

ACT 5

PLAY'S INTRODUCTION

NARRATOR

The Mueller Report - The Play: 10
Acts of Obstruction

This play is a translation of
Mueller's Report Volume II
Obstruction of Justice evidence.
Mueller's evidence is based on sworn
testimonies, documents, recordings
and other objective evidence.

The play directly translates the
evidence descriptions into active
dialogue. One can almost follow the
Mueller report paragraph by paragraph
throughout the play.

NARRATOR (cont'd)

Act 5

Obstruction F. in Mueller Report
Volume II page 90: Trump's Efforts to
Curtail the Special Counsel
Investigation.

Evidence #1. Trump Asks Corey
Lewandowski to Deliver a Message to
Sessions to Curtail the Special
Counsel Investigation

June 19, 2017 -Trump one-on-one in
the Oval Office with his former
campaign manager and devotee Corey
Lewandowski

TRUMP AND COREY LEWANDOWSKI STEP FORWARD

TRUMP

(small talk ends)

Can you believe that Sessions recused himself from the Russia investigation? Sessions is weak and if I had known about the likelihood of recusal in advance, I would not have appointed him. Will you deliver a message to Sessions? Direct Sessions to give a speech publicly announcing ... write this down.

I know that I recused myself from certain things having to do with specific areas. But our POTUS . . . is being treated very unfairly. He shouldn't have a Special Prosecutor/Counsel because he hasn't done anything wrong. I was on the campaign with him for nine months, there were no Russians involved with him. I know it for a fact because I was there. He didn't do anything wrong except he ran the greatest campaign in American history.

Now to limit Mueller's investigation, state that his jurisdiction is limited to future election interference ... continue writing with this:

Now a group of people want to subvert the Constitution of the United States. I am going to meet with the Special Prosecutor to explain this is very unfair and let the Special Prosecutor move forward with investigating election meddling for future elections so that nothing can happen in future elections.

TRUMP (cont'd)

If Sessions delivers that statement I would be the most popular guy in the country.

LEWANDOWSKI

I understand what you want Sessions to do.

LEWANDOWSKI (cont'd)

(to himself)

I should pass this message to Sessions in person rather than over the phone. I do not want to meet at the Department of Justice because I do not want a public log of my visit and do not want Sessions to have an advantage over me by meeting on his turf.

NARRATOR

Lewandowski calls Attorney General Jeff Sessions

LEWANDOWSKI AND SESSIONS ON PHONES STEP FORWARD

LEWANDOWSKI

Let's meet the tomorrow evening at my office.

SESSIONS

okay

NARRATOR

Later Sessions had to cancel due to a last minute conflict.

Shortly thereafter

LEWANDOWSKI STEPS FORWARD

LEWANDOWSKI

(to himself)

I am leaving Washington, D.C. and have not had an opportunity to meet with Sessions to convey Trump's message. I better store my notes in a safe at my home, as I always do with sensitive items.

NARRATOR

Evidence #2. Trump Follows Up with Lewandowski

NARRATOR (cont'd)
Following Lewandowski's June meeting
with Trump, Lewandowski and Rick
Dearborn meet

LEWANDOWSKI AND RICK DEARBORN, THEN A SENIOR WHITE HOUSE
OFFICIAL STEP FORWARD

LEWANDOWSKI
Can you pass a message to Sessions?

DEARBORN
Sure.

BOTH REMAIN STEPPED FORWARD

NARRATOR
Later

LEWANDOWSKI
Are you meeting with Sessions?

DEARBORN
Yes for dinner in late July and I can
deliver the message then.

LEWANDOWSKI
(to himself)
Trump has asked me to pass the
message because he knows I can be
trusted, but I believe Dearborn will
be a better messenger because he has
a longstanding relationship with
Sessions. Also Dearborn is in the
government while I am not.

NARRATOR
days before July 19, 2017 the press
reports ...

PRESS
Meeting between several Russians and
Donald Trump Jr., Jared Kushner, and
Paul Manafort occurred on June 9,
2016.

NARRATOR
July 19, 2017 - Trump meets with
Lewandowski alone in the Oval Office

LEWANDOWSKI AND TRUMP STEP FORWARD

TRUMP

Have you talked to Sessions as I requested?

LEWANDOWSKI

The message will be delivered soon.

TRUMP

If Sessions does not meet with you, you should tell Sessions he is fired.

NARRATOR

Immediately following the meeting Lewandowski meets Dearborn in the anteroom outside the Oval Office

LEWANDOWSKI AND DEARBORN STEP FORWARD

LEWANDOWSKI

Here is a typewritten version of the message Trump has dictated to be delivered to Sessions. These notes are the message we have discussed.

DEARBORN

(to himself)

This definitely raises eyebrows for me. I do not want to ask where the message came from or think further about doing anything with it. Being asked to serve as a messenger to Sessions makes me uncomfortable.

LEWANDOWSKI AND DEARBORN REMAIN STEPPED FORWARD

NARRATOR

Later

LEWANDOWSKI

Did you deliver the message to Sessions?

DEARBORN

I handled the situation.

DEARBORN (cont'd)

(to himself)

I did not deliver the message and am not going to. I am not keeping a copy of the typewritten notes.

NARRATOR

Evidence #3. Trump Publicly Criticizes Sessions in a New York Times Interview

Within hours of Trump's meeting with Lewandowski on July 19, 2017 Trump had an unplanned interview with the New York Times

TRUMP, HICKS AND PRESS STEP FORWARD

TRUMP

Sessions' decision to recuse from the Russia investigation was wrong. Sessions should have never recused himself, and if he was going to recuse himself, he should have told me before he took the job, and I would have picked somebody else. Sessions' recusal is "very unfair to me. How do you take a job and then recuse yourself? If he would have recused himself before the job, I would have said, 'Thanks, Jeff, but I can't, you know, I'm not going to take you.' It's extremely unfair, and that's a mild word, to Trump.

HICKS

(at interview

watching to herself)

I should throw myself between the reporters and Trump to stop parts of this interview, yet Trump "loves the interview."

NARRATOR

Later that day Lewandowski and Hicks meet

LEWANDOWSKI, HICKS AND LATER TRUMP ON PHONE STEP FORWARD

LEWANDOWSKI

This is what I think about Trump's New York Times interview... Did you know that Trump requested that I meet with Sessions? Trump has recently asked me to meet with Sessions and deliver a message that Sessions needs to do the "right thing" and resign.

(Laughing)

Can you believe that Trump asked me ... as a private citizen!... to fire Sessions if he would not meet with me?

NARRATOR

Trump's call interrupts Lewandowski and Hicks call

TRUMP

(call to Hicks interrupts)

I am happy with how coverage of my New York Times interview criticizing Sessions is playing out.

NARRATOR

Evidence #4. Trump Orders Priebus to Demand Sessions's Resignation

July 21, 2017 - the Press reports

PRESS

(the Washington Post)

U.S. intelligence intercepts showed that Sessions had discussed campaign-related matters with the Russian ambassador, contrary to what Sessions had said publicly.

NARRATOR

That evening Priebus calls Jody Hunt, Chief of Staff to Attorney General Sessions

PRIEBUS AND HUNT ON PHONES STEP FORWARD

PRIEBUS

Let's talk more about whether Sessions might be fired or might resign.

HUNT

We have previously talked that Trump will have to fire Sessions if Trump wants to remove Sessions because Sessions is not going to quit. We have previously discussed, that after I met with Sessions I know that he has no intention of resigning. Yet what will Trump accomplish by firing Sessions? There is an investigation before and there will be an investigation after.

NARRATOR

Early the following morning, July 22, 2017 Trump tweets ...

TRUMP TWEETING STEPS FORWARD

TRUMP

A new INTELLIGENCE LEAK from the Amazon Washington Post, this time against A.G. Jeff Sessions. These illegal leaks, like Comey's, must stop!

NARRATOR

Approximately one hour later, Trump tweets again

TRUMP TWEETING STEPS FORWARD

TRUMP

So many people are asking why isn't the A.G. or Special Council looking at the many Hillary Clinton or Comey crimes. 33,000 e-mails deleted?

NARRATOR

Later that morning Trump while aboard Marine One on the way to Norfolk, Virginia Trump talks to Priebus

TRUMP AND PRIEBUS STEP FORWARD

TRUMP

I have to get Sessions to resign immediately.
The country has lost confidence in Sessions and the negative publicity is not tolerable. Tell Sessions that I need a letter of resignation on my desk immediately and that Sessions has no choice but must immediately resign.

PRIEBUS

If you fire Sessions, we will never get a new Attorney General confirmed and the Department of Justice and Congress will turn their backs on you.

TRUMP

I can make a recess appointment to replace Sessions.

PRIEBUS

(to himself)
Trump's request is a problem. I better call McGahn.

NARRATOR

Priebus calls White House Counsel Don McGahn

PRIEBUS AND MCGAHN ON PHONES STEP FORWARD

PRIEBUS

I need your advice. I do not want to pull the trigger on something that is all wrong. I believe that Trump's desire to replace Sessions is driven by Trump's hatred of Sessions' recusal from the Russia investigation.

MCGAHN

Don't follow Trump's order. We should consult our own personal counsel, with whom we have attorney-client privilege. We both may have to resign rather than carry out Trump's order to fire Sessions.

NARRATOR

That afternoon Trump speaks to Priebus

TRUMP AND PRIEBUS STEP FORWARD

TRUMP

About Sessions' resignation ... Did you get it? Are you working on it?

PRIEBUS

I will get Sessions to resign.

PRIEBUS (cont'd)

(to himself)

My job obviously depends on whether I follow Trump's order to remove Sessions. I do not intend to carry out Trump's directive.

NARRATOR

Later in the day Trump again calls Priebus

PRIEBUS AND TRUMP ON PHONES STEP FORWARD

PRIEBUS

It will be a calamity if Sessions resigned because I expect that Rosenstein and Associate Attorney General Rachel Brand would also resign and you would be unable to get anyone else confirmed.

TRUMP

Okay. I agree to hold off on demanding Sessions' resignation until after the Sunday shows tomorrow, to prevent the shows from focusing on the firing.

NARRATOR

By the end of that weekend Trump relented and agreed not to ask Sessions to resign.

Over the next several days Trump tweets

NARRATOR (cont'd)

On July 24

TRUMP TWEETING STEPS FORWARD AND REMAINS TO END OF THE THREE TWEETS

TRUMP

Sessions neglected to investigate Clinton. He is "beleaguered."

NARRATOR

On July 25

TRUMP

Attorney General Jeff Sessions has taken a VERY weak position on Hillary Clinton crimes (where are E- mails & DNC server) & Intel leakers!

NARRATOR

On July 26

TRUMP

Why didn't A.G. Sessions replace Acting FBI Director Andrew McCabe, a Comey friend who was in charge of Clinton investigation."

NARRATOR

Sessions prepares ...

SESSIONS STEPS FORWARD

SESSIONS

(to himself)

I better prepare another resignation letter and for the rest of the year carry it with me in my pocket every time I go to the White House.

NARRATOR

Pages 97 to 98 of Volume II of the Mueller report outlines the relevance of the evidence presented in Act 5 to the elements of the case for obstruction of justice. The analysis includes the principles of an Obstructive Act, Nexus to a proceeding, and Intent.

(MORE)

NARRATOR (cont'd)

The audience is encouraged to review that analysis.

The Mueller report states that "substantial evidence indicates that the President's effort to have Sessions limit the scope of the Special Counsel's investigation to future election interference was intended to prevent further investigative scrutiny of the President's and his campaign's conduct.

As previously described, see Volume II, Section II.B, supra, the President knew that the Russia investigation was focused in part on his campaign, and he perceived allegations of Russian interference to cast doubt on the legitimacy of his election. The President further knew that the investigation had broadened to include his own conduct and whether he had obstructed justice. Those investigations would not proceed if the Special Counsel's jurisdiction were limited to future election interference only.

The timing and circumstances of the President's actions support the conclusion that he sought that result. The President's initial direction that Sessions should limit the Special Counsel's investigation came just two days after the President had ordered McGahn to have the Special Counsel removed, which itself followed public reports that the President was personally under investigation for obstruction of justice. The sequence of those events raises an inference that after seeking to terminate the Special Counsel, the President sought to exclude his and his campaign's conduct from the investigation's scope.

(MORE)

NARRATOR (cont'd)

The President raised the matter with Lewandowski again on July 19, 2017, just days after emails and information about the June 9, 2016 meeting between Russians and senior campaign officials had been publicly disclosed, generating substantial media coverage and investigative interest.

The manner in which the President acted provides additional evidence of his intent. Rather than rely on official channels, the President met with Lewandowski alone in the Oval Office. The President selected a loyal "devotee" outside the White House to deliver the message, supporting an inference that he was working outside White House channels, including McGahn, who had previously resisted contacting the Department of Justice about the Special Counsel.

The President also did not contact the Acting Attorney General, who had just testified publicly that there was no cause to remove the Special Counsel. Instead, the President tried to use Sessions to restrict and redirect the Special Counsel's investigation when Sessions was recused and could not properly take any action on it.

The July 19, 2017 events provide further evidence of the President's intent. The President followed up with Lewandowski in a separate one-on-one meeting one month after he first dictated the message for Sessions, demonstrating he still sought to pursue the request. And just hours after Lewandowski assured the President that the message would soon be delivered to Sessions, the President gave an unplanned interview to the New York Times in which he publicly attacked Sessions and raised questions about his job security.

(MORE)

NARRATOR (cont'd)

Four days later, on July 22, 2017, the President directed Priebus to obtain Sessions' resignation. That evidence could raise an inference that the President wanted Sessions to realize that his job might be on the line as he evaluated whether to comply with the President's direction that Sessions publicly announce that, notwithstanding his recusal, he was going to confine the Special Counsel's investigation to future election interference."

End of Act 5

Disclaimer. While The Play interprets Mueller's report to provide an active dialogue of its contents, you should read the Mueller report to develop your own interpretation of its findings.

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