Campaign and Russian-affiliated individuals—the June 9, 2016 meeting between high-ranking campaign officials and Russians promising derogatory information on Hillary Clinton—implicates an additional body of law: campaign-finance statutes. Schemes involving the solicitation or receipt of assistance from foreign sources raise difficult statutory and constitutional questions. As explained below, the Office evaluated those questions in connection with the June 9 meeting **Harm to Ongoing Matter**. The Office ultimately concluded that, even if the principal legal questions were resolved favorably to the government, a prosecution would encounter difficulties proving that Campaign officials or individuals connected to the Campaign willfully violated the law.

Finally, although the evidence of contacts between Campaign officials and Russia-affiliated individuals may not have been sufficient to establish or sustain criminal charges, several U.S. persons connected to the Campaign made false statements about those contacts and took other steps to obstruct the Office's investigation and those of Congress. This Office has therefore charged some of those individuals with making false statements and obstructing justice.

1. Potential Coordination: Conspiracy and Collusion

As an initial matter, this Office evaluated potentially criminal conduct that involved the collective action of multiple individuals not under the rubric of "collusion," but through the lens of conspiracy law. In so doing, the Office recognized that the word "collud[e]" appears in the Acting Attorney General's August 2, 2017 memorandum; it has frequently been invoked in public reporting; and it is sometimes referenced in antitrust law, *see, e.g., Brooke Group v. Brown & Williamson Tobacco Corp.*, 509 U.S. 209, 227 (1993). But collusion is not a specific offense or theory of liability found in the U.S. Code; nor is it a term of art in federal criminal law. To the contrary, even as defined in legal dictionaries, collusion is largely synonymous with conspiracy as that crime is set forth in the general federal conspiracy statute, 18 U.S.C. § 371. *See Black's Law Dictionary* 321 (10th ed. 2014) (collusion is "[a]n agreement to defraud another or to do or obtain something forbidden by law"); 1 Alexander Burrill, *A Law Dictionary and Glossary* 311 (1871) ("An agreement between two or more persons to defraud another by the forms of law, or to employ such forms as means of accomplishing some unlawful object."); 1 *Bouvier's Law Dictionary* 352

(1897) (“An agreement between two or more persons to defraud a person of his rights by the forms of law, or to obtain an object forbidden by law.”).

For that reason, this Office’s focus in resolving the question of joint criminal liability was on conspiracy as defined in federal law, not the commonly discussed term “collusion.” The Office considered in particular whether contacts between Trump Campaign officials and Russia-linked individuals could trigger liability for the crime of conspiracy—either under statutes that have their own conspiracy language (*e.g.*, 18 U.S.C. §§ 1349, 1951(a)), or under the general conspiracy statute (18 U.S.C. § 371). The investigation did not establish that the contacts described in Volume I, Section IV, *supra*, amounted to an agreement to commit any substantive violation of federal criminal law—including foreign-influence and campaign-finance laws, both of which are discussed further below. The Office therefore did not charge any individual associated with the Trump Campaign with conspiracy to commit a federal offense arising from Russia contacts, either under a specific statute or under Section 371’s offenses clause.

The Office also did not charge any campaign official or associate with a conspiracy under Section 371’s defraud clause. That clause criminalizes participating in an agreement to obstruct a lawful function of the U.S. government or its agencies through deceitful or dishonest means. *See Dennis v. United States*, 384 U.S. 855, 861 (1966); *Hammerschmidt v. United States*, 265 U.S. 182, 188 (1924); *see also United States v. Concord Mgmt. & Consulting LLC*, 347 F. Supp. 3d 38, 46 (D.D.C. 2018). The investigation did not establish any agreement among Campaign officials—or between such officials and Russia-linked individuals—to interfere with or obstruct a lawful function of a government agency during the campaign or transition period. And, as discussed in Volume I, Section V.A, *supra*, the investigation did not identify evidence that any Campaign official or associate knowingly and intentionally participated in the conspiracy to defraud that the Office charged, namely, the active-measures conspiracy described in Volume I, Section II, *supra*. Accordingly, the Office did not charge any Campaign associate or other U.S. person with conspiracy to defraud the United States based on the Russia-related contacts described in Section IV above.

2. Potential Coordination: Foreign Agent Statutes (FARA and 18 U.S.C. § 951)

The Office next assessed the potential liability of Campaign-affiliated individuals under federal statutes regulating actions on behalf of, or work done for, a foreign government.

a. Governing Law

Under 18 U.S.C. § 951, it is generally illegal to act in the United States as an agent of a foreign government without providing notice to the Attorney General. Although the defendant must act on behalf of a foreign government (as opposed to other kinds of foreign entities), the acts need not involve espionage; rather, acts of any type suffice for liability. *See United States v. Duran*, 596 F.3d 1283, 1293-94 (11th Cir. 2010); *United States v. Latchin*, 554 F.3d 709, 715 (7th Cir. 2009); *United States v. Dumeisi*, 424 F.3d 566, 581 (7th Cir. 2005). An “agent of a foreign government” is an “individual” who “agrees to operate” in the United States “subject to the direction or control of a foreign government or official.” 18 U.S.C. § 951(d).

The crime defined by Section 951 is complete upon knowingly acting in the United States as an unregistered foreign-government agent. 18 U.S.C. § 951(a). The statute does not require willfulness, and knowledge of the notification requirement is not an element of the offense. *United States v. Campa*, 529 F.3d 980, 998-99 (11th Cir. 2008); *Duran*, 596 F.3d at 1291-94; *Dumeisi*, 424 F.3d at 581.

The Foreign Agents Registration Act (FARA) generally makes it illegal to act as an agent of a foreign principal by engaging in certain (largely political) activities in the United States without registering with the Attorney General. 22 U.S.C. §§ 611-621. The triggering agency relationship must be with a foreign principal or “a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal.” 22 U.S.C. § 611(c)(1). That includes a foreign government or political party and various foreign individuals and entities. 22 U.S.C. § 611(b). A covered relationship exists if a person “acts as an agent, representative, employee, or servant” or “in any other capacity at the order, request, or under the [foreign principal’s] direction or control.” 22 U.S.C. § 611(c)(1). It is sufficient if the person “agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal.” 22 U.S.C. § 611(c)(2).

The triggering activity is that the agent “directly or through any other person” in the United States (1) engages in “political activities for or in the interests of [the] foreign principal,” which includes attempts to influence federal officials or the public; (2) acts as “public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal”; (3) “solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal”; or (4) “represents the interests of such foreign principal” before any federal agency or official. 22 U.S.C. § 611(c)(1).

It is a crime to engage in a “[w]illful violation of any provision of the Act or any regulation thereunder.” 22 U.S.C. § 618(a)(1). It is also a crime willfully to make false statements or omissions of material facts in FARA registration statements or supplements. 22 U.S.C. § 618(a)(2). Most violations have a maximum penalty of five years of imprisonment and a \$10,000 fine. 22 U.S.C. § 618.

b. Application

The investigation uncovered extensive evidence that Paul Manafort’s and Richard Gates’s pre-campaign work for the government of Ukraine violated FARA. Manafort and Gates were charged for that conduct and admitted to it when they pleaded guilty to superseding criminal informations in the District of Columbia prosecution.¹²⁸⁰ The evidence underlying those charges is not addressed in this report because it was discussed in public court documents and in a separate

¹²⁸⁰ *Gates* Superseding Criminal Information; Waiver of Indictment, *United States v. Richard W. Gates III*, 1:17-cr-201 (D.D.C. Feb. 23, 2018), Doc. 203; Waiver of Trial by Jury, *United States v. Richard W. Gates III*, 1:17-cr-201 (D.D.C. Feb. 23, 2018), Doc. 204; *Gates* Plea Agreement; Statement of Offense, *United States v. Richard W. Gates III*, 1:17-cr-201 (D.D.C. Feb. 23, 2018), Doc. 206; Plea Agreement, *United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. Sept. 14, 2018), Doc. 422; Statement of Offense, *United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. Sept. 14, 2018), Doc. 423.

prosecution memorandum submitted to the Acting Attorney General before the original indictment in that case.

In addition, the investigation produced evidence of FARA violations involving Michael Flynn. Those potential violations, however, concerned a country other than Russia (*i.e.*, Turkey) and were resolved when Flynn admitted to the underlying facts in the Statement of Offense that accompanied his guilty plea to a false-statements charge. Statement of Offense, *United States v. Michael T. Flynn*, No. 1:17-cr-232 (D.D.C. Dec. 1, 2017), Doc. 4 (“*Flynn* Statement of Offense”).¹²⁸¹

The investigation did not, however, yield evidence sufficient to sustain any charge that any individual affiliated with the Trump Campaign acted as an agent of a foreign principal within the meaning of FARA or, in terms of Section 951, subject to the direction or control of the government of Russia, or any official thereof. In particular, the Office did not find evidence likely to prove beyond a reasonable doubt that Campaign officials such as Paul Manafort, George Papadopoulos, and Carter Page acted as agents of the Russian government—or at its direction, control, or request—during the relevant time period.¹²⁸² Personal Privacy

As a result, the Office did not charge PP any other Trump Campaign official with violating FARA or Section 951, or attempting or conspiring to do so, based on contacts with the Russian government or a Russian principal.

Finally, the Office investigated whether one of the above campaign advisors—George Papadopoulos—acted as an agent of, or at the direction and control of, the government of Israel. While the investigation revealed significant ties between Papadopoulos and Israel (and search warrants were obtained in part on that basis), the Office ultimately determined that the evidence was not sufficient to obtain and sustain a conviction under FARA or Section 951.

3. Campaign Finance

Several areas of the Office’s investigation involved efforts or offers by foreign nationals to provide negative information about candidate Clinton to the Trump Campaign or to distribute that information to the public, to the anticipated benefit of the Campaign. As explained below, the Office considered whether two of those efforts in particular—the June 9, 2016 meeting at Trump

¹²⁸¹ Harm to Ongoing Matter

¹²⁸² On four occasions, the Foreign Intelligence Surveillance Court (FISC) issued warrants based on a finding of probable cause to believe that Page was an agent of a foreign power. 50 U.S.C. §§ 1801(b), 1805(a)(2)(A). The FISC’s probable-cause finding was based on a different (and lower) standard than the one governing the Office’s decision whether to bring charges against Page, which is whether admissible evidence would likely be sufficient to prove beyond a reasonable doubt that Page acted as an agent of the Russian Federation during the period at issue. *Cf. United States v. Cardoza*, 713 F.3d 656, 660 (D.C. Cir. 2013) (explaining that probable cause requires only “a fair probability,” and not “certainty, or proof beyond a reasonable doubt, or proof by a preponderance of the evidence”).

Tower **Harm to Ongoing Matter** —constituted prosecutable violations of the campaign-finance laws. The Office determined that the evidence was not sufficient to charge either incident as a criminal violation.

a. Overview Of Governing Law

“[T]he United States has a compelling interest . . . in limiting the participation of foreign citizens in activities of democratic self-government, and in thereby preventing foreign influence over the U.S. political process.” *Bluman v. FEC*, 800 F. Supp. 2d 281, 288 (D.D.C. 2011) (Kavanaugh, J., for three-judge court), *aff’d*, 565 U.S. 1104 (2012). To that end, federal campaign-finance law broadly prohibits foreign nationals from making contributions, donations, expenditures, or other disbursements in connection with federal, state, or local candidate elections, and prohibits anyone from soliciting, accepting, or receiving such contributions or donations. As relevant here, foreign nationals may not make—and no one may “solicit, accept, or receive” from them—“a contribution or donation of money or other thing of value” or “an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election.” 52 U.S.C. § 30121(a)(1)(A), (a)(2).¹²⁸³ The term “contribution,” which is used throughout the campaign-finance law, “includes” “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i). It excludes, among other things, “the value of [volunteer] services.” 52 U.S.C. § 30101(8)(B)(i).

Foreign nationals are also barred from making “an expenditure, independent expenditure, or disbursement for an electioneering communication.” 52 U.S.C. § 30121(a)(1)(C). The term “expenditure” “includes” “any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(9)(A)(i). It excludes, among other things, news stories and non-partisan get-out-the-vote activities. 52 U.S.C. § 30101(9)(B)(i)-(ii). An “independent expenditure” is an expenditure “expressly advocating the election or defeat of a clearly identified candidate” and made independently of the campaign. 52 U.S.C. § 30101(17). An “electioneering communication” is a broadcast communication that “refers to a clearly identified candidate for Federal office” and is made within specified time periods and targeted at the relevant electorate. 52 U.S.C. § 30104(f)(3).

The statute defines “foreign national” by reference to FARA and the Immigration and Nationality Act, with minor modification. 52 U.S.C. § 30121(b) (cross-referencing 22 U.S.C. § 611(b)(1)-(3) and 8 U.S.C. § 1101(a)(20), (22)). That definition yields five, sometimes-overlapping categories of foreign nationals, which include all of the individuals and entities relevant for present purposes—namely, foreign governments and political parties, individuals

¹²⁸³ Campaign-finance law also places financial limits on contributions, 52 U.S.C. § 30116(a), and prohibits contributions from corporations, banks, and labor unions, 52 U.S.C. § 30118(a); *see Citizens United v. FEC*, 558 U.S. 310, 320 (2010). Because the conduct that the Office investigated involved possible electoral activity by foreign nationals, the foreign-contributions ban is the most readily applicable provision.

outside of the U.S. who are not legal permanent residents, and certain non-U.S. entities located outside of the U.S.

A “knowing[] and willful[]” violation involving an aggregate of \$25,000 or more in a calendar year is a felony. 52 U.S.C. § 30109(d)(1)(A)(i); see *Bluman*, 800 F. Supp. 2d at 292 (noting that a willful violation will require some “proof of the defendant’s knowledge of the law”); *United States v. Danielczyk*, 917 F. Supp. 2d 573, 577 (E.D. Va. 2013) (applying willfulness standard drawn from *Bryan v. United States*, 524 U.S. 184, 191-92 (1998)); see also *Wagner v. FEC*, 793 F.3d 1, 19 n.23 (D.C. Cir. 2015) (en banc) (same). A “knowing[] and willful[]” violation involving an aggregate of \$2,000 or more in a calendar year, but less than \$25,000, is a misdemeanor. 52 U.S.C. § 30109(d)(1)(A)(ii).

b. Application to June 9 Trump Tower Meeting

The Office considered whether to charge Trump Campaign officials with crimes in connection with the June 9 meeting described in Volume I, Section IV.A.5, *supra*. The Office concluded that, in light of the government’s substantial burden of proof on issues of intent (“knowing” and “willful”), and the difficulty of establishing the value of the offered information, criminal charges would not meet the Justice Manual standard that “the admissible evidence will probably be sufficient to obtain and sustain a conviction.” Justice Manual § 9-27.220.

In brief, the key facts are that, on June 3, 2016, Robert Goldstone emailed Donald Trump Jr., to pass along from Emin and Aras Agalarov an “offer” from Russia’s “Crown prosecutor” to “the Trump campaign” of “official documents and information that would incriminate Hillary and her dealings with Russia and would be very useful to [Trump Jr.’s] father.” The email described this as “very high level and sensitive information” that is “part of Russia and its government’s support to Mr. Trump—helped along by Aras and Emin.” Trump Jr. responded: “if it’s what you say I love it especially later in the summer.” Trump Jr. and Emin Agalarov had follow-up conversations and, within days, scheduled a meeting with Russian representatives that was attended by Trump Jr., Manafort, and Kushner. The communications setting up the meeting and the attendance by high-level Campaign representatives support an inference that the Campaign anticipated receiving derogatory documents and information from official Russian sources that could assist candidate Trump’s electoral prospects.

This series of events could implicate the federal election-law ban on contributions and donations by foreign nationals, 52 U.S.C. § 30121(a)(1)(A). Specifically, Goldstone passed along an offer purportedly from a Russian government official to provide “official documents and information” to the Trump Campaign for the purposes of influencing the presidential election. Trump Jr. appears to have accepted that offer and to have arranged a meeting to receive those materials. Documentary evidence in the form of email chains supports the inference that Kushner and Manafort were aware of that purpose and attended the June 9 meeting anticipating the receipt of helpful information to the Campaign from Russian sources.

The Office considered whether this evidence would establish a conspiracy to violate the foreign contributions ban, in violation of 18 U.S.C. § 371; the solicitation of an illegal foreign-source contribution; or the acceptance or receipt of “an express or implied promise to make a

[foreign-source] contribution,” both in violation of 52 U.S.C. § 30121(a)(1)(A), (a)(2). There are reasonable arguments that the offered information would constitute a “thing of value” within the meaning of these provisions, but the Office determined that the government would not be likely to obtain and sustain a conviction for two other reasons: first, the Office did not obtain admissible evidence likely to meet the government’s burden to prove beyond a reasonable doubt that these individuals acted “willfully,” *i.e.*, with general knowledge of the illegality of their conduct; and, second, the government would likely encounter difficulty in proving beyond a reasonable doubt that the value of the promised information exceeded the threshold for a criminal violation, *see* 52 U.S.C. § 30109(d)(1)(A)(i).

i. Thing-of-Value Element

A threshold legal question is whether providing to a campaign “documents and information” of the type involved here would constitute a prohibited campaign contribution. The foreign contribution ban is not limited to contributions of money. It expressly prohibits “a contribution or donation of money or *other thing of value.*” 52 U.S.C. § 30121(a)(1)(A), (a)(2) (emphasis added). And the term “contribution” is defined throughout the campaign-finance laws to “include[]” “any gift, subscription, loan, advance, or deposit of money or *anything of value.*” 52 U.S.C. § 30101(8)(A)(i) (emphasis added).

The phrases “thing of value” and “anything of value” are broad and inclusive enough to encompass at least some forms of valuable information. Throughout the United States Code, these phrases serve as “term[s] of art” that are construed “broad[ly].” *United States v. Nilsen*, 967 F.2d 539, 542 (11th Cir. 1992) (per curiam) (“thing of value” includes “both tangibles and intangibles”); *see also, e.g.*, 18 U.S.C. §§ 201(b)(1), 666(a)(2) (bribery statutes); *id.* § 641 (theft of government property). For example, the term “thing of value” encompasses law enforcement reports that would reveal the identity of informants, *United States v. Girard*, 601 F.2d 69, 71 (2d Cir. 1979); classified materials, *United States v. Fowler*, 932 F.2d 306, 310 (4th Cir. 1991); confidential information about a competitive bid, *United States v. Matzkin*, 14 F.3d 1014, 1020 (4th Cir. 1994); secret grand jury information, *United States v. Jeter*, 775 F.2d 670, 680 (6th Cir. 1985); and information about a witness’s whereabouts, *United States v. Sheker*, 618 F.2d 607, 609 (9th Cir. 1980) (per curiam). And in the public corruption context, “‘thing of value’ is defined broadly to include the value which the defendant subjectively attaches to the items received.” *United States v. Renzi*, 769 F.3d 731, 744 (9th Cir. 2014) (internal quotation marks omitted).

Federal Election Commission (FEC) regulations recognize the value to a campaign of at least some forms of information, stating that the term “anything of value” includes “the provision of any goods or services without charge,” such as “membership lists” and “mailing lists.” 11 C.F.R. § 100.52(d)(1). The FEC has concluded that the phrase includes a state-by-state list of activists. *See Citizens for Responsibility and Ethics in Washington v. FEC*, 475 F.3d 337, 338 (D.C. Cir. 2007) (describing the FEC’s findings). Likewise, polling data provided to a campaign constitutes a “contribution.” FEC Advisory Opinion 1990-12 (Strub), 1990 WL 153454 (citing 11 C.F.R. § 106.4(b)). And in the specific context of the foreign-contributions ban, the FEC has concluded that “election materials used in previous Canadian campaigns,” including “flyers, advertisements, door hangers, tri-folds, signs, and other printed material,” constitute “anything of

value,” even though “the value of these materials may be nominal or difficult to ascertain.” FEC Advisory Opinion 2007-22 (Hurysz), 2007 WL 5172375, at *5.

These authorities would support the view that candidate-related opposition research given to a campaign for the purpose of influencing an election could constitute a contribution to which the foreign-source ban could apply. A campaign can be assisted not only by the provision of funds, but also by the provision of derogatory information about an opponent. Political campaigns frequently conduct and pay for opposition research. A foreign entity that engaged in such research and provided resulting information to a campaign could exert a greater effect on an election, and a greater tendency to ingratiate the donor to the candidate, than a gift of money or tangible things of value. At the same time, no judicial decision has treated the voluntary provision of uncompensated opposition research or similar information as a thing of value that could amount to a contribution under campaign-finance law. Such an interpretation could have implications beyond the foreign-source ban, *see* 52 U.S.C. § 30116(a) (imposing monetary limits on campaign contributions), and raise First Amendment questions. Those questions could be especially difficult where the information consisted simply of the recounting of historically accurate facts. It is uncertain how courts would resolve those issues.

ii. Willfulness

Even assuming that the promised “documents and information that would incriminate Hillary” constitute a “thing of value” under campaign-finance law, the government would encounter other challenges in seeking to obtain and sustain a conviction. Most significantly, the government has not obtained admissible evidence that is likely to establish the scienter requirement beyond a reasonable doubt. To prove that a defendant acted “knowingly and willfully,” the government would have to show that the defendant had general knowledge that his conduct was unlawful. U.S. Department of Justice, *Federal Prosecution of Election Offenses* 123 (8th ed. Dec. 2017) (“*Election Offenses*”); *see Bluman*, 800 F. Supp. 2d at 292 (noting that a willful violation requires “proof of the defendant’s knowledge of the law”); *Danielczyk*, 917 F. Supp. 2d at 577 (“knowledge of general unlawfulness”). “This standard creates an elevated scienter element requiring, at the very least, that application of the law to the facts in question be fairly clear. When there is substantial doubt concerning whether the law applies to the facts of a particular matter, the offender is more likely to have an intent defense.” *Election Offenses* 123.

On the facts here, the government would unlikely be able to prove beyond a reasonable doubt that the June 9 meeting participants had general knowledge that their conduct was unlawful. The investigation has not developed evidence that the participants in the meeting were familiar with the foreign-contribution ban or the application of federal law to the relevant factual context. The government does not have strong evidence of surreptitious behavior or efforts at concealment at the time of the June 9 meeting. While the government has evidence of later efforts to prevent disclosure of the nature of the June 9 meeting that could circumstantially provide support for a showing of scienter, *see* Volume II, Section II.G, *infra*, that concealment occurred more than a year later, involved individuals who did not attend the June 9 meeting, and may reflect an intention to avoid political consequences rather than any prior knowledge of illegality. Additionally, in light of the unresolved legal questions about whether giving “documents and information” of the sort offered here constitutes a campaign contribution, Trump Jr. could mount a factual defense that he

did not believe his response to the offer and the June 9 meeting itself violated the law. Given his less direct involvement in arranging the June 9 meeting, Kushner could likely mount a similar defense. And, while Manafort is experienced with political campaigns, the Office has not developed evidence showing that he had relevant knowledge of these legal issues.

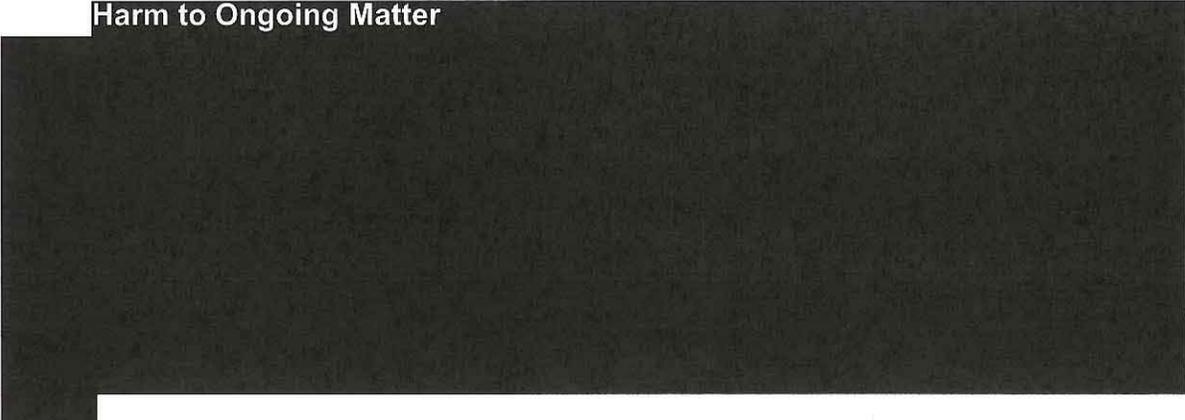
iii. Difficulties in Valuing Promised Information

The Office would also encounter difficulty proving beyond a reasonable doubt that the value of the promised documents and information exceeds the \$2,000 threshold for a criminal violation, as well as the \$25,000 threshold for felony punishment. *See* 52 U.S.C. § 30109(d)(1). The type of evidence commonly used to establish the value of non-monetary contributions—such as pricing the contribution on a commercial market or determining the upstream acquisition cost or the cost of distribution—would likely be unavailable or ineffective in this factual setting. Although damaging opposition research is surely valuable to a campaign, it appears that the information ultimately delivered in the meeting was not valuable. And while value in a conspiracy may well be measured by what the participants expected to receive at the time of the agreement, *see, e.g., United States v. Tombrello*, 666 F.2d 485, 489 (11th Cir. 1982), Goldstone’s description of the offered material here was quite general. His suggestion of the information’s value—*i.e.*, that it would “incriminate Hillary” and “would be very useful to [Trump Jr.’s] father”—was non-specific and may have been understood as being of uncertain worth or reliability, given Goldstone’s lack of direct access to the original source. The uncertainty over what would be delivered could be reflected in Trump Jr.’s response (“*if it’s what you say I love it*”) (emphasis added).

Accordingly, taking into account the high burden to establish a culpable mental state in a campaign-finance prosecution and the difficulty in establishing the required valuation, the Office decided not to pursue criminal campaign-finance charges against Trump Jr. or other campaign officials for the events culminating in the June 9 meeting.

c. Application to **Harm to Ongoing Matter**

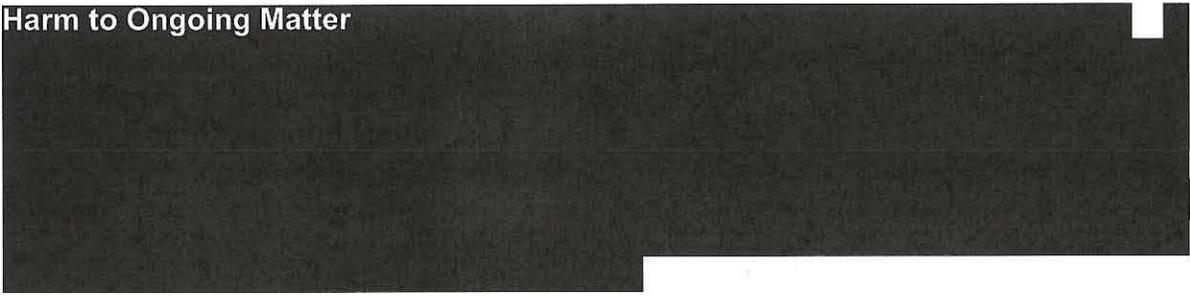
Harm to Ongoing Matter



Harm to Ongoing Matter



Harm to Ongoing Matter



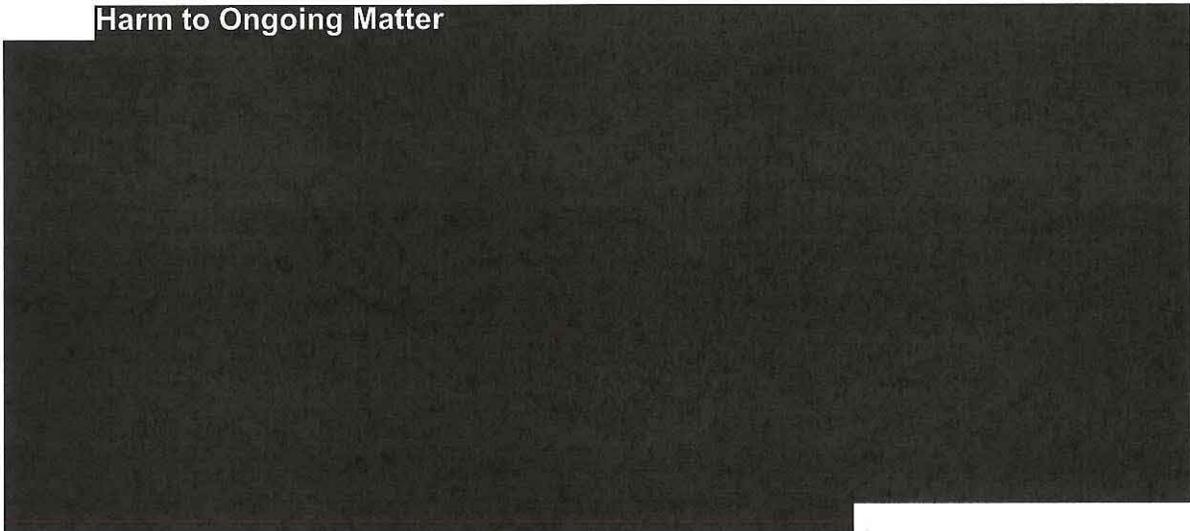
i. *Questions Over Whether* Harm to Ongoing Matter



Harm to Ongoing Matter



Harm to Ongoing Matter



Harm to Ongoing Matter



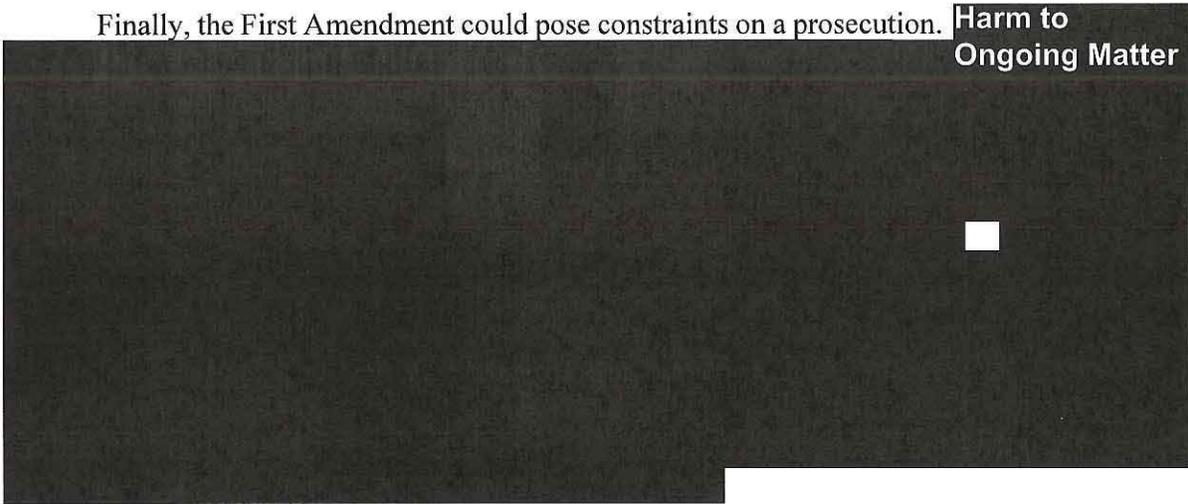
ii. Willfulness

As discussed, to establish a criminal campaign-finance violation, the government must prove that the defendant acted “knowingly and willfully.” 52 U.S.C. § 30109(d)(1)(A)(i). That standard requires proof that the defendant knew generally that his conduct was unlawful. *Election Offenses* 123. Given the uncertainties noted above, the “willfulness” requirement would pose a substantial barrier to prosecution.

iii. Constitutional Considerations

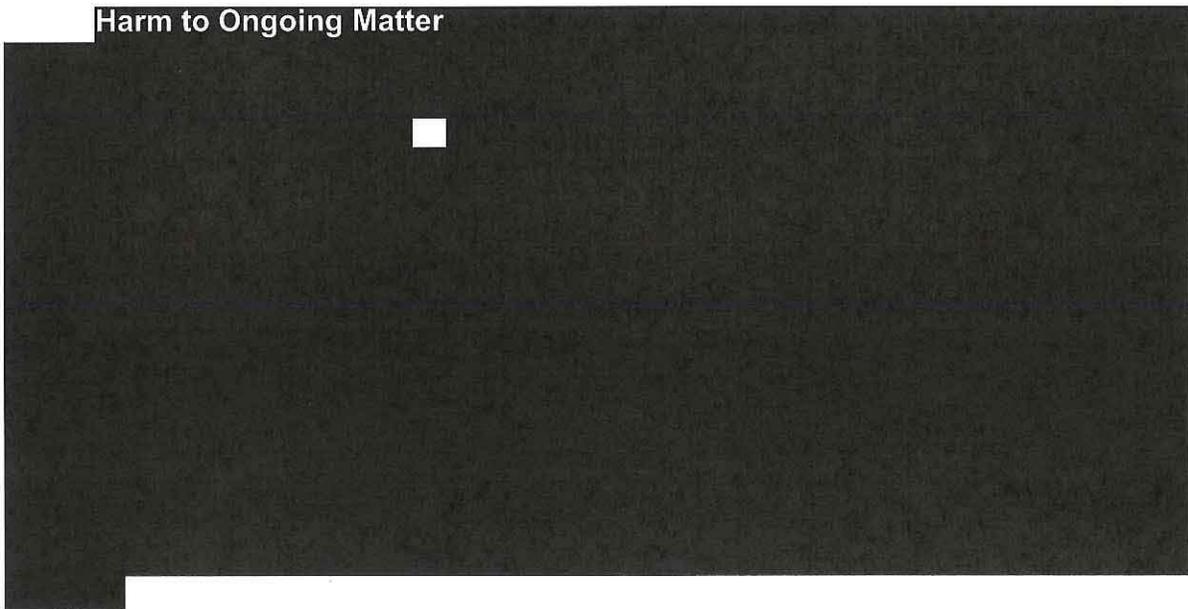
Finally, the First Amendment could pose constraints on a prosecution.

Harm to
Ongoing Matter



iv. Analysis as to **HOM**

Harm to Ongoing Matter



Harm to Ongoing Matter



Harm to Ongoing Matter



4. False Statements and Obstruction of the Investigation

The Office determined that certain individuals associated with the Campaign lied to investigators about Campaign contacts with Russia and have taken other actions to interfere with the investigation. As explained below, the Office therefore charged some U.S. persons connected to the Campaign with false statements and obstruction offenses.

a. Overview Of Governing Law

False Statements. The principal federal statute criminalizing false statements to government investigators is 18 U.S.C. § 1001. As relevant here, under Section 1001(a)(2), it is a crime to knowingly and willfully “make[] any materially false, fictitious, or fraudulent statement or representation” “in any matter within the jurisdiction of the executive . . . branch of the Government.” An FBI investigation is a matter within the Executive Branch’s jurisdiction. *United States v. Rodgers*, 466 U.S. 475, 479 (1984). The statute also applies to a subset of legislative branch actions—*viz.*, administrative matters and “investigation[s] or review[s]” conducted by a congressional committee or subcommittee. 18 U.S.C. § 1001(c)(1) and (2); *see United States v. Pickett*, 353 F.3d 62, 66 (D.C. Cir. 2004).

Whether the statement was made to law enforcement or congressional investigators, the government must prove beyond a reasonable doubt the same basic non-jurisdictional elements: the statement was false, fictitious, or fraudulent; the defendant knew both that it was false and that it was unlawful to make a false statement; and the false statement was material. *See, e.g., United States v. Smith*, 831 F.3d 1207, 1222 n.27 (9th Cir. 2017) (listing elements); *see also* Ninth Circuit Pattern Instruction 8.73 & cmt. (explaining that the Section 1001 jury instruction was modified in light of the Department of Justice’s position that the phrase “knowingly and willfully” in the statute requires the defendant’s knowledge that his or her conduct was unlawful). In the D.C. Circuit, the government must prove that the statement was actually false; a statement that is misleading but “literally true” does not satisfy Section 1001(a)(2). *See United States v. Milton*, 8 F.3d 39, 45

(D.C. Cir. 1993); *United States v. Dale*, 991 F.2d 819, 832-33 & n.22 (D.C. Cir. 1993). For that false statement to qualify as “material,” it must have a natural tendency to influence, or be capable of influencing, a discrete decision or any other function of the agency to which it is addressed. *See United States v. Gaudin*, 515 U.S. 506, 509 (1995); *United States v. Moore*, 612 F.3d 698, 701 (D.C. Cir. 2010).

Perjury. Under the federal perjury statutes, it is a crime for a witness testifying under oath before a grand jury to knowingly make any false material declaration. *See* 18 U.S.C. § 1623. The government must prove four elements beyond a reasonable doubt to obtain a conviction under Section 1623(a): the defendant testified under oath before a federal grand jury; the defendant’s testimony was false in one or more respects; the false testimony concerned matters that were material to the grand jury investigation; and the false testimony was knowingly given. *United States v. Bridges*, 717 F.2d 1444, 1449 n.30 (D.C. Cir. 1983). The general perjury statute, 18 U.S.C. § 1621, also applies to grand jury testimony and has similar elements, except that it requires that the witness have acted willfully and that the government satisfy “strict common-law requirements for establishing falsity.” *See Dunn v. United States*, 442 U.S. 100, 106 & n.6 (1979) (explaining “the two-witness rule” and the corroboration that it demands).

Obstruction of Justice. Three basic elements are common to the obstruction statutes pertinent to this Office’s charging decisions: an obstructive act; some form of nexus between the obstructive act and an official proceeding; and criminal (*i.e.*, corrupt) intent. A detailed discussion of those elements, and the law governing obstruction of justice more generally, is included in Volume II of the report.

b. Application to Certain Individuals

i. George Papadopoulos

Investigators approached Papadopoulos for an interview based on his role as a foreign policy advisor to the Trump Campaign and his suggestion to a foreign government representative that Russia had indicated that it could assist the Campaign through the anonymous release of information damaging to candidate Clinton. On January 27, 2017, Papadopoulos agreed to be interviewed by FBI agents, who informed him that the interview was part of the investigation into potential Russian government interference in the 2016 presidential election.

During the interview, Papadopoulos lied about the timing, extent, and nature of his communications with Joseph Mifsud, Olga Polonskaya, and Ivan Timofeev. With respect to timing, Papadopoulos acknowledged that he had met Mifsud and that Mifsud told him the Russians had “dirt” on Clinton in the form of “thousands of emails.” But Papadopoulos stated multiple times that those communications occurred before he joined the Trump Campaign and that it was a “very strange coincidence” to be told of the “dirt” before he started working for the Campaign. This account was false. Papadopoulos met Mifsud for the first time on approximately March 14, 2016, after Papadopoulos had already learned he would be a foreign policy advisor for the Campaign. Mifsud showed interest in Papadopoulos only after learning of his role on the Campaign. And Mifsud told Papadopoulos about the Russians possessing “dirt” on candidate Clinton in late April 2016, more than a month after Papadopoulos had joined the Campaign and