



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

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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

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).

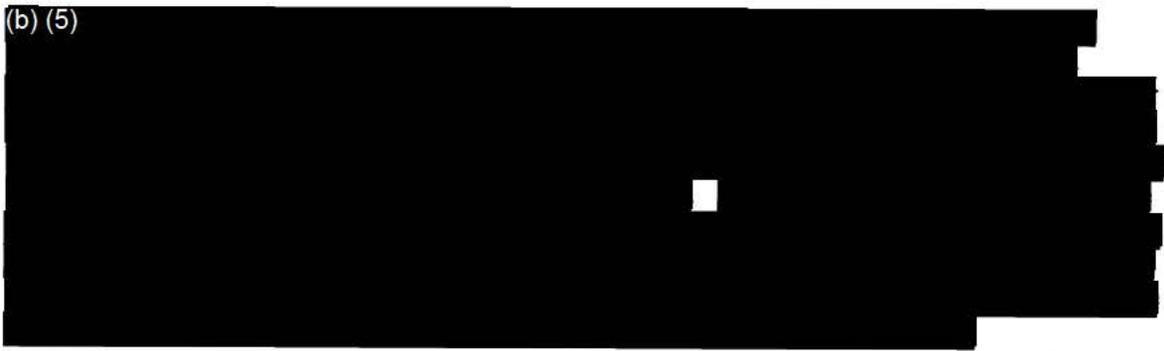
The Standards of Conduct apply to all federal employees. I assume for the purposes of this authorization that, having been appointed by the Acting Attorney General, Mr. Mueller is a federal employee pursuant to the regulations on the General Powers of Special Counsel. See 28 CFR Part 600.

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.

(b) (5)



(b) (5)



Accordingly, I recommend that you authorize his participation.