

Shaw, Cynthia K. (JMD)

From: Shaw, Cynthia K. (JMD)
Sent: Thursday, May 18, 2017 11:14 AM
To: Schools, Scott (ODAG)
Subject: draft

For deliberative purposes:

(b) (5)





Cynthia K. Shaw

Director

Departmental Ethics Office

U.S. Department of Justice

145 N Street, NE

Washington, DC 20530

(b) (6)

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Thursday, May 18, 2017 6:14 PM
To: Murphy, Marcia (ODAG)
Subject: Mueller letter
Attachments: Mueller letter.docx

Marcy:

Can you put this letter on DAG letterhead for me? Thanks!

Scott

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Thursday, May 18, 2017 7:44 PM
To: Shaw, Cynthia K. (JMD)
Subject: RE: Mueller authorization

Thanks very much.

From: Shaw, Cynthia K. (JMD)
Sent: Thursday, May 18, 2017 12:07 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: Mueller authorization

Scott,
Here is my recommendation for the Robert Mueller authorization.
Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530
(b) (6)



U.S. Department of Justice

Justice Management Division

Departmental Ethics Office

Washington, D.C. 20530

To: Scott Schools, Associate Deputy Attorney General

From: Cynthia K. Shaw, Director, Departmental Ethics Office

Date: May 18, 2017

Re: Robert Mueller authorization

You have asked if Robert Mueller, Special Counsel, requires authorization to participate in the investigation into Russia's role in the presidential campaign of 2016 and all matters arising from the investigation. Mr. Mueller's former law firm, WilmerHale, represents an individual and may represent other individuals in the future who may have some involvement in the investigation. I am not convinced that an authorization is needed, but unequivocally, if one is, the overwhelming need of the Government for Mr. Mueller's services greatly outweighs the concern that a reasonable person may question the integrity of the Department's programs and operations. 5 CFR 2635.502(d).

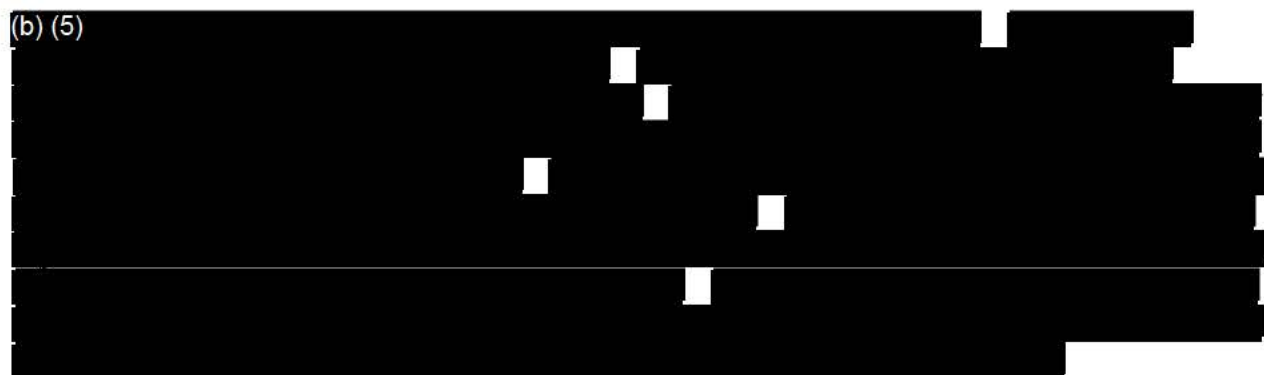
The Standards of Conduct apply to all federal employees. I assume for the purposes of this authorization that, having been appointed by the Acting Attorney General, Mr. Mueller is a federal employee pursuant to the regulations on the General Powers of Special Counsel. See 28 CFR Part 600.

The regulations addressing impartiality in the performance of official duties provide that when a federal employee determines that circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, and the employee knows that a person with whom he or she has a covered relationship is or represents a party to such matter, the employee should not participate in a matter. 5 CFR 2635.502(a). A federal employee has a covered relationship with any person for whom the employee has, within the last year, served as a general partner, attorney or employee. 5 CFR 2635.502(b)(iv). Mr. Mueller has a covered relationship with Wilmer Hale. He has not represented the current firm client who may have some involvement in the investigation and has no confidential information pertaining to that client.

An authorization to participate in a matter may be granted, however, if the agency designee determines that, in light of all relevant circumstances, the Government's interest in the employee's participation in a particular matter involving specific parties outweighs the concern that a reasonable person would question the integrity of the agency's programs and operations. 5 CFR 2635.502(d).

A threshold issue is whether a reasonable person would question Mr. Mueller's impartiality in matters specifically involving persons represented by his former law firm. I am not certain that a reasonable person in possession of the relevant facts would question his impartiality. Mr. Mueller served as Director of the FBI for 12 years. He served the last two years of his tenure after Congress passed a statute specifically authorizing him to serve two years beyond the statutory term for FBI Directors. He served as Assistant Attorney General for the Criminal Division. He served as U.S. Attorney for the Northern District of California. He has been appointed to positions of responsibility by presidents of both political parties. He has a longstanding reputation for integrity. However, owing to the grave importance of this matter, we will consider whether an authorization is necessary and appropriate.

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(b) (5)



Accordingly, I recommend that you authorize his participation.

AUTHORIZATION

Pursuant to 5 CFR 2635.502(d), I hereby authorize Robert Mueller's participation in the investigation into Russia's role in the presidential campaign of 2016 and all matters arising from the investigation.

Scott Schools
Associate Deputy Attorney General

Date

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Friday, May 19, 2017 8:16 AM
To: Henderson, Charles V (ODAG)
Subject: 2017-05-19 Mueller 502 letter
Attachments: 2017-05-19 Mueller 502 letter.docx

Thanks!

BY HAND

Hon. Robert S. Mueller, III
c/o United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Mueller:

On May 17, 2017, Acting Attorney General Rod J. Rosenstein appointed you as Special Counsel to investigate matters described in Order 3915-2017, and to prosecute any crimes arising from that investigation. I am aware that your former firm WilmerHale represents an individual who may have some involvement in the matters assigned to you and may represent other such individuals in the future. I am aware that you have had no involvement in the representation of the firm client, and have no confidential information pertaining to the client. Under 5 C.F.R. § 2635.502, you have a covered relationship with your former firm. Section 2635.502(a) provides that when a federal employee determines that circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in a matter, and the employee knows that a person with whom he or she has a covered relationship is or represents a party to such matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee. Section 2635.502(c) further provides that when an agency designee has information concerning a potential appearance problem arising from an employee's role in a matter, the agency designee may make an independent determination as to whether a reasonable person with knowledge of the relevant facts would be likely to question the employee's impartiality in the matter.

On May 9, 2017, Deputy Attorney General Rod J. Rosenstein delegated me the authority to "mak[e] determinations and grant[] authorizations involving employee impartiality pursuant to 5 C.F.R. § 2635.502." I have considered the relevant facts including your reputation earned throughout a career of public service. That career includes twelve years of service as Director of the FBI. President George W. Bush appointed you as Director of the FBI. When your statutory ten-year term was set to expire, the administration of President Barack Obama supported legislation to extend your term for two years, reflecting the outstanding nature of your tenure as Director. Prior to your service as Director, Presidents of both parties appointed you to positions of importance within the Department of Justice, including the Assistant Attorney General for the Criminal Division and United States Attorney for the Northern District of California. In short, presidents of both parties have turned to you to fill some of the most important roles within the Department of Justice reflecting your outstanding reputation for integrity. I have also considered that you had no personal participation in your former firm's representation of any individual who may have involvement with the matters assigned to you, and that you have no confidential information concerning any such individual. Based on these facts, I conclude that no reasonable person would question your impartiality in the matters assigned. Therefore, 5 C.F.R. § 2635.502 does not serve to preclude your participation in the particular matters assigned to you.

As noted, even if a reasonable person with knowledge of the relevant facts would question your impartiality, an agency designee can authorize your participation. Out of an abundance of caution, I have considered the factors set forth in 5 C.F.R. § 2635.502(d), and have determined that those factors support your participation in the matters assigned to you. Therefore, I have authorized authorized your participation in such matters.

Please let me know if you have any questions.

Sincerely,

Scott Schools
Associate Deputy Attorney General

Henderson, Charles V (ODAG)

From: Henderson, Charles V (ODAG)
Sent: Friday, May 19, 2017 8:54 AM
To: Schools, Scott (ODAG)
Subject: Letter
Attachments: 2017-05-19 Mueller 502 letter.docx

Scott:

I made one more small adjustment to the first page (inside address). It isn't hugely important, but I have printed a new first page in case you want to substitute it. Also, attached is the formatted letter for your files.

Thanks,
-Charles

May 19, 2017

BY HAND

The Honorable Robert S. Mueller, III
c/o United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

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The Honorable Robert S. Mueller, III
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May 19, 2017

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Please let me know if you have any questions.

Sincerely,

Scott Schools
Associate Deputy Attorney General



U.S. Department of Justice

Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

May 19, 2017

BY HAND

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c/o United States Department of Justice
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Washington, DC 20530

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Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Schools", with a stylized flourish extending to the right.

Scott Schools
Associate Deputy Attorney General



U.S. Department of Justice
Justice Management Division
Departmental Ethics Office

Washington, D.C. 20530

To: Scott Schools, Associate Deputy Attorney General

From: Cynthia K. Shaw, Director, Departmental Ethics Office

CK Shaw

Date: May 18, 2017

Re: Robert Mueller authorization

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(b) (5)



(b) (5)



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Accordingly, I recommend that you

AUTHORIZATION

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Scott Schools
Associate Deputy Attorney General

5/18/17
Date