



April 30, 2019

Federal Election Commission  
Lisa J. Stevenson, Acting General Counsel  
Office of the General Counsel  
1050 First Street, NE  
Washington, DC 20463

**Re: Additional Facts Relevant to MUR #7266**

Dear Ms. Stevenson:

The undersigned write to supplement our July 13, 2017 complaint (assigned MUR # 7266) against President Donald Trump's 2016 presidential campaign committee, Donald J. Trump for President, Inc. (I.D. C00580100), and its agents Donald Trump Jr., Jared Kushner, and Paul Manafort for soliciting, or providing substantial assistance in the solicitation of, contributions from foreign nationals, in violation of 52 U.S.C. § 30121(a)(1)-(2).

The recently released report of Special Counsel Robert Mueller has confirmed every material factual and legal allegation in our complaint.

As the original complaint describes, on June 3, 2016, then-candidate Trump's son, Donald Trump Jr., received a message from an associate, Rob Goldstone,



stating that as “part of Russia and its government’s support for Mr. Trump,” the “Crown prosecutor of Russia” had “offered to provide the Trump campaign with some official documents and information that would incriminate Hillary [Clinton] and her dealings with Russia and would be very useful.”<sup>1</sup> Trump Jr. quickly replied, “I love it especially later in the summer,” and proceeded to arrange an in-person meeting on June 9, 2016 with a person he was told was a “Russian government attorney,” as well as with Kushner and Manafort, to accept information he believed would be “helpful to the campaign.”<sup>2</sup>

Special Counsel Robert Mueller investigated the June 9, 2016 meeting as part of the probe into Russia’s interference in the 2016 presidential election.<sup>3</sup> The Special Counsel’s Office interviewed every participant in the meeting except for Natalia Veselnitskaya—the “Russian government attorney”—and Donald Trump Jr., “the latter of whom declined to be voluntarily interviewed by the Office.”<sup>4</sup> The Special Counsel’s investigation confirmed the facts outlined in our complaint.<sup>5</sup>

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<sup>1</sup> See Complaint at ¶ 15.

<sup>2</sup> *Id.* at ¶¶ 16-22.

<sup>3</sup> Special Counsel Robert S. Mueller, III, *Report On the Investigation Into Russian Interference In The 2016 Presidential Election: Volume 1* (March 2019) (“Special Counsel’s Report: Volume 1”) at 110-23, 185-88 (excerpts attached in appendix).

<sup>4</sup> *Id.* at 117.

<sup>5</sup> Compare Complaint at ¶¶ 15-22 with Special Counsel’s Report: Volume 1 at 110-117. The report also provides additional evidence about planning for the meeting and discussions

Federal law prohibits soliciting a contribution — which is anything of value — from a person known to be a foreign national to a campaign. 52 U.S.C. § 30121(a)(2). As our complaint explained, the fruits of paid research, hacking, or similar investigatory activity are things of value;<sup>6</sup> expressing approval and requesting a meeting to receive those things is a “solicitation”;<sup>7</sup> and Russian citizens and the Russian government are “foreign nationals.”<sup>8</sup>

The Special Counsel “considered whether to charge Trump Campaign officials with crimes in connection with the June 9 meeting” because their actions “could implicate the federal election-law ban on contributions and donations by foreign nationals”:

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.

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inside the campaign about the meeting. Special Counsel’s Report: Volume 1 at 110-23. For example, deputy campaign chairman Rick Gates told the Special Counsel 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.” *Id.* at 115. “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.” *Id.*

<sup>6</sup> Complaint at ¶ 36.

<sup>7</sup> *Id.* at ¶ 37.

<sup>8</sup> *Id.* at ¶ 38.

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.<sup>9</sup>

Because “[a] campaign can be assisted not only by the provision of funds, but also by the provision of derogatory information about an opponent,”<sup>10</sup> the Special Counsel concluded that the offered “documents and information” could constitute a prohibited contribution for purposes of Section 30121:

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

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<sup>9</sup> Special Counsel’s Report: Volume 1 at 185.

<sup>10</sup> *Id.* at 187.

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).<sup>11</sup>

As the Special Counsel described, Commission 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).”<sup>12</sup> While acknowledging that courts have not squarely addressed whether uncompensated opposition research or similar information is a “thing of value,” the Special Counsel wrote that:

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

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<sup>11</sup> *Id.* at 186.

<sup>12</sup> *Id.* at 186-87.

these materials may be nominal or difficult to ascertain.” FEC Advisory Opinion 2007-22 (Hurysz), 2007 WL 5172375, at \*5.<sup>13</sup>

Indeed, as the Special Counsel described, “[a] foreign entity that engaged in [opposition] 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.”<sup>14</sup>

Thus, the Special Counsel concluded that the promised “documents and information that would incriminate Hillary” constituted a “thing of value” for purposes of Section 30121, and that Trump Jr.—and potentially Manafort and Kushner—solicited such a contribution from a person known to be a foreign national. In other words, the Special Counsel concluded that, at a minimum, *Trump Jr. violated the ban on soliciting contributions from foreign nationals.*

The Special Counsel declined to pursue *criminal* charges for these violations for two 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

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 187.

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).<sup>15</sup>

Neither of these factors has any bearing on the Commission’s pursuit of *civil* enforcement of section 30121. In fact, they underscore the importance of the Commission taking action to protect U.S. elections from foreign interference.

Although the U.S. Department of Justice has criminal enforcement authority over “knowing and willful” violations of FECA, the Commission has exclusive *civil* enforcement authority.<sup>16</sup> There is no “knowing and willful” requirement for civil enforcement of Section 30121 by the Commission. Moreover, although a criminal prosecutor would be required to prove beyond a reasonable doubt that the value of the promised documents and information exceeded \$2,000 for a criminal misdemeanor violation, or \$25,000 for a criminal felony violation,<sup>17</sup> the Commission need not establish the value of the solicited contribution to pursue civil penalties—just that the solicitation was for a “thing of value.” As the Commission has noted, “in light of the broad scope of the prohibition on contributions from foreign nationals,” Section

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<sup>15</sup> *Id.* at 186; *see also id.* at 187-88.

<sup>16</sup> 52 U.S.C. § 30109(d)(1); *see also* FEC Report to the Committees on Appropriations on Enforcing the Foreign National Prohibition (Sept. 18, 2018), [https://www.fec.gov/resources/cms-content/documents/Foreign\\_National\\_Report\\_To\\_Congress.pdf](https://www.fec.gov/resources/cms-content/documents/Foreign_National_Report_To_Congress.pdf).

<sup>17</sup> 52 U.S.C. § 30109(d)(1); *see also* Special Counsel’s Report: Volume 1 at 188.

30121 bans the solicitation or provision of *anything* of value, even if the value “may be nominal or difficult to ascertain.”<sup>18</sup>

Accordingly, the only question before the Commission is whether there is reason to believe that Trump Jr., an agent of Donald J. Trump for President Inc.—and potentially Manafort and Kushner—solicited a contribution from a person he knew was a foreign national. The Special Counsel’s report, and our original complaint, provide overwhelming evidence for such a finding.<sup>19</sup>

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Therefore, there is reason to believe that Donald J. Trump for President, Inc., Donald Trump Jr., Jared Kushner, Paul Manafort, and Rob Goldstone violated 52 U.S.C. § 30121.

Respectfully submitted,



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<sup>18</sup> Advisory Opinion 2007-22 (Hurysz); *see also* Special Counsel’s Report: Volume 1 at 186-87.

<sup>19</sup> *See* Complaint at ¶¶34-42.



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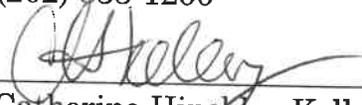
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Counsel to Democracy 21

April 25, 2019

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

**For Complainants Common Cause  
and Paul S. Ryan**

  
\_\_\_\_\_  
Paul S. Ryan

Sworn to and subscribed before me this 25 day of April 2019.

  
\_\_\_\_\_  
Notary Public



**For Complainant Catherine  
Hinckley Kelley**

  
\_\_\_\_\_  
Catherine Hinckley Kelley

Sworn to and subscribed before me this 30 day of April 2019.

  
\_\_\_\_\_  
Notary Public



**For Complainant Campaign Legal  
Center**

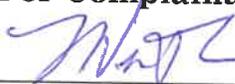
  
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Brendan M. Fischer



Sworn to and subscribed before me this 25 day of April 2019.

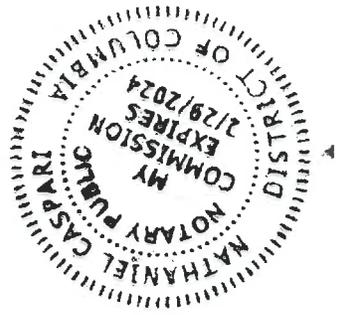
  
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Notary Public

**For Complainant Democracy 21**

  
\_\_\_\_\_  
Fred Wertheimer

Sworn to and subscribed before me this 25 day of April 2019.

  
\_\_\_\_\_  
Notary Public



# Appendix

# Report On The Investigation Into Russian Interference In The 2016 Presidential Election

Volume I of II

Special Counsel Robert S. Mueller, III

*Submitted Pursuant to 28 C.F.R. § 600.8(c)*

Washington, D.C.

March 2019

Volume I  
Excerpted Pages  
110-123

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

#### 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.<sup>664</sup> 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*

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<sup>663</sup> Simes 3/8/18 302, at 30.

<sup>664</sup> **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.<sup>665</sup> The relationship continued over time, as the parties pursued the Trump Moscow project in 2013-2014 and exchanged gifts and letters in 2016.<sup>666</sup> For example, in April 2016, Trump responded to a letter from Aras Agalarov with a handwritten note.<sup>667</sup> 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.”<sup>668</sup>

On June 3, 2016, Emin Agalarov called Goldstone, Emin’s then-publicist.<sup>669</sup> Goldstone is a music and events promoter who represented Emin Agalarov from approximately late 2012 until late 2016.<sup>670</sup> 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.<sup>671</sup> **Grand Jury**

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

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

<sup>666</sup> **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.

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

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

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

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

<sup>671</sup> 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).

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

<sup>673</sup> **Grand Jury**

<sup>674</sup> **Grand Jury**

Grand Jury

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The **Grand Jury** mentioned by Emin Agalarov was Natalia Veselnitskaya.<sup>676</sup> From approximately 1998 until 2001, Veselnitskaya worked as a prosecutor for the Central Administrative District of the Russian Prosecutor's Office,<sup>677</sup> and she continued to perform government-related work and maintain ties to the Russian government following her departure.<sup>678</sup> 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.<sup>679</sup> 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.<sup>680</sup> Veselnitskaya performed legal work for Denis Katsyv,<sup>681</sup> 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.<sup>682</sup> She also

<sup>675</sup> **Grand Jury**

<sup>676</sup> 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.

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

Grand Jury

<sup>678</sup> 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).

<sup>679</sup> 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).

<sup>680</sup> 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).

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

<sup>682</sup> 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.”<sup>683</sup>

Shortly after his June 3 call with Emin Agalarov, Goldstone emailed Trump Jr.<sup>684</sup> 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?”<sup>685</sup> Goldstone conveyed Trump Jr.’s interest to Emin Agalarov, emailing that Trump Jr. “wants to speak personally on the issue.”<sup>686</sup>

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.”<sup>687</sup> On the same day, Goldstone again emailed Trump Jr. and asked when Trump Jr. was “free to talk with Emin about this Hillary info.”<sup>688</sup> Trump Jr. asked if

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<sup>683</sup> 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).

<sup>684</sup> 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.

<sup>685</sup> 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).

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

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

<sup>688</sup> 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.<sup>689</sup> On June 6 and June 7, Trump Jr. and Emin Agalarov had multiple brief calls.<sup>690</sup>

Also on June 6, 2016, Aras Agalarov called Ike Kaveladze and asked him to attend a meeting in New York with the Trump Organization.<sup>691</sup> Kaveladze is a Georgia-born, naturalized U.S. citizen who worked in the United States for the Crocus Group and reported to Aras Agalarov.<sup>692</sup> 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.<sup>693</sup>

*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.”<sup>694</sup> Trump Jr. replied that Manafort (identified as the “campaign boss”), Jared Kushner, and Trump Jr. would likely attend.<sup>695</sup> Goldstone was surprised to learn that Trump Jr., Manafort, and Kushner would attend.<sup>696</sup> 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.”<sup>697</sup> Benjaminov, however, stated that he did not recall having known or said that.<sup>698</sup>

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

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

<sup>690</sup> DJTJR00499 (Call Records of Donald Trump Jr. **Grand Jury**); Call Records of Donald Trump Jr. **Grand Jury**.

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

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

<sup>693</sup> Kaveladze 11/16/17 302, at 6.

<sup>694</sup> 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**

<sup>695</sup> 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**

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

<sup>697</sup> **Grand Jury** see Kaveladze 11/16/17 302 at 7; OSC-KAV\_00048 (6/7/16 Email, Goldstone to Kaveladze).

<sup>698</sup> Benjaminov 1/6/18 302, at 3.

meeting the following day with Trump Jr.<sup>699</sup> 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.”<sup>700</sup> Kushner then sent his assistant a second email, informing her that the “[m]eeting with don jr is 4pm now.”<sup>701</sup> Manafort responded, “See you then. P.”<sup>702</sup>

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.<sup>703</sup> 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.<sup>704</sup> 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.<sup>705</sup> Hicks denied any knowledge of the June 9 meeting before 2017,<sup>706</sup> and Kushner did not recall if the planned June 9 meeting came up at all earlier that week.<sup>707</sup>

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.<sup>708</sup> Cohen did not recall Trump Jr. stating that the meeting was connected to Russia.<sup>709</sup> 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.<sup>710</sup> In an interview with the Senate Judiciary Committee, however, Trump Jr. stated that he did not inform his father about the

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

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

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

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

<sup>703</sup> 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.).

<sup>704</sup> 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).

<sup>705</sup> Gates 3/1/18 302, at 3-4.

<sup>706</sup> Hicks 12/7/17 302, at 6.

<sup>707</sup> Kushner 4/11/18 302, at 8.

<sup>708</sup> Cohen 8/7/18 302, at 4-6.

<sup>709</sup> Cohen 8/7/18 302, at 4-5.

<sup>710</sup> Cohen 9/12/18 302, at 15-16.

emails or the upcoming meeting.<sup>711</sup> Similarly, neither Manafort nor Kushner recalled anyone informing candidate Trump of the meeting, including Trump Jr.<sup>712</sup> 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.”<sup>713</sup>

*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.<sup>714</sup> 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.<sup>715</sup> Akhmetshin told the Office that he had worked on issues relating to the Magnitsky Act and had worked on the *Prevezon* litigation.<sup>716</sup> Kaveladze and Anatoli Samochornov, a

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<sup>711</sup> *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.

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

<sup>713</sup> 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).

<sup>714</sup> 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).

<sup>715</sup> **Grand Jury**

<sup>716</sup> 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.<sup>717</sup> Grand Jury Veselnitskaya said she was meeting Grand Jury and asked Akhmetshin what she should tell him.<sup>718</sup> 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.<sup>719</sup> Grand Jury

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The group then went to Trump Tower for the meeting.<sup>721</sup>

*ii. Conduct of the Meeting*

Trump Jr., Manafort, and Kushner participated on the Trump side, while Kaveladze, Samochornov, Akhmetshin, and Goldstone attended with Veselnitskaya.<sup>722</sup> 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.<sup>723</sup> Grand Jury

<sup>24</sup> Goldstone recalled that Trump Jr. invited Veselnitskaya to begin but did not say anything about the subject of the meeting.<sup>725</sup> 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.<sup>726</sup> She asserted that the Ziff brothers had engaged in tax evasion and money laundering

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

<sup>718</sup> Grand Jury

<sup>719</sup> Grand Jury Kaveladze 11/16/17 302, at 7; Grand Jury Samochornov did not recall the planned subject matter of the Trump Tower meeting coming up at lunch. 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.

<sup>720</sup> Grand Jury

<sup>721</sup> E.g., Samochornov 7/12/17 302, at 4.

<sup>722</sup> E.g., Samochornov 7/12/17 302, at 4.

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

<sup>724</sup> Grand Jury

<sup>725</sup> Grand Jury

<sup>726</sup> Grand Jury

in both the United States and Russia,<sup>727</sup> **Grand Jury**  
<sup>728</sup> 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.<sup>729</sup> Kaveladze similarly recalled that Trump Jr. asked what they have on Clinton, and Kushner became aggravated and asked “[w]hat are we doing here?”<sup>730</sup>

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

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

<sup>727</sup> **Grand Jury**

<sup>728</sup> **Grand Jury**

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

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

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

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

<sup>733</sup> 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).

<sup>734</sup> 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.<sup>735</sup> Samochornov recalled that Kushner departed the meeting before it concluded; Veselnitskaya recalled the same when interviewed by the press in July 2017.<sup>736</sup>

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.<sup>737</sup> 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."<sup>738</sup> 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."<sup>739</sup>

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."<sup>740</sup> Trump Jr. further stated in September 2017 congressional testimony that he thought he should "listen to what Rob and his colleagues had to say."<sup>741</sup> 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."<sup>742</sup>

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<sup>735</sup> 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).

<sup>736</sup> 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).

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

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

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

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

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

<sup>742</sup> *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.<sup>743</sup> According to Goldstone, he told Trump Jr. **Grand Jury**<sup>744</sup> and told Emin Agalarov in a phone call that the meeting was about adoption **Grand**<sup>745</sup> **Grand Jury**

<sup>746</sup> Aras Agalarov asked Kaveladze to report in after the meeting, but before Kaveladze could call, Aras Agalarov called him.<sup>747</sup> 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.”<sup>748</sup>

### 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.<sup>749</sup> 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.<sup>750</sup> Kaveladze followed up with Goldstone, stating that “Mr. A,” which Goldstone understood to mean Aras Agalarov, called to ask about the meeting.<sup>751</sup> 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

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

<sup>744</sup> **Grand Jury**

<sup>745</sup> **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).

<sup>746</sup> **Grand Jury**

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

<sup>748</sup> 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** .

<sup>749</sup> Goldstone 2/8/18 302, at 11; **Grand Jury** .

<sup>750</sup> OSC-KAV\_00138 (11/23/16 Email, Goldstone to Kaveladze); **Grand Jury**

<sup>751</sup> 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.”<sup>752</sup> According to Goldstone, around January 2017, Kaveladze contacted him again to set up another meeting, but Goldstone did not make the request.<sup>753</sup> 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.<sup>754</sup> On approximately June 2, 2017, Goldstone spoke with Alan Garten, general counsel of the Trump Organization, about his participation in the June 9 meeting.<sup>755</sup> 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.”<sup>756</sup> 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.).<sup>757</sup> 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.”<sup>758</sup> Goldstone stressed that he “did say at the time this was an awful idea and a terrible meeting.”<sup>759</sup> Emin Agalarov sent a screenshot of the message to Kaveladze.<sup>760</sup>

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,”<sup>761</sup> and “[i]f contacted I can do a dance and keep you out of it.”<sup>762</sup> Goldstone added, “FBI now investigating,” and “I hope this favor was worth for your dad—it could blow up.”<sup>763</sup> On July 12, 2017 Emin Agalarov complained to Kaveladze that his father, Aras, “never listens” to him and that their

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

<sup>753</sup> **Grand Jury** [REDACTED]

<sup>754</sup> **Grand Jury** [REDACTED]

<sup>755</sup> **Grand Jury** [REDACTED]

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

<sup>757</sup> **Grand Jury** [REDACTED]

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

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

<sup>760</sup> OSC-KAV\_01190 (6/27/17 Text Message, E. Agalarov to Kaveladze).

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

<sup>762</sup> **Investigative Technique** [REDACTED]

<sup>763</sup> **Investigative Technique** [REDACTED] **Grand Jury** [REDACTED]

relationship with “mr T has been thrown down the drain.”<sup>764</sup> 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.”<sup>765</sup> 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.”<sup>766</sup>

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.<sup>767</sup>

**Grand Jury** [REDACTED] the statement drafted by Trump Organization representatives was **Grand Jury** [REDACTED].<sup>768</sup> 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 Veselnitskaya [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.”<sup>769</sup> Goldstone never released either statement.<sup>770</sup>

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.<sup>771</sup> 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.<sup>772</sup> Samochornov declined, telling the Office that he did not want to perjure

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

<sup>765</sup> **Investigative Technique** [REDACTED]

<sup>766</sup> **Investigative Technique** [REDACTED]

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

<sup>768</sup> **Grand Jury** [REDACTED]

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

<sup>770</sup> **Grand Jury** [REDACTED]

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

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

himself.<sup>773</sup> 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.<sup>774</sup>

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").<sup>775</sup> Approximately 80 foreign ambassadors to the United States, including Kislyak, were invited to the conference.<sup>776</sup>

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

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<sup>773</sup> Samochornov 7/13/17 302, at 1.

<sup>774</sup> **Grand Jury**

<sup>775</sup> 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).

<sup>776</sup> 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).

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

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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”).<sup>1281</sup>

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.<sup>1282</sup> 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

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<sup>1281</sup> Harm to Ongoing Matter

<sup>1282</sup> 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).<sup>1283</sup> 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

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<sup>1283</sup> 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.

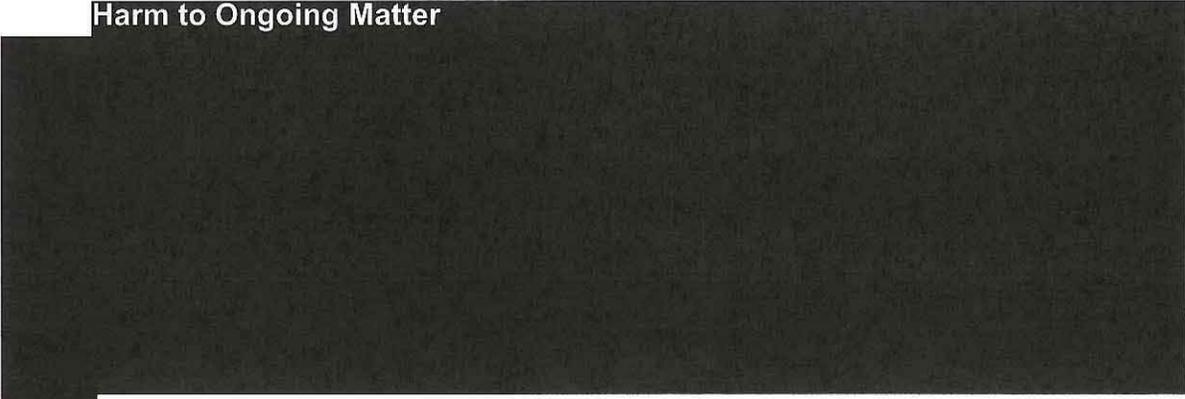
*iii. Difficulties in Valuing Promised Information*

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**

