

1 ALDERSON COURT REPORTING

2 CHRISTINE ALLEN

3 HJU128000

4 MARKUP OF COMMITTEE REPORT FOR RESOLUTION RECOMMENDING THAT
5 THE HOUSE OF REPRESENTATIVES FIND WILLIAM P. BARR, ATTORNEY
6 GENERAL, U.S. DEPARTMENT OF JUSTICE, IN CONTEMPT OF CONGRESS
7 FOR REFUSAL TO COMPLY WITH A SUBPOENA DULY ISSUED BY THE
8 COMMITTEE ON THE JUDICIARY

9 Wednesday, May 8, 2019

10 House of Representatives

11 Committee on the Judiciary

12 Washington, D.C.

13 The committee met, pursuant to call, at 10:11 a.m., in
14 Room 2141, Rayburn Office Building, Hon. Jerrold Nadler
15 [chairman of the committee] presiding.

16 Present: Representatives Nadler, Lofgren, Jackson Lee,
17 Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries,
18 Cicilline, Swalwell, Lieu, Raskin, Jayapal, Demings, Correa,
19 Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Murcarsel-
20 Powell, Escobar, Collins, Sensenbrenner, Chabot, Gohmert,

21 Jordan, Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana,
22 Biggs, McClintock, Lesko, Reschenthaler, Cline, Armstrong,
23 and Steube.

24 Staff present: Aaron Hiller, Deputy Chief Counsel; Arya
25 Hariharan, Oversight Counsel; David Greengrass, Senior
26 Counsel; John Doty, Senior Advisor; Lisette Morton, Director
27 of Policy, Planning, and Member Services; Madeline Strasser,
28 Chief Clerk; Moh Sharma, Member Services and Outreach
29 Advisor; Susan Jensen, Parliamentarian/Senior Counsel; Sophie
30 Brill, Counsel, Constitution Subcommittee; Will Emmons,
31 Professional Staff Member, Constitution Subcommittee; Brendan
32 Belair, Minority Chief of Staff; Robert Parmiter, Minority
33 Deputy Chief of Staff; Jon Ferro, Minority Parliamentarian;
34 Carlton David, Minority Chief Oversight Counsel; Ashley
35 Callen, Chief Oversight Counsel; Ryan Breitenbach, Minority
36 Chief Counsel, National Security; Erica Barker, Minority
37 Chief Legislative Clerk; and Andrea Woodard, Minority
38 Professional Staff Member.

39

40 Chairman Nadler. The Judiciary Committee will please
41 come to order, a quorum being present. Without objection,
42 the chair is authorized to declare a recess at any time.

43 Pursuant to Committee Rule II and House Rule XI, Clause
44 2, the chair may postpone further proceedings today on the
45 question of approving any measure or matter or adopting an
46 amendment for which a recorded vote for the yeas or nays are
47 ordered.

48 Pursuant to notice, I now call up the Committee Report
49 for a Resolution Recommending that the House of
50 Representatives Find William Barr, Attorney General, U.S.
51 Department of Justice, in Contempt for Refusal to Comply with
52 a Subpoena Duly Issued by the Committee on the Judiciary
53 Committee, for purposes of markup, and move that the
54 committee report it favorably to the House.

55 The clerk --

56 Mr. Sensenbrenner. Mr. Chairman, I demand the question
57 of consideration.

58 Chairman Nadler. Before we read the bill?

59 Mr. Sensenbrenner. I believe this is when the motion
60 lies.

61 Chairman Nadler. The question of consideration is not
62 debatable. The question is shall the committee consider the
63 committee report.

64 All those in favor, say aye.

65 Opposed?

66 The ayes have it.

67 Mr. Sensenbrenner. Roll call, please.

68 Chairman Nadler. A roll call is requested. The clerk
69 will call the roll.

70 Ms. Strasser. Mr. Nadler?

71 Chairman Nadler. Aye.

72 Ms. Strasser. Mr. Nadler votes aye.

73 Ms. Lofgren?

74 Ms. Lofgren. Aye.

75 Ms. Strasser. Ms. Lofgren votes aye.

76 Ms. Jackson Lee?

77 Ms. Jackson Lee. Aye.

78 Ms. Strasser. Ms. Jackson Lee votes aye.

79 Mr. Cohen?

80 Mr. Cohen. Aye.

81 Ms. Strasser. Mr. Cohen votes aye.

82 Mr. Johnson of Georgia?

83 Mr. Deutch?

84 Mr. Deutch. Aye.

85 Ms. Strasser. Mr. Deutch votes aye.

86 Ms. Bass?

87 Ms. Bass. Aye.

88 Ms. Strasser. Ms. Bass votes aye.

89 Mr. Richmond?

90 Mr. Richmond. Yes.

91 Ms. Strasser. Mr. Richmond votes yes.

92 Mr. Jeffries?

93 Mr. Cicilline?

94 Mr. Cicilline. Aye.

95 Ms. Strasser. Mr. Cicilline votes aye.

96 Mr. Swalwell?

97 Mr. Lieu?

98 Mr. Lieu. Aye.

99 Ms. Strasser. Mr. Lieu votes aye.

100 Mr. Raskin?

101 Mr. Raskin. Aye.

102 Ms. Strasser. Mr. Raskin votes aye.

103 Ms. Jayapal?

104 Ms. Jayapal. Aye.

105 Ms. Strasser. Ms. Jayapal votes aye.

106 Mrs. Demings?

107 Mrs. Demings. Aye.

108 Ms. Strasser. Mrs. Demings votes aye.

109 Mr. Correa?

110 Mr. Correa. Aye.

111 Ms. Strasser. Mr. Correa votes aye.

112 Ms. Scanlon?

113 Ms. Scanlon. Aye.

114 Ms. Strasser. Ms. Scanlon votes aye.

115 Ms. Garcia?

116 Ms. Garcia. Aye.

117 Ms. Strasser. Ms. Garcia votes aye.

118 Mr. Neguse?

119 Mr. Neguse. Aye.

120 Ms. Strasser. Mr. Neguse votes aye.

121 Mrs. McBath?

122 Mrs. McBath. Aye.

123 Ms. Strasser. Mrs. McBath votes aye.

124 Mr. Stanton?

125 Mr. Stanton. Aye.

126 Ms. Strasser. Mr. Stanton votes aye.

127 Ms. Dean?

128 Ms. Dean. Aye.

129 Ms. Strasser. Ms. Dean votes aye.

130 Ms. Mucarsel-Powell?

131 Ms. Mucarsel-Powell. Aye.

132 Ms. Strasser. Ms. Mucarsel-Powell votes aye.

133 Ms. Escobar?

134 Ms. Escobar. Aye.

135 Ms. Strasser. Ms. Escobar votes aye.

136 Mr. Collins?

137 Mr. Collins. No.

138 Ms. Strasser. Mr. Collins votes no.

139 Mr. Sensenbrenner?

140 Mr. Sensenbrenner. No.

141 Ms. Strasser. Mr. Sensenbrenner votes no.

142 Mr. Chabot?

143 Mr. Gohmert?

144 Mr. Gohmert. No.

145 Ms. Strasser. Mr. Gohmert votes no.

146 Mr. Jordan?

147 Mr. Jordan. No.

148 Ms. Strasser. Mr. Jordan votes no.

149 Mr. Buck?

150 Mr. Ratcliffe?

151 Mr. Ratcliffe. No.

152 Ms. Strasser. Mr. Ratcliffe votes no.

153 Mrs. Roby?

154 Mr. Gaetz?

155 Mr. Johnson of Louisiana?

156 Mr. Johnson of Louisiana. No.

157 Ms. Strasser. Mr. Johnson of Louisiana votes no.

158 Mr. Biggs?

159 Mr. Biggs. No.

160 Ms. Strasser. Mr. Biggs votes no.

161 Mr. McClintock?

162 Mrs. Lesko?

163 Mrs. Lesko. No.

164 Ms. Strasser. Mrs. Lesko votes no.

165 Mr. Reschenthaler?

166 Mr. Reschenthaler. No.

167 Ms. Strasser. Mr. Reschenthaler votes no.

168 Mr. Cline?

169 Mr. Cline. No.

170 Ms. Strasser. Mr. Cline votes no.

171 Mr. Armstrong?

172 Mr. Armstrong. No.

173 Ms. Strasser. Mr. Armstrong votes no.

174 Mr. Steube?

175 Mr. Gaetz. Mr. Chairman, how am I recorded?

176 Ms. Strasser. Mr. Gaetz, you are not recorded.

177 Mr. Gaetz. No.

178 Ms. Strasser. Mr. Gaetz votes no.

179 Chairman Nadler. The gentleman from Georgia?

180 Mr. Johnson of Georgia. Yes.

181 Ms. Strasser. Mr. Johnson of Georgia votes yes.

182 Chairman Nadler. The gentlelady from Florida?

183 Voice. She's already voted.

184 Chairman Nadler. Oh. Is there any member of the

185 committee who wishes to vote who hasn't voted?

186 [No response.]

187 Chairman Nadler. The clerk will report.

188 Ms. Strasser. Mr. Chairman, there are 22 ayes and 12

189 noes.

190 Chairman Nadler. The motion for consideration is
191 adopted.

192 The clerk will report the committee report.

193 Ms. Strasser. Resolution recommending that the House of
194 Representatives find William P. Barr, Attorney General, U.S.
195 Department of Justice, in contempt of Congress for refusal to
196 comply with a subpoena duly issued by the Committee on the
197 Judiciary.

198 Chairman Nadler. Without objection, the committee
199 report is considered as read and open for amendment at any
200 point.

201 [The committee report follows:]

202

203 Chairman Nadler. I will begin by recognizing myself for
204 an opening statement.

205 Today we consider a report recommending that the House
206 of Representatives hold Attorney General William Barr in
207 contempt of Congress for defying a valid subpoena issued by
208 this committee. This is not a step we take lightly. It is
209 the culmination of nearly 3 months of requests, discussions,
210 and negotiations with the Department of Justice for the
211 complete, unredacted report by Special Counsel Mueller into
212 Russian interference in the 2016 election along with the
213 underlying evidence.

214 I appreciate the fact that the Department responded to
215 the offer we made to them last week and met with us yesterday
216 in a last-minute effort to reach an accommodation. We heard
217 the Department out. We responded to them in good faith. And
218 after all was said and done, we unfortunately were still
219 unable to reach agreement, and we proceeded with our markup
220 today. As I have said before, we remain ready and willing to
221 consider any reasonable offer made by the Department even
222 after today's vote, but if a letter I received late last
223 night from the Department is any indication, I am concerned
224 that the Department is heading in the wrong direction.

225 In response to our latest good-faith offer, the
226 Department abruptly announced that if we move forward today,
227 it would ask President Trump to invoke what it refers to as

228 the protective assertion of executive privilege on all of the
229 materials subject to our subpoena. Just minutes ago, it took
230 that dramatic step. Besides misapplying the doctrine of
231 executive privilege since the White House waived these
232 privileges long ago, and the Department seemed open to
233 sharing these materials with us just yesterday, this decision
234 represents a clear escalation in the Trump Administration's
235 blanket defiance of Congress' constitutionally-mandated
236 duties.

237 I hope that the Department will think better of this
238 last-minute outburst and return to negotiations. As a co-
239 equal branch of government, we must have access to the
240 materials that we need to fulfill our constitutional
241 responsibilities in a manner consistent with past precedent.
242 This is information we are legally entitled to receive and we
243 are constitutionally obligated to review.

244 And I would remind the members that the Mueller report
245 is not ordinary run-of-the-mill document. It details
246 significant misconduct involving the President, including his
247 campaign's willingness and eagerness to accept help from a
248 hostile foreign government, numerous misstatements, if not
249 outright lies, concerning those acts, and 11 separate
250 incidents of obstructive behavior by the President that more
251 than 700 former prosecutors have told us warrant criminal
252 indictment. If Congress is not entitled to the full,

253 unredacted Mueller report, one must wonder what document we
254 would be entitled to.

255 Our exhaustive negotiations with the Department of
256 Justice have unfortunately left us back where we began, with
257 unprecedented obstruction by an Administration that has now
258 announced its intention to block all attempts at
259 congressional oversight of the executive branch. It is our
260 constitutional duty to respond. Let me be clear. The
261 information we are requesting is entirely within our legal
262 rights to receive and is no different from what has been
263 provided to Congress on numerous occasions, going back nearly
264 a century.

265 But we do not need to go back that far to find a
266 precedent. As recently as the last Congress under Republican
267 control, the Department produced more than 880,000 pages of
268 sensitive investigating materials pertaining to its
269 investigation of Hillary Clinton, as well as voluminous other
270 material relating to the Russian investigation and other
271 ongoing investigations. That production included highly-
272 classified material, notes from FBI interviews, internal text
273 messages, and law enforcement memoranda. With respect to
274 grand jury information, in past cases involving allegations
275 of presidential misconduct or misconduct by other high-
276 ranking public officials, the Department of Justice as a
277 matter of course has sought the permission of a court to

278 release relevant information to Congress, if not to the
279 public. Notably, this includes several cases that were not
280 impeachment inquiries, including the investigation into
281 former Agriculture Secretary Mike Espy and the Iran-Contra
282 investigations, as well as other investigations that were not
283 governed by the independent counsel law.

284 But no matter the fact that the law and history clearly
285 support the release to Congress of this kind of information,
286 the Trump Administration has taken obstruction of Congress to
287 new heights. Unfortunately, the Attorney General has been
288 all too willing to support the President in this endeavor. I
289 would also like to respond to two of the concerns often
290 raised by my good friend, the ranking member. He asks, how
291 can the committee hold the Attorney General in contempt for
292 merely complying with the laws on the books, and how can we
293 hold him in contempt when I have refused an offer to allow me
294 to see certain redacted portions of the report?

295 The answers are simple. First, we issued a valid
296 subpoena for the full report and all of the underlying
297 evidence. The Department has come nowhere close to
298 satisfying its obligations under that subpoena. The
299 Department has never cited a legal basis for withholding the
300 underlying evidence, including last night's threat to invoke
301 executive privilege, which was utterly without credibility,
302 merit, or legal or factual basis as is, of course, the

303 assertion or the statement that they will assert executive
304 privilege by the White House this morning.

305 To the extent that we have asked for access to grand
306 jury information, which is protected by Federal law, all we
307 have ever asked is that the Department join us in petitioning
308 the court to determine if it is proper for us to have access
309 to this material. The Department, as I said, has done this
310 on many occasions in the past. We asked for a commitment to
311 join us in that effort again last night, as it has done in
312 many previous cases, and the Department refused.

313 Second, with respect to the offer to lift some of the
314 redactions for me and a handful of my colleagues, the
315 Department has placed unacceptable limitations on access to
316 that information. Their offer would block the members of
317 this committee from reading those sections of the report for
318 themselves. It would require me to leave my notes behind at
319 the Department of Justice. It would prevent me from speaking
320 with my colleagues, with other members of the committee,
321 about what I might see. What good is it? Of what use can
322 this committee make of information that I have but can't
323 discuss with any other member of the committee?

324 I have consistently stated that if we are to do our jobs
325 as members of the House Judiciary Committee, all of the
326 members require meaningful access to the report and the
327 underlying documents. We need to be able to confer with each

328 other about what we have seen. We need to be able to take
329 official action on what we have seen, if warranted. And if
330 necessary, we need to be able to inform a court of law of
331 what we have learned, even if perhaps under seal.

332 If we can find an accommodation that satisfies those
333 basic principles, I would be happy to continue negotiating
334 with the Department of Justice. But now by invoking
335 executive privilege on all of the materials subject to our
336 subpoena, that process has come to a screeching halt. The
337 Administration has announced loud and clear that it does not
338 recognize Congress as a co-equal branch of government with
339 independent constitutional oversight authority, and it will
340 continue to wage its campaign of obstruction. When the
341 Administration says it will oppose all subpoenas, presumably
342 regardless of its merits, it is saying that it does not
343 recognize Congress as having a constitutional oversight
344 authority over the executive branch.

345 And to those who consider the matter "case closed," in
346 the words of some of our leaders, and that we are just to
347 simply move on, I would say that to do so is to announce loud
348 and clear that such a course of action has the effect of
349 aiding and abetting the Administration's campaign of total,
350 blanket, and unprecedented obstruction. The Trump
351 Administration and its enablers may brazenly try to cover up
352 the misdeeds uncovered by the special counsel, but in this

353 committee we will represent the American people and ensure
354 the truth is known.

355 I urge my colleagues to think about how the Department's
356 latest position and their insistence on ignoring our subpoena
357 affects our committee over time. Our fight is not just about
358 the Mueller report, although we must have access to the
359 Mueller report. Our fight is about defending the rights of
360 Congress as an independent branch to hold the President --
361 any president -- accountable.

362 Every day we learn of new efforts by this Administration
363 to stonewall Congress, and, through Congress, to stonewall
364 the American people. The Ways and Means Committee has been
365 denied the President's tax returns when the law states
366 clearly that they are entitled to them upon request. The
367 chairman of the Oversight and Reform Committee has been sued
368 in his personal capacity to prevent him from acquiring
369 certain financial records from the Trump Organization.

370 The President has stated that his Administration will
371 oppose all subpoenas, and, in fact, virtually all document
372 requests are going unsatisfied. Witnesses are refusing to
373 show up at hearings. This is unprecedented. If allowed to
374 go unchecked, this obstruction means the end of congressional
375 oversight. As a co-equal branch of government, we should not
376 and cannot allow this to continue, or we will not be a co-
377 equal branch of government.

378 I urge my colleagues, whether or not you care to see the
379 full Mueller report -- and we should all want to see the
380 complete report -- to stand up for the institution we are
381 proud to serve. I expect that we will have a full debate
382 today on the measure before us. I hope that at the end of it
383 we will do what is right. No person, and certainly not the
384 top law enforcement officer in the country, can be permitted
385 to flout the will of Congress and to defy a valid subpoena.
386 No person -- not the Attorney General, not the President --
387 can be permitted to be above the law. That is what is at
388 stake today. I urge all of my colleagues to support this
389 report.

390 I now recognize the ranking member of the Judiciary
391 Committee, the gentleman from Georgia, Mr. Collins, for his
392 opening statement.

393 Mr. Collins. Thank you, Mr. Chairman. Mr. Chairman, to
394 this and to the folks watching here, this slog continues.
395 Last week I urged you and my fellow members, the Judiciary
396 Committee Democrats, to respect the histories and conditions
397 of this committee and conduct its business accordingly. We
398 still have a crisis on our southern border, China is stealing
399 our intellectual property, yet here we are wasting another
400 valuable week of legislating calendar against the majority's
401 war against the Administration.

402 Today we are meeting to consider a resolution to hold

403 Attorney General Bill Barr in contempt of Congress, so let's
404 take just a few moments and go through this. What is the
405 justification for holding Attorney General Barr in contempt
406 of Congress? Perhaps that he failed to abide by the special
407 counsel regulations? No, he went above and beyond what the
408 regulations require by transmitting the full report to
409 Congress with limited redactions. Could it that the Attorney
410 General failed to accommodate the chairman's demands for
411 information? No, he offered to let the chairman and five
412 other Democrat leaders to review the less redacted report at
413 the Department of Justice, including a 99.9 percent
414 unredacted volume on obstruction. In an odd move for anyone
415 demanding access to information, the chairman and the other
416 elected Democrats given access have declined to view that
417 report.

418 The Attorney General also volunteered to testify before
419 this committee about the report's conclusions and his role in
420 sharing the report. And as we all witnessed, the Democratic
421 gamesmanship forced the Attorney General to forego the
422 scheduled hearing last week. On Monday, the Justice
423 Department offered to meet to discuss accommodations.
424 Yesterday they made a reasonable offer to avert this
425 spectacle, and once again they were rebuffed and the chairman
426 declined.

427 Perhaps then the Democrats believed that there has been

428 an unreasonable delay in the Justice Department's response to
429 their subpoena. No, that is not true either. In fact, the
430 chairman is moving to this contempt resolution at lightening
431 speed. It has been less than 20 days since Chairman Nadler
432 subpoenaed documents from the Justice Department. When the
433 Oversight Committee held Attorney General Eric Holder in
434 contempt, more than 250 days had passed between the subpoena
435 and the committee's vote to hold him in contempt. More than
436 450 days passed between the committee's initial request to
437 the Justice Department and the committee's contempt vote.
438 Judiciary Democrats are moving more than 10 faster than
439 Oversight did with Holder. They have moved from a request to
440 a contempt vote in only 43 days, and yet the Justice
441 Department is still at the negotiating table waiting for the
442 Democrats to arrive in good faith.

443 Why this rush? Without any valid legislative or
444 administrative reason, we can only assume the Democrats that
445 are led by the chairman have resolved to sully Bill Barr's
446 good name and reputation to accomplish two goals. First,
447 Democrats are angry the special counsel's report did not
448 produce the material or collusions they expected to pave
449 their path to impeaching the President. I feel compelled to
450 remind everyone the report found, despite offers to do so, no
451 one from the Trump Campaign knowingly conspired with the
452 Russian government, and you can't but notice the phrase

453 "Russian collusion" has vanished from the Democratic talking
454 points and let a voice in the narrative.

455 Since the special counsel did not make a prosecutorial
456 determination of obstruction, which was his job, the Attorney
457 General and the Deputy Attorney General did so according to
458 their mandates as law enforcement officials, while giving no
459 credence to the Office of Legal Counsel's opinion regarding
460 that of sitting presidents. As a result, they are angry.
461 They are angry our Nation's chief law enforcement officer and
462 his deputy had the audacity to decide the evidence didn't
463 support charges for obstruction and investigation into
464 something the President didn't do.

465 Second, Democrats are afraid of what the Attorney
466 General will find when he completes his ongoing review of
467 FISA abuses at the Justice Department, including how the
468 Russia investigation began. Multiple news reports have
469 suggested those conclusions could be explosive, could end
470 careers, and could even lead to criminal prosecution. Rather
471 than face that, the Democrats have resolved to neutralize
472 Bill Barr by attacking him, and the office, and his
473 integrity, and his career.

474 This is the first step. What a cynical, mean-spirited,
475 counterproductive, irresponsible step it is. Meanwhile, our
476 economy is surging. Unemployment among several minority
477 groups is at a historic low. A recent *Washington Post* poll

478 shows cratering support for impeachment. But Democrats have
479 no plans, no purpose, and no viable legislative agenda beyond
480 attacking this Administration. The House is more than 4
481 months into a Democratic majority. How many bills passed by
482 this committee have been signed into law?

483 Mr. Chairman, I implore you to see reason. I ask that
484 you recognize the craven and insincere politics that seem to
485 be yielding no dividends for the American people. We have
486 talked on multiple occasions, and proved it at last week's
487 pharmaceutical markup, that I stand ready to work with you to
488 promote solutions. I will not, though, become a bystander as
489 we assail the Attorney General and this committee. Our
490 democracy deserves better.

491 Finally, Mr. Chairman, I would like to quote a fellow
492 member of Congress. "As a member of Congress, I treat
493 assertions of executive privilege very seriously. I believe
494 they should be used only sparingly. In this case, it seems
495 clear the Administration was forced into a position by the
496 committee's insistence on pushing forward with contempt.
497 Despite the Attorney General's good-faith offer, Mr.
498 Chairman, it did not have to be this way. We could have
499 postponed today's vote and accepted the Attorney General's
500 offer. Instead, by not honoring the Constitution's charge to
501 seek accommodations when possible, the prestige of this
502 committee has been diminished. As a result, that should

503 concern us all." I quote Elijah Cummings.

504 In that case, of course, the committee did seek
505 accommodations. In this case, this committee did not. And
506 in just a difference of opinion between me and the chairman,
507 there has been no escalation of this except on the side of
508 the majority. You have to have both sides at the table for
509 accommodations. That is the way this process works. That is
510 what I have just laid out: 10 times faster than even Eric
511 Holder. And when we get into the other issues that have been
512 described here, again, how we deal with it is going forward
513 with what will be the precedent for the future and will be
514 the precedent for what we have.

515 With that, I yield back.

516 Chairman Nadler. Thank you, Mr. Collins. Without
517 objection, all other opening systems will be included in the
518 record.

519 I now recognize myself for purposes of offering an
520 amendment in the nature of a substitute. The clerk will
521 report the amendment.

522 Ms. Strasser. Amendment in the nature of a substitute
523 to the Committee Report for the Resolution Recommending that
524 the House of Representatives find William P. Barr, Attorney
525 General --

526 Chairman Nadler. Without objection, the amendment in
527 the nature of a substitute will be considered as read and

528 shall be considered as base text for purposes of amendment.

529 [The amendment in the nature of a substitute follows:]

530

531 Chairman Nadler. I will recognize myself to explain the
532 amendment. The amendment in the nature of a substitute
533 contains a technical change to page 2 of the committee
534 report. It simply changes the reference on that page to
535 "Judiciary Committee" to the "Committee on the Judiciary."
536 With this modest change, I urge the committee to support the
537 amendment.

538 I now recognize the ranking member of the full
539 committee, Mr. Collins, for any comments he may have on the
540 amendment.

541 Mr. Collins. On the amendment itself -- I thank you,
542 Mr. Chairman -- I don't have any as far as the amendment in
543 the nature of a substitute. I will make one comment that was
544 made in your previous opening statement. The chairman of now
545 the Oversight Committee was not sued in his personal
546 capacity. He was sued in his official capacity in that
547 committee. And just a clarification for the record there as
548 we go forward. With that, I have no objection to the ANS.

549 Chairman Nadler. Are there any amendments to the
550 amendment in the nature of a substitute? Who seeks
551 recognition?

552 Mr. Chabot. Mr. Chairman?

553 Chairman Nadler. For what purpose does the gentleman
554 from Ohio seek recognition?

555 Mr. Chabot. Mr. Chairman, I move to strike the last

556 word.

557 Chairman Nadler. The gentleman is recognized.

558 Mr. Chabot. Thank you, Mr. Chairman. Our Democratic
559 colleagues seem to be on a mission. They are determined to
560 destroy Attorney General Barr, or at least discredit him, in
561 the eyes of the American people. The Attorney General agreed
562 to appear before this committee last week and was ready to
563 answer any and all questions about the Mueller report.
564 However, Mr. Chairman, you and your Democratic colleagues on
565 this committee decided that instead of just answering
566 questions from members of the committee, we unprecedentedly
567 were also going to require him to be grilled by a bunch of
568 partisan staff lawyers. Of course the Attorney General
569 wisely said no way, and now you are determined to find him in
570 contempt. In my view, as somebody who has served on this
571 committee for 23 years, I think it is disgraceful.

572 Last week when the Attorney General refused to show up
573 for this committee's kangaroo court, the majority set up an
574 empty chair, ate chicken, and pretty much made a mockery of
575 this committee, a committee that was once led by the likes of
576 Daniel Webster. It is worth noting that the Attorney General
577 did appear before the Senate Judiciary Committee the day
578 before he was scheduled to come here, where the unreasonable
579 demand that he be queried by staff attorneys was not made.
580 Senators did the questioning themselves, as is normal, and

581 the same should have been the case here instead of Chicken-
582 gate. And let's be clear. It wasn't a day at the beach in
583 the Senate for the Attorney General. The senators themselves
584 were perfectly capable of being rude, abusive, and arrogant
585 all by themselves. They didn't need their staff to do it for
586 them.

587 So why this passion to tear into William Barr, an
588 Attorney General, at least up to this point in his career,
589 considered a person of upstanding, in fact, outstanding
590 character? Well, first, our Democratic colleagues are
591 apparently really ticked off about the Mueller report, that
592 it found that the whole Russian collusion thing was a big,
593 fat zero. And even though the obstruction of justice
594 allegation wasn't as clear cut, Special Counsel Mueller found
595 that there was insufficient evidence to pursue a charge
596 against President Trump or against anyone else, for that
597 matter. Excuse me, William Barr did that.

598 So Democrats are mad about that, but what I think is
599 even more important is that our Democratic colleagues are
600 afraid. They are afraid that unlike former Attorney General
601 Sessions, who had recused himself from anything related to
602 the Mueller investigation, Bill Barr is going to dig into the
603 origins of the bogus Russian collusion allegation itself;
604 that the Clinton Campaign funding of the Steele dossier was
605 the actual collusion between the Russians and the political

606 campaign, is that something that is finally going to be
607 looked into? That was the real political collusion with the
608 Russians; the FBI's involvement in trying to tip a
609 presidential election in favor of one candidate over another,
610 the whole Peter Strzok-Lisa Page, all of that; the idea that
611 Trump may have been right, that this campaign really was
612 spied upon by elements of the Obama Administration, despite
613 the fact that this accusation was met with such derision by
614 most of the mainstream press at the time.

615 The bottom line is many Democrats on this committee,
616 and, in fact, many Democrats in both the House and the
617 Senate, apparently believe that finding out the truth in
618 these matters may not be helpful to them in the upcoming
619 election cycle. And the best way to undermine the results of
620 the investigation, the true investigation, which is really
621 about to happen, might just be to destroy the credibility of
622 the guy who is doing the investigation, the Attorney General,
623 William Barr. And let's begin that process, apparently
624 according to the folks on the other side of the aisle and the
625 chairman included, by finding him in contempt. That is the
626 way we can really discredit him. At least that is the way I
627 see it. And I yield back.

628 Chairman Nadler. Before I proceed to the next
629 statement, let me clarify a point of apparent confusion. We
630 are not proposing to hold the Attorney General in contempt

631 for not showing up last week. He didn't show up last week,
632 but that has nothing to do with this motion for contempt. We
633 are proposing to hold in contempt for ignoring or for not
634 satisfying the subpoena for the production of documents,
635 namely the unredacted Mueller report and underlying evidence.
636 Who seeks recognition?

637 Mr. Johnson of Georgia. Mr. Chairman?

638 Chairman Nadler. The gentlelady from Texas. For what
639 purpose does the gentlelady from Texas seek recognition?

640 Ms. Jackson Lee. Strike the last word.

641 Chairman Nadler. The gentlelady is recognized.

642 Ms. Jackson Lee. I am pausing for a moment because I do
643 think this is a moment in history, and I appreciate my good
644 friends on the other side of the aisle. But having received
645 a copy of the letter to the President of the United States by
646 General Barr and a letter from the Department of Justice
647 indicating after their purposeful collapse of the
648 negotiations, well intentioned by the staff and House
649 Judiciary Committee, I can only conclude that the President
650 now seeks to take a wrecking ball to the Constitution of the
651 United States of America.

652 For the first time in the history of the United States,
653 a President is now exerting executive privilege over every
654 aspect of life that the American people desire to have
655 information: whether or not the Affordable Care Act is

656 dissolving the preexisting conditions, whether or not
657 children are being separated from their parents, whether or
658 not the environment is being destroyed. Anything that the
659 Congress wants to do on behalf of the American people is now
660 being alleged to be under the jurisdiction of privilege.

661 Then, of course, we have to surmise that this is an
662 absolute lawless behavior by this Administration. The
663 Attorney General's actions are contemptuous and insulting to
664 Congress, but we are simply the tools to the American people.
665 To broaden the executive privilege and ignore the constant
666 accommodations that Chairman Nadler has made and our staff in
667 working to work out three simple points: give us all of the
668 documents, unredacted Mueller report for the American people
669 to see; work with us on grand jury materials, not to
670 undermine, if you will, any ongoing investigations; and work
671 with us to list the documents by priority. That is very
672 simple.

673 To recount facts of yesteryear does not even speak to
674 the fact of the hundreds of investigations that my good
675 friends when President Trump and the Republican House and
676 Senate existed, they never ceased. They never ceased going
677 after Secretary Clinton, getting 880,000 documents in a
678 Benghazi hearing that went forever and ever and never found
679 anything. I happen to believe 700 former prosecutors who
680 indicated that the Mueller report describes several acts that

681 satisfy all elements for an obstruction charge conduct.
682 Congressman Jackson Lee didn't say this. Chairman Nadler did
683 not say this precise statement as a former Federal
684 prosecutor. It is 700 who have indicated that the actions of
685 this President warrant an obstruction charge.

686 In addition, we have a right to understand the
687 underlying reasons regarding the collusion report. But the
688 very fact that the collusion part of the Mueller report
689 recounts the constant interaction of Trump operatives with
690 Russian adversaries, the American people should be wary and
691 they should ask us why, and we should write legislation as I
692 have introduced -- H.R. 2353 -- that says if you interact
693 with a Russian operative or foreign adversary as a campaign
694 committee or candidate, you must report it to the FBI.

695 And so this is part of our legislative work, and I would
696 argue the case that our friends on the other side of the
697 aisle should not be noted in history of standing at the door
698 of justice in this room and putting up a stop sign that we
699 cannot pursue the truth on behalf of the American people. We
700 have gone over and over and over again that there are
701 allegations of obstruction of justice that need to be heard
702 in front of this committee. I say this. Mr. Mueller, a
703 former Marine, a man of integrity, I will say to him in the
704 open proceeding, we welcome you to come and explain your
705 position on how disturbed you were that the Attorney General

706 characterized your report as an exoneration of this
707 Administration.

708 Secondarily, I want to say to Mr. McGahn, you are a
709 private citizen. You have every right to present yourself to
710 this body. And also that the conduct of President Trump
711 described in Special Counsel Mueller's report would, in the
712 case of any other person, if not having the Office of Legal
713 Counsel policy against indicting a sitting president, would
714 result in felony charges. There are people incarcerated
715 right now because of lesser charges.

716 I don't want to target the President, Mr. Chairman. I
717 simply want to find the truth for the American people, and
718 that is why we are here today to vote on this citation for
719 the lacking of producing of documents. I yield back.

720 Chairman Nadler. I thank the gentlelady.

721 Mr. Sensenbrenner. Mr. Chairman? Mr. Chairman?

722 Chairman Nadler. Who seeks recognition?

723 Mr. Sensenbrenner. Mr. Chairman?

724 Chairman Nadler. The gentleman from Wisconsin. For
725 what purpose does the gentleman seek recognition?

726 Mr. Sensenbrenner. Move to strike the last word.

727 Chairman Nadler. The gentleman is recognized.

728 Mr. Sensenbrenner. Mr. Chairman, I think we ought to
729 step from the political rhetoric and ask exactly what this
730 contempt citation deals with, and I am going to try to use my

731 time to do that. First and foremost, and most concerning to
732 every American, or at least it should be, is the fact that
733 they want an unredacted report that includes information on
734 grand jury testimony.

735 The committee, by making the insistence and issuing this
736 subpoena, is telling the Attorney General of the United
737 States to commit a crime, because it is a crime for anybody
738 to disclose grand jury material to anybody else. That
739 includes the Attorney General. It includes the prosecutors
740 in the Justice Department, and it includes the witnesses who
741 have been subpoenaed and have testified before the grand
742 jury. It means everybody. And if the grand jury system is
743 to work, and remember witnesses can't even bring their
744 attorneys into a grand jury, then the secrecy is going to
745 have to be maintained.

746 Now, all of us know that it is really impossible for the
747 people who work on this Capitol Hill to keep a secret. If
748 there is an unredacted version, completely unredacted
749 version, including the grand jury testimony which is
750 unredacted, it will be on the front page of every newspaper
751 in the country within 48 hours and talked about incessantly
752 on the cable news shows, whether you watch Fox News or
753 whether you watch MSNBC.

754 Now, I think it is absolutely shocking that the majority
755 of this committee is going to ask the chief law enforcement

756 officer of the United States to commit a crime. Shocking.
757 And there are no exceptions to what is to be disclosed in
758 this unredacted version. That includes the grand jury
759 testimony. And by citing the Attorney General of the United
760 States for contempt of Congress, who is saying I am standing
761 up for the law, I am not going to break the law by complying
762 with that part of your subpoena, shows an overreach on the
763 part of the majority. If we are to be a government of laws
764 and not of men or of people, then we have to obey the law on
765 this end of Pennsylvania Avenue as well as on the other end
766 of Pennsylvania Avenue, and we are not doing that.

767 Now, what else has been redacted? There has been
768 redactions relative to ongoing investigations. Now, do we
769 want to let the people that the Justice Department is
770 investigating know all about the ongoing investigations? I
771 don't think the public interest is served by that. Whether
772 somebody is guilty or not should be determined by the jury in
773 a trial. That is what the American system is, and that is
774 what a lot of the Bill of Rights protects. You also have a
775 protection against people who are peripherally involved in
776 that, and they were just on the edges of this. They were
777 interviewed and nothing came of the interview because they
778 didn't have any evidence on what was being investigated.

779 But there is a character assassination squad running
780 around this town that even you are on the periphery, went and

781 voluntarily talked to the FBI or Mr. Mueller's team, you
782 know, you are going to end up having your good name and your
783 reputation smeared even though you didn't do anything. So
784 this is definitely an overreach. Those reactions --
785 redactions -- excuse me -- ended up being justified
786 redactions. And I can understand the reluctance on the part
787 of the Attorney General or anybody else that watches the way
788 this institution and the people who work here operate, that
789 anything that is supposed to not get out in the public realm
790 will get out in the public realm with a leak.

791 And if this place weren't as leaky as a sieve, I would
792 not be opposed to what the chairman is doing because I have
793 stood up for oversight during my entire career in this body.
794 But it is leaky as a sieve, and I think what we are doing
795 here is forcing the Attorney General to break the law, to
796 place in jeopardy innocent people, you know, who are not
797 involved in any of the things that Mr. Mueller ended up
798 investigating, and shaming ourselves in the process. My time
799 is up.

800 Chairman Nadler. For what purpose does the gentleman
801 from Tennessee seek recognition?

802 Mr. Cohen. Strike the last word.

803 Chairman Nadler. The gentleman is recognized.

804 Mr. Cohen. Thank you, Mr. Chair. The Attorney General
805 has been contemptuous of this committee and of the Congress.

806 He was contemptuous last week when he didn't come when he
807 couldn't dictate the terms of the hearing. He is
808 contemptuous this week when he will not bring forth papers.
809 The chairman has tried to reach an accommodation with the
810 Justice Department. All cases in the past when such issues
811 have been raised about grand jury testimony, the Attorney
812 General has gone with the majority party, the chairman, to
813 the district court and asked that that information be
814 released to the committee for its purposes. This Attorney
815 General has not done that. If he would have done that and
816 tried to make a reasonable accommodation to join with us in
817 going to Judge Howell, we might not be in this situation, but
818 there has been nothing reasonable from this Attorney General.

819 Mr. Sensenbrenner talks about people on the periphery.
820 We don't know who those people were, but we know that Bill
821 Barr decided which testimony would be redacted because people
822 were on the periphery and to protect their reputations. This
823 is the same person who gave a 3-and-a-half page summary of
824 the Mueller report that did not, according to Special Counsel
825 Mueller, who knew it better than anyone else, reflect the
826 character and the spirit of the report. And he knew Mr.
827 Mueller objected to it for not being an accurate
828 representation of his work, and yet he did it. And when
829 asked about it by Mr. Crist in committee, he had no idea that
830 Mr. Mueller or anybody in the Mueller special counsel

831 investigation would have objected. That is not true. He
832 lied when Mr. Crist asked him that question. That is beyond
833 contempt. That is a lie.

834 So we are depending on Mr. Barr's determining who was on
835 the periphery and what their reputations would suffer. We
836 are talking about the opportunity for Congress to do its
837 proper oversight as described in Article I of the
838 Constitution, which is being trampled upon. The Trump
839 Administration refused to respond to any subpoenas,
840 destroying Article I and Congress' prerogatives.

841 Now, we had a question, I think it was maybe the ranking
842 member said we should be doing legislation, and how many
843 signatures, how many bills have been signed into this law by
844 this committee. Well, ask Mitch McConnell, who has declared
845 that the Senate is a graveyard for all legislation that comes
846 from the House. We have passed outstanding legislation out
847 of this committee. It has gone to the graveyard where Mitch
848 McConnell, who first killed Supreme Court nominees of the
849 last President of the United States 1 year before, and voids
850 and frustrates the constitutional prerogative of the
851 President to nominate members to the Supreme Court, but now
852 frustrates the other House by not having hearings whatsoever.

853 Somebody said we are afraid. Yes, we are afraid. We
854 are afraid of the loss of the rule of law. We are afraid of
855 the loss of the power of Congress to be an independent and

856 co-equal branch of government, a fact today if we don't stand
857 up. And somebody else said that Russia, that there are no
858 connections and nothing with Russian collusion. Well, the
859 Mueller report said there was sweeping and systematic efforts
860 by the Russian to influence our election, and they were done
861 so to help Trump. And the Mueller report showed lots of
862 connections between the Trump Campaign and Russia, lots of
863 contacts, but didn't show that he had all of the elements to
864 prove beyond a reasonable doubt that they conspired together.
865 There is a big difference between not having connections and
866 having guilt beyond a reasonable doubt.

867 Then Mr. Trump gets on the telephone with Mr. Putin and
868 has a 90-minute conversation or something like that where we
869 can see on a phone call that he smiled at him and he gets
870 flattered, and never broaches the subject of Russian
871 interference in our next election or Russian interference
872 whatsoever. That was one of the prime parts of the Mueller
873 report that the Russians interfered and that our intelligence
874 officials had confirmed and told us and that our FBI has told
875 us, and that we know they did it in 2018 and they are going
876 to do it more in 2020. But our President did not even
877 mention it to Mr. Putin. That is scary. We are afraid of
878 interference in the 2020 elections, and we need to be.

879 And we need to be because we have got a man who has been
880 suggested might be financially dependent on the Russians.

881 Why would he be financially dependent on the Russians? Well,
882 we now know he lost over 1 billion dollars in a decade in the
883 80s and 90s. He was broke. No bank would loan him a penny.
884 He was broke. And if it weren't for him being President, he
885 would be in prison with Michael Cohen today as Individual 1,
886 and he obstructed justice as the Mueller report says so.

887 We are in danger. We need to respond, and we need to
888 act for the people of the United States of America. I yield
889 back the balance of my time.

890 Chairman Nadler. For what purpose does the gentleman
891 from Texas seek recognition?

892 Mr. Gohmert. I ask to strike the last word.

893 Chairman Nadler. The gentleman is recognized.

894 Mr. Gohmert. Thank you. I am really here in mourning
895 for a once great Judiciary Committee. I know my first time,
896 2005 and 2006, I saw our current chairman as a champion for
897 privacy rights, for civil rights, for Fourth Amendment
898 rights, Fifth Amendment rights, and something dramatically
899 has changed over the years. There was concern back then
900 about too much power through the FISA courts, through the
901 Patriot Act, and we shared a number of those concerns.

902 And now this committee's majority is on the wrong side
903 of a very important historic time. We have never had the
904 intelligence community, the FBI, people at the top of the DOJ
905 abusing their power to create a case against a president

906 where there was none, where assets were actually used to try
907 to set up members of the Trump Campaign when there was no
908 case, to try to create a case. We ought to be all over that.
909 We ought to be demanding answers from the FISA judge or
910 judges, who were either, A, content to have fraud committed
911 against their courts, or were complicit.

912 Maybe it was Peter Strzok's buddy that he bragged about
913 in his texts that was going to be the FISA judge that signed
914 warrants where there was no probable cause of anything. This
915 was an attempted coup, and history is bringing that into
916 focus more and more clearly. And what does this committee do
917 about the abuses, the attempted coup? It comes in and
918 decides we are going to go after the Attorney General who is
919 trying to clean up the mess. Christopher Wray sure hasn't.
920 Instead of asking from the intel community, let us see the
921 100-percent certain proof you have that Hillary Clinton's
922 personal server was hacked by China, no, he covers it up and
923 says we still hadn't seen it.

924 Well, they hadn't asked to see it. There is a disaster
925 that has occurred in our justice system, and this committee
926 has oversight responsibilities, and we are abusing those.
927 This motion for contempt is not being done in good faith. I
928 am not going to call anybody on this committee the names that
929 my colleague from Tennessee just did in violation of our
930 rules of decorum. But the truth is we know that this

931 committee majority is not acting in good faith. How?
932 Because they are moving for contempt for an Attorney General
933 failing to turn over material that this majority, at least
934 some -- maybe it is just the staff -- but some people know
935 that you can't hold someone in contempt. You can vote to do
936 that, but you can't be in contempt for failing to produce
937 things that are illegal for you to produce.

938 How do we know somebody over there knows that this is
939 wrong is because there was an offer. Look, Attorney General
940 Barr, if you will join us going to court and getting a court
941 order so that we can get the grand jury proceedings in
942 evidence, then we will disregard the contempt. Well, that is
943 evidence of a state of mind by the majority that at least
944 somebody over there knows you cannot be in contempt for
945 failing to produce what would be illegal to produce without a
946 court order.

947 You are on the wrong side of history, and there is no
948 joy here in seeing the abuses. I hope and pray literally for
949 the day when we can join forces and quit trying to push this
950 idea of an attempted coup, and uncover the abuses that have
951 truly gone on. My time has expired. The committee's has,
952 too.

953 Chairman Nadler. I thank the gentlelady. The
954 gentlelady from Pennsylvania. For what purpose does the
955 gentlelady seek recognition?

956 Ms. Scanlon. I move to strike the last word.

957 Chairman Nadler. The gentlelady is recognized.

958 Ms. Scanlon. Thank you. You know, it is easy to lose
959 focus when the White House and our colleagues across the
960 aisle engage in what-aboutism, or what is the distraction of
961 the day, or even misleading legal arguments. Nobody is
962 asking the Attorney General to disobey the law. We are
963 asking the Attorney General to obey the law and produce the
964 Mueller report and the supporting documentation, the
965 underlying evidence, that we have been requesting for a
966 couple months now and that the American people have been
967 waiting for for 2 years.

968 Why is this important? Well, if you think there is no
969 collusion and no obstruction, you haven't read the Mueller
970 report. I admit it is not an easy read, but it clearly
971 states that there was coordination. There is evidence of
972 coordination. It clearly states there are multiple instances
973 of obstruction of justice, and it clearly refers that over to
974 Congress to deal with. Over 700 Federal prosecutors have now
975 reviewed that evidence, just the redacted evidence, not even
976 the underlying evidence, and stated unequivocally that it
977 shows multiple instances that would be felonies if it was
978 anyone other than a sitting president.

979 And that is the reason why Mueller didn't charge. He
980 says in his report it was a sitting President. Under the

981 rules I am operating under, I couldn't file charges. That is
982 why it is Congress' job to do something about it, and that is
983 why we are staying focused on our job. I am not joyful about
984 this. I am not afraid of where it takes us. What I am is
985 profoundly saddened that we are in a position where we have
986 an Administration that is stonewalling, yes, even acting in
987 contempt of not just Congress, not just the rule of law, but
988 the American people. And with that, I yield back.

989 Mr. Jordan. Mr. Chairman?

990 Chairman Nadler. Who seeks recognition?

991 Mr. Jordan. Mr. Chairman?

992 Chairman Nadler. For what purpose does the gentleman --

993 Mr. Jordan. Move to strike the last word.

994 Chairman Nadler. The gentleman is recognized.

995 Mr. Jordan. Bill Barr is following the law, and what is
996 his reward? Democrats are going to hold him in contempt. I
997 don't think today is actually about getting information. I
998 don't think it is about getting the unredacted Mueller
999 report. I don't think last week's hearing was actually about
1000 having staff question the Attorney General. I think it is,
1001 as my colleague said earlier, I think it is all about trying
1002 to destroy Bill Barr because Democrats are nervous he is
1003 going to get to the bottom of everything. He is going to
1004 find out how and why this investigation started in the first
1005 place.

1006 Never forget what Bill Barr said a few weeks ago, 3-and-
1007 a-half weeks ago when he testified in front of the Senate
1008 Finance Committee. He said a lot of important things, but he
1009 said three -- excuse me -- four very interesting things.
1010 First he said there was a failure of leadership at the upper
1011 echelon -- a term he used -- upper echelon of the FBI. We
1012 all know that is the case. Director Comey has been fired.
1013 Deputy Director McCabe, fired. Lied 3 times under oath
1014 according to the inspector general. FBI counsel, Jim Baker,
1015 demoted and left, currently under investigation by the
1016 Justice Department. Lisa Page, demoted and left. Peter
1017 Strzok, deputy head of counterintelligence, demoted and
1018 fired, Peter Strzok, the guy who ran the Clinton
1019 investigation and the Russian investigation. There was
1020 certainly a failure of leadership at the upper echelons of
1021 the FBI.

1022 The second thing the Attorney General said 3-and-a-half
1023 weeks ago in front of the Senate Finance committee: spying
1024 did occur. Said it twice. Yes, spying did occur. Third, he
1025 said there is a basis for my concern about the spying that
1026 took place. And maybe the most interesting thing, two terms
1027 he used that, frankly, I find frightening, he said in his
1028 judgment he thinks there may have been unauthorized
1029 surveillance and political surveillance. Scary terms.

1030 We got to go back to January 3rd, 2017. Senator Schumer

1031 on the *Rachel Maddow Show*, talking about then President-Elect
1032 Trump, says this: "If you take on the intelligence
1033 community, they have 6 ways from Sunday at getting back at
1034 you." Now, I don't know if the FBI went after President
1035 Trump in 6 ways, but I sure know they went after him in 2
1036 ways, and the first one is the now famous dossier. On
1037 October 21st, 2016, the FBI used one party's opposition
1038 research document as the basis to go to a secret court to get
1039 a warrant to spy on the other party's campaign. That
1040 happened.

1041 Democrat National Committee, the Clinton Campaign paid
1042 Perkins Coie Law Firm, who hired Fusion GPS, who then hired a
1043 foreigner, Christopher Steele, who did what? Talked to
1044 Russians and put together this salacious, unverified document
1045 that became the basis to get a warrant to spy on the Trump
1046 Campaign. They did it. And when they went to the Court,
1047 they didn't tell them important things like who paid for it.
1048 They didn't tell them that Christopher Steele had already
1049 told the FBI and the Justice Department that he was
1050 "desperate to stop Trump," and they didn't tell them that
1051 Christopher Steele had been fired by the FBI because he was
1052 out talking to the press. They did that.

1053 And second, just last Thursday -- just last Thursday --
1054 *New York Times* story, "FBI Sent Investigator Posing as an
1055 Assistant to Meet with Trump Aide in 2016." The FBI sent

1056 someone in pretending to be somebody else to talk with George
1057 Papadopoulos, who was with the Trump Campaign. You know what
1058 they call that? You know what they call that? It is called
1059 spying. They did it. They did it. They did it twice, and
1060 who knows how much more. And what I know is Bill Barr has
1061 said he is going to get to the bottom of it. And think about
1062 the term he used again -- this is important -- "political
1063 surveillance" in the United States of America.

1064 Voice. Would the gentleman yield for a question?

1065 Mr. Jordan. I will not yield. Think about that term.
1066 He said he is going to put a team together, going to
1067 investigate all this. This is critical. And never forget
1068 the guy who ran this investigation, Peter Strzok, ran the
1069 Clinton investigation and then launched and ran the Trump
1070 Russia investigation. Never forget what he said: "Trump
1071 should lose 100 million to 0. We need an insurance policy."
1072 Told Lisa Page, don't worry, Lisa, we will stop Trump. This
1073 is what Bill Barr wants to investigate. And as my colleagues
1074 have said, this is the House Judiciary Committee with this
1075 history this committee has in protecting fundamental
1076 liberties and protecting the Constitution.

1077 Last week there was another important document, a
1078 document Emmet Flood sent to the Attorney General. I just
1079 want to read a couple sentences. "Under our system of
1080 government, unelected executive branch officers and

1081 intelligence agency personnel are supposed to answer to the
1082 person elected by the people, the President, and not the
1083 other way around." This is not a Democrat or Republican
1084 issue. It is a matter of having a government responsible to
1085 the people, to "we the people." In the partisan commotion
1086 surrounding the Mueller report, it would be well to remember
1087 that what can be done to a President can be done to any of
1088 us. And this committee is supposed to look out for that
1089 fundamental fact more than anything else, and we are not
1090 doing that today. I yield back.

1091 Chairman Nadler. I would simply observe that, to his
1092 credit, Mr. Jordan has been second-to-none in asking for
1093 access to the materials we are asking for for the -- and I
1094 would simply ask him does he still think we ought to, is he
1095 still supporting his own request that the committee and the
1096 Congress be given access to the entire report and the
1097 underlying information.

1098 Mr. Jordan. Consistent with the law, and I would ask
1099 the chairman, my understanding is Mr. Mueller is going to be
1100 here next week. You are going to get to ask the guy who
1101 wrote the whole darn document. We are all going to get to
1102 ask him questions. Why don't you hold off on this contempt
1103 until at least the guy who wrote the thing, who spent 22
1104 months and \$35 million with a whole bunch of Democrat lawyers
1105 putting it together, why don't you wait and ask him next week

1106 before we do this contempt resolution?

1107 Chairman Nadler. I will answer. Well, essentially
1108 because it would be useful to read the material before we
1109 have him in front of us. For what purpose does the gentleman
1110 from Georgia seek recognition?

1111 Mr. Johnson of Georgia. I move to strike the last word.

1112 Chairman Nadler. The gentleman is recognized.

1113 Mr. Johnson of Georgia. Thank you, Mr. Chairman. For
1114 most people in America, the end of the Mueller investigation
1115 did not equal the end of the story. The American people want
1116 to see and hear the full story, and they deserve to do so.
1117 And, in fact, Investigator Mueller intended for the American
1118 people and for congress to have the full story.

1119 He did so in his unredacted summaries for both the
1120 obstruction and the Russian influence investigations. And
1121 what happened when he issued his report, William Barr did
1122 something unprecedented. He put together his own 4-page
1123 summary, which was misleading, which failed to properly and
1124 adequately and accurately characterize the conclusions of the
1125 Mueller investigators. He did that. He waited for about a
1126 month while the narrative marinated among the American
1127 people, and it was reduced down to four words, "No collusion.
1128 No obstruction."

1129 And they ran with that for a month before finally the
1130 redacted report was issued by Bob Barr. But before he issued

1131 the report, 2 hours before he issued the report, he had a
1132 press conference to, again, summarize the Mueller report's
1133 findings. And, again, he failed to accurately portray and
1134 represent those results. And so finally the redacted report
1135 was revealed to Congress and to the American people, and the
1136 American people and Congress saw clearly that Bob Barr was a
1137 part of the President's ongoing obstruction. He obstructed
1138 the Russia investigation. He obstructed all matters that
1139 Mueller was investigating, and now he's trying to obstruct
1140 Congress and the American people in finding out what is in
1141 that report.

1142 And what is very troublesome is my colleagues on the
1143 other side of the aisle are aiding and abetting them in their
1144 cover up. So still the full results of the Mueller
1145 investigation are not known. Congress, the House of
1146 Representatives, the Judiciary Committee, has demanded an
1147 unredacted report. That should be available to all of the
1148 members of at least the House Judiciary Committee. Attorney
1149 General Barr has stonewalled, as he has been instructed to
1150 do, by the President. And he is a willing participant in
1151 this, mind you.

1152 They are obstructing the American people's ability to
1153 understand what happened. They are hiding behind Rule 6(e)
1154 of the Federal Rules of Evidence, which make grand jury
1155 proceedings secret. But as my colleague from Wisconsin

1156 should know, there are five exceptions listed in 6(e) that
1157 enable the disclosure of grand jury information. He knows
1158 that. There is no reason for the American people to be
1159 misled about that. And William Barr knows that also, and he
1160 also knows that previous attorneys general in his situation
1161 have gone to the courts with the House of Representatives and
1162 obtained grand jury materials when necessary.

1163 And so this is all part of a cover up, and it is up to
1164 this committee to ensure that we get that report because we
1165 have lawful responsibilities, constitutional
1166 responsibilities, to engage in, one of which is possibly
1167 impeachment. How can we impeach without getting the
1168 documents? So we must get this document. The American
1169 people expect us to do it. Once we get it, our hearings can
1170 continue and lead to whatever they may lead to, including
1171 impeachment.

1172 And so I ask my colleagues on the other side to stop
1173 obfuscating and start working with us to carry out your
1174 constitutional responsibilities. And with that, I yield
1175 back.

1176 Chairman Nadler. For what purpose does the gentleman
1177 from Florida seek recognition?

1178 Mr. Gaetz. Move to strike the last word.

1179 Chairman Nadler. The gentleman is recognized.

1180 Mr. Gaetz. Thank you, Mr. Chairman. Glad to see that

1181 the microphone is working this week.

1182 My good friend from Georgia just asked the operative
1183 question. How can we impeach if we don't get the documents?
1184 How can we impeach if we don't get the documents?

1185 Ladies and gentlemen, this hearing is not about the
1186 Attorney General. It is not about the Mueller report, 92
1187 percent of which everyone in America has had the opportunity
1188 to read. It is not about the fact that even the portions
1189 that the American people haven't been able to read, the
1190 chairman has been able to go read, had he chosen. This is
1191 all about impeaching the President.

1192 Now why don't they just say it? Why don't they just
1193 jump to the impeachment proceedings like their liberal media
1194 overlords are telling them to do? Well, the reason is that
1195 the American people don't support impeachment, and it is easy
1196 to understand why. They actually went and elected Donald
1197 Trump President of the United States.

1198 And I don't think people are going to support impeaching
1199 a President who is doing so well. I mean, you have got
1200 3.2 percent growth in the economy. The Trump economy is hot.
1201 And the reason we are doing so well is a consequence of the
1202 President's policies.

1203 And so at a time when my Democrat colleagues are focused
1204 on the next election and not solutions to the problems facing
1205 Americans, they can't attack the President's policies because

1206 people are doing well. So, typically, they roll next to
1207 identity politics that based on what you look like, who you
1208 pray to, or who you love, you can't possibly support
1209 Republicans.

1210 But African Americans are doing better. Hispanics are
1211 doing better. Women are doing better. We are seeing a
1212 rising tide that is truly lifting all boats in this country.
1213 And so now we have this effort, not to argue with policies,
1214 not to typically go to the identity politics that functions
1215 as the organizing principle of today's Democratic Party.
1216 They have to delegitimize the guy that won, delegitimize the
1217 guy that people voted for, but they don't have the guts to do
1218 it directly, and so they are going after the Attorney
1219 General.

1220 Now the gentleman from Georgia in his last remark said
1221 we are hiding behind the rules. Hiding behind the rules.
1222 These are Federal laws that dictate what the Attorney General
1223 can and cannot do. We are not hiding behind the rules. We
1224 just like to follow them.

1225 By the way, it is not following the rules that got us in
1226 this trouble in the first place. When the Inspector General
1227 testified before us, he said it is the fundamental fact that
1228 during the investigations of Hillary Clinton and Donald
1229 Trump, you saw continuous examples of a one-off here, a
1230 violation of protocol there. The Inspector General said

1231 never before had he seen a circumstance where the very same
1232 team that was investigating Hillary Clinton would then go and
1233 investigate the other person that was involved in the 2016
1234 presidential contest.

1235 About a month ago in this committee, I laid out the
1236 stages of grief -- denial, anger, bargaining, depression, and
1237 acceptance. And I think that folks watching at home can
1238 probably follow along and see where we are headed. First, my
1239 Democratic colleagues were in denial. When they saw that
1240 there was no collusion after saying for 22 months that the
1241 President was an agent of the Russian government, after
1242 saying for 22 months that there was actual evidence of
1243 collusion, they were in denial when they saw the conclusion
1244 that there wasn't.

1245 Then there was anger. It had to be the Attorney
1246 General's fault. Mueller didn't make a decision on
1247 obstruction. Somebody had to. The Attorney General did. So
1248 they got mad at him, and we had this whole kerfuffle of
1249 anger.

1250 Well, now we know the third step, bargaining. Well,
1251 Mr. Attorney General, you have given us 92 percent of the
1252 Mueller report, but we have to bargain for the remaining
1253 8 percent because that is really where we think the action
1254 is.

1255 Well, Mr. Attorney General, you spent 5 hours before the

1256 Senate Judiciary Committee. Three of our presidential
1257 candidates got to question you. You offered to come before
1258 the House Judiciary Committee. You offered to come for an
1259 additional hour of questioning, but we have to bargain so
1260 that our staff lawyers can ask you questions.

1261 Now I don't think it is a good sign that the next sign
1262 after bargaining is depression. So I feel for my Democratic
1263 colleagues. But after that, we get to acceptance, and that
1264 sure is something that I am looking forward to because there
1265 are some really good ideas that my Democratic colleagues have
1266 once they kind of get to acceptance on the no Russia
1267 collusion thing.

1268 My friend the gentleman from Rhode Island has excellent
1269 ideas about how to change the way that consumers interface
1270 with big tech companies. My colleague from the State of New
1271 York is right that if the First Step Act is the only Step
1272 Act, then that would be a bad thing. We need to do more on
1273 criminal justice reform.

1274 My colleague, who is not with us, from California, Mr.
1275 Swalwell, he has got great ideas to unlock potential cures
1276 with medical cannabis reform, but we are not doing any of
1277 those things. And by the way, I bet a bunch of my friends on
1278 the other side of the aisle low key wish that their actual
1279 bills that would impact the lives of Americans would get
1280 heard instead of this garbage.

1281 The Obama administration ran an intel operation against
1282 the Trump campaign. Peter Strzok opened it up, the dossier
1283 kept it going, and now the Democrats need to get over it.

1284 I yield back.

1285 Ms. Mucarsel-Powell. Mr. Chairman? Mr. Chairman? I
1286 move to strike the last word.

1287 Chairman Nadler. The gentleman from Florida -- for what
1288 purpose does the gentleman from Florida seek recognition?

1289 Mr. Deutch. Move to strike the last work, Mr. Chairman.

1290 Chairman Nadler. The gentleman is recognized.

1291 Mr. Deutch. Thank you.

1292 Mr. Chairman, we are here today because we are
1293 witnessing the breakdown of the foundations of our Nation's
1294 constitutional order. That is why we are here today.

1295 In 1974, in *U.S. v. Nixon*, the Supreme Court warned of
1296 moments just like this, when they said once executive
1297 privilege is asserted, coequal branches of the Government are
1298 set on a collision course. The Court went on to explain that
1299 such a collision, and I quote, "places courts in the awkward
1300 position of evaluating the executive's claims of
1301 confidentiality and autonomy and pushes to the fore difficult
1302 questions of separation of power and checks and balances.
1303 These occasions for constitutional confrontation between the
1304 two branches are likely to be avoided whenever possible."

1305 Why are we on this collision course today? Because the

1306 Attorney General of the United States refused to provide
1307 information that is not privileged and is subject to the
1308 committee's subpoena. The committee issued a subpoena for
1309 information gathered by the special counsel. There is no
1310 privilege for this information.

1311 Executive privilege is not a cloak of secrecy that
1312 drapes across our Nation's capital from the White House to
1313 the Justice Department. Yet last night, the Attorney General
1314 threatened a blanket privilege claim over materials that he
1315 knows are not privileged as retribution for the markup that
1316 we are holding right now. And this morning, he asked the
1317 President to do just that. It is striking how empty that
1318 gesture is.

1319 Chairman Nadler pointed this out last night. The
1320 Attorney General's request of a blanket privilege claim is
1321 empty of any credibility. It is empty of merit. It is empty
1322 of any legal or factual support.

1323 The Attorney General ordered his staff to send what he
1324 would define as a "snitty letter" last night. But those
1325 words were empty. Executive privilege exists to help the
1326 presidency function, to ensure that the President gets good
1327 advice and can make important decisions without interference
1328 from Congress. But that is not at stake here. We are asking
1329 for information that is no longer held in confidence among
1330 the President and his closest advisers.

1331 We are just asking for the truth, the truth that many
1332 already know but is being withheld from the public.
1333 Investigators know the truth. Private attorneys know the
1334 truth. The ranking member of this committee has seen it.
1335 The privilege no longer applies.

1336 What does apply is the American people's interest in the
1337 truth and the need for this committee to do its job, to
1338 protect our elections, to protect our national security, to
1339 hold the President accountable, and to draft legislation to
1340 ensure that no one -- not the Attorney General, not the
1341 President -- is above the law.

1342 Yet the Attorney General continues to mislead the
1343 American people. And after being caught in a lie in his
1344 testimony to Congress, he has now joined the President in
1345 ongoing obstruction of the House. Congressional hearings and
1346 document requests are normal. They are normal. This
1347 committee holds an oversight hearing with the Attorney
1348 General every year. That is normal.

1349 But this? This collision course the President and the
1350 Attorney General set us on is not normal. This collision is
1351 the definition of a constitutional crisis, and the breadth of
1352 this obstruction is beyond anything in our Nation's history.
1353 The President has said that Mueller should not testify here.
1354 He has ordered without authority Don McGahn to refuse to
1355 testify here.

1356 He has ordered, in violation of the law, that the
1357 Treasury Secretary continue to hide his tax returns. He has
1358 blocked or delayed more than 30 requests from Congress. He
1359 has blocked testimony about the security clearances granted
1360 to his family members. He has blocked testimony about the
1361 humanitarian disaster caused by the Trump family separation
1362 policy at our Southern border.

1363 This sweeping repudiation of Congress and congressional
1364 investigations is unprecedented, and it is unconstitutional.
1365 This is a government of, by, and for the people. The
1366 Attorney General of the United States is stonewalling the
1367 people. He is misleading the people. And he is working,
1368 actively working to suppress the truth. I don't understand
1369 still every time we have one of these hearings how it is that
1370 none of my colleagues on the other side of the aisle seem at
1371 all concerned about Russia's attack on our democracy and
1372 their desire to do it again.

1373 And I close with this. The Mueller report finishes by
1374 reminding us that the protection of the criminal justice
1375 system from corrupt acts by any person, including the
1376 President, accords with the fundamental principle of our
1377 Government that no person in this country is so high that he
1378 is above the law. We will continue to assert our oversight
1379 authority out of a duty to maintain the checks and balances
1380 that preserve the powers of separation and coequal branches

1381 of government. A failure to do so would be a failure of our
1382 constitutional system of government.

1383 I yield back.

1384 Chairman Nadler. For what purpose does the gentleman
1385 from Colorado seek recognition?

1386 Mr. Buck. I have an amendment at the desk.

1387 Chairman Nadler. The clerk will report the amendment.

1388 Mr. Cicilline. Mr. Chairman? Mr. Chairman, I reserve a
1389 point of order.

1390 Chairman Nadler. The gentleman reserves a point of
1391 order.

1392 [Pause.]

1393 Mr. Johnson of Louisiana. Mr. Chairman? Mr. Chairman?

1394 Chairman Nadler. For what purpose does the gentleman
1395 from Louisiana seek recognition?

1396 Mr. Johnson of Louisiana. Move to strike the last word.

1397 Chairman Nadler. The gentleman from --

1398 Mr. Buck. I will withdraw my amendment because it is
1399 not ready at this point.

1400 Chairman Nadler. I appreciate that. The gentleman from
1401 Louisiana is recognized for 5 minutes.

1402 Mr. Johnson of Louisiana. Thank you, Mr. Chairman.

1403 We have heard some extraordinary claims this morning. I
1404 have been taking notes as my colleagues have commented on all
1405 of this. Congresswoman Sheila Jackson Lee said the executive

1406 branch is "taking a wrecking ball to the Constitution." And
1407 Mr. Chairman, you said that the DOJ doesn't recognize
1408 Congress as a coequal branch of government or acknowledge our
1409 oversight responsibility. Mr. Cohen said we are trampling
1410 upon Article I.

1411 Anyone who looks at these facts objectively knows the
1412 truth is exactly the opposite. The Attorney General and the
1413 DOJ are objecting to this charade based upon the rule of law.
1414 They are trying to protect the integrity of our institutions.

1415 And Mr. Chairman, you have said that the preliminary
1416 protective assertion of executive privilege this morning was
1417 a last-minute outburst. It is exactly the opposite of that.
1418 In fact, the letter that the DOJ sent to you this morning
1419 says, and I quote, "Regrettably, you, Mr. Chairman, have made
1420 this assertion necessary by your insistence upon scheduling a
1421 premature contempt vote."

1422 The letter goes on to say, "You have terminated our
1423 ongoing negotiations and abandoned the accommodation process.
1424 And as we have repeatedly explained, the Attorney General
1425 could not comply with your subpoena in its current form
1426 without violating the law, court rules, and court orders, and
1427 without threatening the independence of the Department of
1428 Justice's prosecutorial functions." That is quoting from the
1429 letter.

1430 The facts matter. The letter that the Attorney General

1431 sent to the President this morning that accompanies all this
1432 says, "The committee demands all of the special counsel's
1433 investigative files, which consist of --" everybody listen.
1434 "-- consist of millions of pages of classified and
1435 unclassified documents, bearing upon more than two dozen
1436 criminal cases and investigations, many of which are ongoing.

1437 "These materials include law enforcement information,
1438 information about sensitive intelligence sources and methods,
1439 and grand jury information that the Department is prohibited
1440 from disclosing by law." That is the letter the Attorney
1441 General sent to the President explaining all this.

1442 Look, we are attorneys on here. Most of us are
1443 attorneys on this committee. What does the law say? The
1444 courts have repeatedly affirmed the rules on all this.

1445 April 5th, just last month, the U.S. Court of Appeals
1446 for the D.C. Circuit ruled in *McKeever v. Barr* that district
1447 courts may disclose grand jury materials only where they have
1448 positive authority to do so, particularly through the
1449 exceptions to grand jury secrecy listed in Rule 6(e). The
1450 court of appeals explained the vital interest, they said,
1451 that the rule of grand jury secrecy seeks to protect,
1452 including preserving the willingness and candor of witnesses
1453 called before the grand jury, not alerting the target of an
1454 investigation who might otherwise flee or interfere with the
1455 grand jury, and preserving the rights of a suspect who might

1456 later be exonerated.

1457 These are critically important principles and traditions
1458 for us to uphold, and it is, again, the law. The chairman
1459 can file suit for access to the 6(e) material, but instead,
1460 he blasts the Attorney General for not joining him in doing
1461 so. Why hasn't the chairman taken that step? I think I know
1462 why. Perhaps because he knows that his rationale for
1463 demanding the unredacted report is wholly insufficient.

1464 This bears repeating. The chairman claims he needs the
1465 full unredacted report as part of the March 4, 2019,
1466 investigation into the 81 individuals and organizations
1467 related in some way to President Trump, but let us make a
1468 couple of facts clear. The investigation, we don't even know
1469 if it is still ongoing. We haven't heard much about it
1470 lately.

1471 The lack of activity surrounding the investigation makes
1472 clear the majority here is not interested in pursuing this
1473 for any legitimate legislative purpose. This is about
1474 scoring political points.

1475 The chairman's public comments surrounding his need for
1476 the full report are almost exclusively focused on
1477 obstruction, but another important fact here. Ninety-nine-
1478 point-nine percent of the obstruction volume is available
1479 right now for the chairman to view, but he hasn't done that.
1480 Only 6 lines in over 182 pages is redacted in the obstruction

1481 volume. This is not about seeking the truth, as we have
1482 heard this morning. It is about raw partisan politics.

1483 Our Democrat colleagues have weaponized our critical
1484 oversight responsibilities, and moving today to hold the AG
1485 in contempt is not only premature, unprecedented, and
1486 unwarranted, frankly, it is shameful. I think we believe the
1487 American people deserve better. I hope that they will review
1488 the facts. I hope they will look at all this correspondence.
1489 I hope they will get beyond all this cloud of partisan
1490 politics and understand why we are taking the stand today
1491 that we are.

1492 I yield back.

1493 Chairman Nadler. For what purpose does the gentleman
1494 from Louisiana seek recognition?

1495 Mr. Richmond. Mr. Chairman, I would move to strike the
1496 last word.

1497 Chairman Nadler. The gentleman is recognized.

1498 Mr. Richmond. Mr. Chairman, I would just say that today
1499 is a very serious day. Today is a very regrettable day.
1500 Unfortunately, we have an administration that is choosing to
1501 have a temper tantrum that is designed to accomplish one
1502 thing, and that one thing is to never let the real facts of
1503 the Mueller report come to light, to never let the American
1504 people hear the whole story.

1505 The other side would have us congratulate them for

1506 telling 92 percent of the story. I wish when I was a child I
1507 could get away with telling 92 percent of the story to my
1508 mother. I would always tell the same good 92 percent, and I
1509 would leave all the bad deeds, lies, and crimes in the
1510 8 percent that I don't tell.

1511 So you get no profile in courage. You don't get the
1512 Nobel Peace Prize, and you certainly don't get any award for
1513 honesty for giving out 92 percent of the whole story to the
1514 American people.

1515 But the real story of what we are doing today is that
1516 the President needed something to hang his hat on to prevent
1517 anyone who had anything to do with compiling the report from
1518 putting their hand on a Bible and taking an oath to tell the
1519 truth. And that is what we are going to ultimately have is
1520 the President obstructing the testimony of everyone involved
1521 in the Mueller report.

1522 While he tells the national people and continues to
1523 promote and articulate and push and offer lies and fake news
1524 about the contents of the report without ever letting the
1525 American people see the whole truth and nothing but the
1526 truth.

1527 But I will tell the American people that are watching
1528 today that we have a solemn obligation to the Constitution.
1529 We have a solemn obligation to defend our democracy, to
1530 protect the homeland, to protect the right of the American

1531 citizens to have a free, open, fair election without the
1532 interference of any foreign countries, especially Russia.

1533 The bad news is that this is -- this will never be neat.
1534 This will never be clean. This will never be easy. This
1535 will never be convenient. This will be messy. But the one
1536 thing that the American people should know is that we are
1537 here at the right time to protect our democracy and that the
1538 Democrats are not going to give up on our constitutional
1539 duty. We are not going to run or abandon this country or our
1540 citizens. We will never run. We will never retreat when we
1541 are fighting to save our country.

1542 And for the messiness, it will be that way sometimes,
1543 but the fight is necessary to protect this great country and
1544 to continue to move it towards being a more perfect union.
1545 There are too many people in this country's history that have
1546 given their life, blood, sweat, and tears to get us to be the
1547 great country that we are today. We will not let one
1548 administration, certainly not one person, we will not let one
1549 party be enablers to the criminal acts that we see over and
1550 over again.

1551 So just so that I can deal and speak in facts so people
1552 won't just think that there the Democrats go again, there
1553 have been 199 criminal acts that have come out of the
1554 investigation. There have been 37 -- 34 individuals charged
1555 with crimes. There have been three companies charged with

1556 crimes. So let us just look at the orbit around this
1557 administration and see how fake this is.

1558 The former campaign manager in jail. Former National
1559 Security Adviser in jail. The President's personal lawyer in
1560 jail. This is not a witch hunt. If it looks like a duck,
1561 walks like a duck, and quacks like a duck, it is a duck. And
1562 if it looks like obstruction, sounds like obstruction, smells
1563 like obstruction, it is obstruction.

1564 Thank you, Mr. Chairman. I yield back.

1565 Mr. Biggs. Mr. Chairman?

1566 Chairman Nadler. Who seeks recognition? For what
1567 purpose does the gentleman from Arizona seek recognition?

1568 Mr. Biggs. Move to strike the last word.

1569 Chairman Nadler. The gentleman is recognized.

1570 Mr. Biggs. Thank you, Mr. Chairman.

1571 You know, last week we saw an attempt to change the
1572 rules of this committee that defied the historical precedent
1573 by applying only impeachment proceedings to Attorney General
1574 William Barr. And today we are zipping right along, and we
1575 know that my colleagues on the other side have the votes. So
1576 they are going to try to hold this Attorney General in
1577 contempt.

1578 But I am interested to see the look on the judge's face
1579 when my colleagues from the other side present these facts.
1580 The court is going to say, what did you do? Were you in

1581 negotiations? Well, we were, but we kind of -- we scuttled
1582 that because we refused to hear from the Attorney General
1583 because we changed the rules, Judge. We changed the rules,
1584 so the Attorney General didn't come in.

1585 He offered to let us view the less redacted report, but
1586 I didn't do that. I didn't even bother to go down there and
1587 look at that report. He offered to have staff members view
1588 the less redacted report with me. No, I said, no, we are not
1589 going to do that either.

1590 He permitted us to take notes on the less redacted
1591 report, and we rejected that as well. He asked us to
1592 continue to negotiate, see if we could work out our
1593 differences, but I rejected that as well.

1594 We attempted to compel him to respond in spite of
1595 Federal law on Rule 6(e), the grand jury material we have
1596 heard so much about today. We knew that there were some
1597 other witnesses that were important that might have shed
1598 light on this as well, but we didn't hold a hearing with DAG
1599 Rosenstein. We didn't hold a hearing on Mueller before we
1600 issued our contempt citation.

1601 We didn't seek closed-door, confidential, classified
1602 hearings with any of these individuals. In fact, Judge, you
1603 know what we did? We undercut our whole argument by making
1604 the argument to Mr. Barr, saying, hey, look, you know,
1605 Mr. Barr, why don't you just join us? Why don't you just

1606 join us in asking the court to authorize release of 6(e)
1607 material?

1608 What does that do? It says, quite frankly, that the
1609 folks that will be sitting there before a court propounding
1610 execution of a contempt citation, they are going to have the
1611 great privilege of saying, yes, we put a sword of Damocles
1612 over William Barr. We created a Hobson's choice.

1613 We said, guess what, Mr. Barr? You either get held in
1614 contempt, or you violate Federal law. Because that is just
1615 the way we do things in Judiciary Committee these days. That
1616 is just the way it is. That is unprecedented, and it will
1617 hold this committee up to derision.

1618 And as my colleague Mr. Johnson from Louisiana said,
1619 there was a case that just came out last month which said --
1620 and this gets to my colleague from Georgia who said you can't
1621 be misled. There are exceptions. That is right, and the
1622 court said you must fit within one of those exceptions before
1623 you can release Rule 6(e) material.

1624 But don't be misled, because nothing we are doing here
1625 today fits into the Rule 6(e) exceptions. There is not an
1626 authorization under the 6(e) provisions right now.

1627 So there is going to be a problem, and I can't wait to
1628 see the judge, the look on the judge's face when these guys
1629 try to explain, well, we were trying to pigeonhole into
1630 something 6(e).

1631 And then I will just close in this area. When I hear
1632 that the wrecking ball is being taken to the Constitution,
1633 that it is being trampled upon, that a continued breakdown of
1634 constitutional order, these kind of arguments made over and
1635 over again, I can't help but say if you think this
1636 administration, this President is so dangerous, why aren't
1637 you acting on the many resolutions for impeachment you have
1638 already introduced?

1639 I mean, Mr. Johnson was pretty clear. This whole thing
1640 is about impeachment. Well, take it to the American people.
1641 Take it, file your resolution. You have already filed them.
1642 Act on them.

1643 With that, my time is up. Thank you.

1644 Chairman Nadler. For what purpose does the gentleman
1645 from New York seek recognition?

1646 Mr. Jeffries. I move to strike the last word.

1647 Chairman Nadler. The gentleman is recognized.

1648 Mr. Jeffries. Let me be first to say that I expect that
1649 when the court does hear this challenge, if it comes to that,
1650 I expect that she will rule in favor of the constitutional
1651 separation and checks and balances and our oversight
1652 function.

1653 I really don't understand the arguments that have been
1654 articulated by my colleagues. And as I understand it, there
1655 have been three different reasons that have been suggested

1656 for opposing our effort to simply uphold our Article I
1657 responsibility as a separate and coequal branch of
1658 government.

1659 One, that this whole thing is a politically inspired
1660 witch hunt. Nonsense. Two, they want to all of a sudden
1661 protect the reputational interests of innocent Americans.
1662 Nonsense. Three, this blanket assertion of executive
1663 privilege. Nonsense.

1664 Let us take all three. First of all, 17 different
1665 intelligence agencies have concluded that Russia interfered
1666 with our election, attacked our democracy for the sole
1667 purpose of artificially placing someone at 1600 Pennsylvania
1668 Avenue. They were successful. And that is also what the
1669 Mueller report shows.

1670 This is not a politically inspired witch hunt. I am
1671 confused. Every single person at the helm of this
1672 investigation is a Republican. The person who initiated the
1673 investigation, former FBI Director James Comey, Republican.
1674 The FBI Director who replaced him and presided over the
1675 investigation, Christopher Wray, Republican. The person who
1676 decided to appoint a special counsel to preside over the
1677 investigation and then monitored it at the helm of the
1678 Department of Justice, the Deputy Attorney General Rod
1679 Rosenstein, Republican.

1680 The person who actually conducted the investigation, a

1681 war hero, a law enforcement professional, Bob Mueller,
1682 lifetime Republican. Who is the Attorney General going to
1683 investigate? The Republican Party? The notion that it is a
1684 politically inspired witch hunt is just one of 10,000 or more
1685 misrepresentations that have been spun out of 1600
1686 Pennsylvania Avenue. It is a shame that you choose to adopt
1687 it and parrot it.

1688 Second thing, reputational interests. Really? Many of
1689 my colleagues on the other side of the aisle actually
1690 perpetrated a witch hunt as it relates to securing more than
1691 800,000 documents from this very same Department of Justice
1692 without regard to the reputational interests of Americans who
1693 have served this country.

1694 You weren't concerned with the reputational interests of
1695 Hillary Clinton. In fact, the top Republicans said that the
1696 sole objective was to undermine her, the former first lady
1697 and Secretary of State. You weren't concerned with the
1698 reputational interests of Peter Strzok and Lisa Page. In
1699 fact, you embarrassed those two. They made mistakes, but you
1700 embarrassed those two.

1701 You weren't concerned with the reputational interests of
1702 Andy McCabe. So don't peddle that phony argument to us.
1703 This very same Department of Justice turned over 800,000
1704 pages of documents, but they won't turn over a single page
1705 pursuant to a legitimately issued subpoena.

1706 And then you want to assert executive privilege. Are
1707 you kidding me? You can't assert executive privilege after
1708 the fact, when the closest advisers to the President have
1709 already spoken to team Mueller. Wait a second. Let us try
1710 to go through this.

1711 White House counsel Don McGahn talked to Mueller. There
1712 is no assertion of executive privilege. White House Press
1713 Secretary Sarah Huckabee Sanders talked to Mueller. No
1714 assertion of executive privilege. White House Communications
1715 Director Hope Hicks talked to Mueller. There was no
1716 assertion of executive privilege. It is a phony argument.

1717 The House is a separate and coequal branch of
1718 government. We are not a wholly owned subsidiary of the
1719 Trump administration. We don't work for Donald Trump. We
1720 work for the American people.

1721 We have a constitutional responsibility to serve as a
1722 check and balance on an out-of-control executive branch. The
1723 Attorney General is totally out of control. He will be held
1724 in contempt of Congress.

1725 I yield back.

1726 Chairman Nadler. For what purpose does the gentleman
1727 from California seek recognition?

1728 Mr. McClintock. To strike the last word.

1729 Chairman Nadler. The gentleman is recognized.

1730 Mr. McClintock. Thank you.

1731 Mr. Chairman, this subpoena puts the Attorney General in
1732 a legal catch-22. To comply with the subpoena, he must break
1733 the law. If he obeys the law, he must disobey the subpoena.

1734 Now every person on this committee knows that the law
1735 forbids release of grand jury testimony. Congress is the
1736 lawmaking branch of government. If this committee feels it
1737 is so important to see the grand jury testimony, it can
1738 change the law. But it cannot order the highest-ranking law
1739 enforcement official in our country to break that law.

1740 Now the American people can plainly see what is going on
1741 here. For 2 1/2 years, they have been force fed a brazen and
1742 monstrous lie that the President of the United States is a
1743 traitor who is loyal to a foreign and hostile power.

1744 Robert Mueller was given extraordinary powers to
1745 investigate this. He appointed one of the most partisan and
1746 biased teams of investigators that has ever been appointed to
1747 substantiate these charges. They spent 22 months and
1748 \$25 million in direct and component costs doing so.

1749 They employed some of the most abusive tactics, among
1750 them perjury traps and threatening family members, in order
1751 to turn up some shred of evidence that confirmed this
1752 narrative. The Trump administration gave them every document
1753 they requested and even waived attorney-client privilege to
1754 make the President's personal attorney available for 30 hours
1755 of testimony. Though the President had the clear

1756 constitutional authority to terminate or interfere with the
1757 investigation, he did not.

1758 After all that, they were forced to admit that there is
1759 not a shred of evidence to support this lie. We are now
1760 learning it was predicated on a fake dossier fabricated by
1761 the Clinton campaign and was used by the highest-ranking
1762 officials of the Department of Justice, the FBI, our
1763 intelligence agencies, and perhaps even the White House.
1764 First, to try to influence the outcome of our election and,
1765 after failing that, to undermine the duly elected President
1766 of the United States and tear this country apart.

1767 Now that lie is laid bare for all to see. The left has
1768 had now to think up a new lie and think it up quick. Thus,
1769 in a heartbeat, the lie changed from collusion to
1770 obstruction. But even though the administration did nothing
1771 to interfere or impede the investigation, the President is
1772 guilty of obstruction just because he complained about the
1773 injustice of it all behind closed doors in words that
1774 amounted to no action whatsoever.

1775 They know this lie won't hold up under scrutiny either.
1776 So what to do? Well, the answer to that question is before
1777 us right now. Even though there was no legal requirement for
1778 the Mueller report to be released publicly, the Attorney
1779 General has released it with the sole exception of material
1780 he is legally forbidden to release, amounting to 92 percent

1781 of the document.

1782 He has offered the chairman and the ranking member of
1783 this committee the opportunity to review the additional
1784 redactions that can be reviewed in a classified setting,
1785 leaving only about 6 lines out of 182 pages. But instead of
1786 reviewing that information or changing the law to allow for
1787 its public release, they order the Attorney General to do
1788 what he legally cannot do and then charge there is a cover-up
1789 They imply the smoking gun is now in that 6 lines in over
1790 182 pages that cannot be legally shared, safe in the
1791 knowledge they will never be called out on it, and they hope
1792 that there will be enough of a smokescreen to cover the
1793 perversion of our justice and intelligence agencies for
1794 political purposes under the Obama administration.

1795 One other point. Last week, the Democrats voted to
1796 change the rules of the committee to allow Members to hide
1797 behind committee counsel to challenge the Attorney General.
1798 Mr. Chairman, we don't hire people to speak for us on the
1799 House floor, and we shouldn't hire people to speak for us in
1800 committee. Only Members of the House should speak in House
1801 proceedings, and there is a reason for that.

1802 We are responsible and accountable for what we say in
1803 public forums -- in this public forum. Hired help is not.
1804 The only rightful exception is when we sit as a tribunal at
1805 impeachment because then we are sitting as a jury to hear

1806 evidence. Any exceptions from this makes a mockery of
1807 representative democracy based on the direct accountability
1808 that representatives of the people must have to those who
1809 elected them.

1810 I yield back.

1811 Chairman Nadler. The gentleman yields back. Who seeks
1812 recognition? For what purpose does the gentleman from Rhode
1813 Island seek recognition?

1814 Mr. Cicilline. I move to strike the last word.

1815 Chairman Nadler. The gentleman is recognized.

1816 Mr. Cicilline. Thank you, Mr. Chairman.

1817 I want to begin by thanking you, Chairman Nadler, for
1818 your extraordinary patience and determination and respectful
1819 manner in which you have sought to obtain the information
1820 that the subpoena requires. And I think we all recognize
1821 that you have extended yourself above and beyond to try to
1822 accommodate the Attorney General.

1823 But we are here for one very important reason, and I
1824 think people should recognize that this is a deadly serious
1825 moment. The rule of law and our basic institutions that have
1826 made our democracy the envy of the world are being tested.
1827 The American people are watching, and freedom-seeking people
1828 around the world are watching.

1829 They are seeing whether or not our commitment to the
1830 rule of law, to the notion that we are a country of laws, not

1831 of men and women, and that no one is above the law, including
1832 the President of the United States. And it reminds us that
1833 we fought our independence to be free from a monarchy so that
1834 we could live in a democracy.

1835 And so we see the President, who is attempting to
1836 destroy basic institutions of government by directing his
1837 Attorney General and others in the administration to
1838 stonewall the American people. This is a crisis.

1839 Now it is sad today that Attorney General Barr, who has
1840 refused to comply with a lawfully issued subpoena, and that
1841 behavior is, unfortunately, consistent with his overt
1842 campaign to protect the President of the United States.
1843 President Trump wanted his Roy Cohen, and he got his Roy
1844 Cohen.

1845 The Attorney General has demonstrated that he
1846 understands loyalty to the President, rather than the oath to
1847 the Constitution. The Attorney General tried to shape the
1848 narrative of the Russia investigation from day one when he
1849 wrote a four-page document, which was grossly misleading
1850 where he took four pieces of four different sentences to
1851 capture a 400-page report.

1852 The report also directly contradicts several statements
1853 that the Attorney General made during his press conference,
1854 which he had before a single person was allowed to read the
1855 report. He said the President fully cooperated. We know, of

1856 course, the President refused to be interviewed, and his
1857 associates destroyed evidence relative to the investigation.

1858 He also publicly cleared the Trump campaign of
1859 coordinating with Russia while entirely leaving out the
1860 critical finding in the Mueller report that the Trump
1861 campaign was fully aware and expected to benefit electorally
1862 from information stolen and released through the Russian
1863 campaign.

1864 Since Mr. Barr has -- since Mr. Mueller has completed
1865 the investigation, Mr. Barr has refused to release the full
1866 report to Congress, even at the issuance of a lawful
1867 subpoena. He has also refused to provide any of the
1868 underlying evidence. In fact, he has refused to do anything
1869 other than provide political cover to the President.

1870 In fact, when he was asked directly about his four-page
1871 summary, he even said that he wasn't aware of what
1872 Mr. Mueller's position was on his summary. And we learned
1873 later that Mr. Mueller had written a letter criticizing his
1874 characterization, then had a 15-minute phone call doing the
1875 same. And Mr. Barr never shared that as well.

1876 And so we see an Attorney General who has set out to
1877 protect the President at all costs, and now we learn this
1878 morning in a letter from Mr. Barr that he is working with the
1879 President of the United States to try to provide a legal
1880 strategy to further obstruct justice and stonewall the

1881 American people by invoking executive privilege retroactively
1882 in a context where he knows it is not applicable.

1883 And really an effort to say can we work together to try
1884 to prevent the American people from learning the full truth?
1885 And you know, it is kind of curious of the President who said
1886 "complete exoneration." You would think he would be rushing
1887 to get this report released if it really was a complete
1888 exoneration, but we know it is not.

1889 And so this is a question for us to decide as a
1890 committee. Are we going to allow the executive branch to
1891 decide for us what we will get to see in order to conduct
1892 congressional oversight? If it is up to the executive
1893 branch, and they decide what witnesses we can call, what
1894 documents can be produced, they will have effectively
1895 extinguished the right of congressional oversight. We cannot
1896 allow that to happen.

1897 We are, in fact, here on behalf of the American people
1898 to get to the truth, to gather the facts so that we can make
1899 informed judgments on how to proceed next and what action to
1900 take next. We have a responsibility to ensure that people
1901 who are served with a subpoena comply with it, whoever you
1902 are, no matter how important you think you are. We live in a
1903 democracy, and everyone must be treated the same.

1904 This is a search for the truth to demonstrate no one is
1905 above the law, including the President of the United States

1906 and the Attorney General of the United States, and that
1907 individuals must be held accountable for their misconduct.
1908 And so we have to gather up that evidence. I am saddened to
1909 hear my Republican colleagues who think this is anything but
1910 that.

1911 This is our responsibility. We took an oath. Our
1912 constituents and the American people are watching us, and the
1913 world is watching us. We must do the right thing. We must
1914 compel Mr. Barr to comply with a lawfully issued subpoena by
1915 this committee and get to the work of oversight, finding the
1916 truth wherever it leads us, and demonstrating, most of all,
1917 in this country, no one is above the law, including the
1918 President of the United States.

1919 And with that, I yield back.

1920 Mrs. Roby. Mr. Chairman?

1921 Chairman Nadler. For what purpose does the gentlelady
1922 from Alabama seek recognition?

1923 Mrs. Roby. I move to strike the last word.

1924 Chairman Nadler. The gentlelady is recognized.

1925 Mrs. Roby. Mr. Chairman, we have heard over and over
1926 again how the Attorney General has not accommodated this
1927 committee's demands, but let us walk through the timeline. I
1928 ask unanimous consent that the full timeline be included in
1929 the record.

1930 Chairman Nadler. Without objection.

1931 [The information follows:]

1932

1933 Mrs. Roby. On March 22, 2019, the Attorney General
1934 immediately notified the chairmen and ranking members of the
1935 House and Senate Committees on Judiciary that he had received
1936 the confidential report from the special counsel.

1937 On March 24, 2019, 2 days later, the Attorney General
1938 informed Congress of the special counsel's principal
1939 conclusions.

1940 On March 29, 2019, 5 days later, the Attorney General
1941 updated Congress on the Department's review and outlined the
1942 four categories of redaction that the Department, with the
1943 special counsel's assistance, intended to make prior to the
1944 public release of the confidential report.

1945 On April 18, 2019, less than a month after receiving the
1946 confidential report, the Attorney General made the redacted
1947 version available to Congress and the public.

1948 However, on April 18, 2019, the same day the Attorney
1949 General released the confidential report and made the
1950 minimally redacted version of the confidential report
1951 available for review, Chairman Nadler issued a subpoena to
1952 the Attorney General.

1953 On April 19, 2019, those House and Senate Democrats
1954 invited to review the minimally redacted confidential report
1955 wrote the Department to refuse the Attorney General's offer.
1956 To date, not a single Democrat, including Chairman Nadler,
1957 has reviewed the minimally redacted report.

1958 On May 1, 2019, the Attorney General voluntarily
1959 appeared before the Senate Committee on Judiciary, providing
1960 more than 5 hours of testimony regarding the special
1961 counsel's investigation and confidential report. The
1962 Attorney General had previously volunteered to appear before
1963 both the Senate and House Judiciary Committees.

1964 On May 2, 2019, Chairman Nadler's extraordinary and
1965 unreasonable demand that congressional staffers question the
1966 Attorney General, a Cabinet Secretary, in an oversight
1967 hearing forced the Attorney General to forego the hearing.

1968 On May 6, 2019, less than 3 weeks after issuing the
1969 subpoena, Chairman Nadler introduced a resolution to hold the
1970 Attorney General in contempt.

1971 Also, on May 6, 2019, in an effort to accommodate the
1972 committee's interest, the Department wrote Chairman Nadler
1973 emphasizing "the Department of Justice's continued
1974 willingness to engage in good faith with the committee on
1975 these issue, consistent with its obligation under the law."
1976 The Department offered to meet to "negotiate an accommodation
1977 that meets the legitimate interests of each of our coequal
1978 branches of the Government."

1979 On May 7, 2019, the Department met with the committee
1980 staff to offer additional accommodations in exchange for the
1981 committee postponing the scheduled contempt vote, including
1982 DOJ would significantly ease restrictions on the review of

1983 the last redacted report to allow designated members and
1984 staff to more easily review the report and confer with each
1985 other. DOJ would expeditiously bring the minimally redacted
1986 version of the confidential report to the House of
1987 Representatives to facilitate the chairman's review.

1988 DOJ would meet next week to discuss the remainder of the
1989 committee's request, including prioritized requests for
1990 documents. DOJ also signaled it was open to further
1991 discussions and accommodations. This was done by DOJ in good
1992 faith. Just hours later, Democrats inexplicably and
1993 unreasonably rejected these additional offers.

1994 Mr. Chairman, committee Democrats left DOJ with no
1995 choice in this matter. They left DOJ with a choice of
1996 complying with Democratic leaders' unreasonable demands or
1997 complying with the law. The Attorney General elected to
1998 follow the law.

1999 I yield back.

2000 Chairman Nadler. The gentlelady yields back. For what
2001 purpose does does the gentleman from California seek
2002 recognition?

2003 Mr. Swalwell. To speak out of order for 5 minutes.

2004 Chairman Nadler. To strike the last word?

2005 Mr. Swalwell. To strike the last word, 5 minutes.

2006 Thank you, Mr. Chairman.

2007 Chairman Nadler. The last word is duly struck, and the

2008 gentleman is recognized.

2009 Mr. Swalwell. Mr. Chairman, I want to remind everyone
2010 why we are here. We are here because a report chronicled an
2011 attack on America. We were attacked by a foreign adversary,
2012 and we have an Attorney General who refuses to give us the
2013 details of that attack. So what do you do when you have an
2014 Attorney General who prejudged the investigation before he
2015 took the job, who refused to recuse himself once he took the
2016 job, who falsely accused the FBI of spying on the Trump
2017 campaign, who lied to Congress and failed to comply with a
2018 lawful subpoena? What do you do when someone conducts
2019 themselves that way?

2020 Mr. Chairman, you hold them in contempt. And I would go
2021 so far to say then you move to impeach him. And you do the
2022 same thing to anyone else who doesn't want to follow the law.
2023 And I am not a fortune teller, but with this lawless
2024 administration, I imagine we are also going to see characters
2025 like Steve Mnuchin, who is also not following the law when it
2026 comes to the President's tax returns.

2027 And on this issue of executive privilege, Mr. Chairman,
2028 once it is waived, it is gone. It is gone forever. It was
2029 waived by Don McGahn when he spilled the number of instances
2030 when Donald Trump obstructed justice. "Obstructed justice,"
2031 that is a legalese term for "acted guilty" a lot.

2032 This isn't about executive privilege. It is about

2033 burying the evidence, Mr. Chairman. If it was about
2034 executive privilege, the Attorney General would not have
2035 offered you to be able to view the documents and then tell
2036 you that you can't tell anyone what you saw. I thank you for
2037 not taking the latest Trump hush offer.

2038 We were attacked. We are in an information war with a
2039 foreign adversary, and I read the 200 pages of links between
2040 the Trump campaign and the Russians, and I also noticed what
2041 I didn't read. Not once did it say, by the way, all these
2042 contacts have ceased. By the way, all these people in the
2043 Trump family, the Trump businesses, the Trump campaign, the
2044 Trump administration, the Trump transition, they even managed
2045 to work with the Russians during the very narrow transition
2046 period.

2047 You give them 10 seconds, they will find a way to find a
2048 Russian. That is how it worked. Nowhere in that report did
2049 it say, oh, by the way, these contacts ceased. Nowhere in
2050 the report did it say there is no longer an ongoing threat
2051 from Russia. Nowhere in the report did it say the Russians
2052 have no further interest in interfering in America. That is
2053 why we need this report.

2054 And I ask my colleagues look at the person that you are
2055 going to such great lengths to protect. Look at this
2056 pathetic person who stood at a press conference as our
2057 country was being attacked and said, Russia, if you are

2058 listening, you will be rewarded if you keep attacking. That
2059 is the person you want to protect? That is the person you
2060 want to break the law for? That individual?

2061 And what does this person do after a 400-page report
2062 comes out? He calls the leader of the country that attacked
2063 us, at his request. President Trump called Putin. They
2064 talked for 90 minutes. President Trump described it as Putin
2065 was smiling. That is your leader, the commander-in-cheat.
2066 He called the guy that attacked us.

2067 When we were attacked by Japan, Franklin Roosevelt did
2068 not call the emperor of Japan. When we were attacked by
2069 al Qaeda on September 11th, George Bush did not call Osama
2070 bin Laden. And the President of the United States should
2071 only call Vladimir Putin for one reason, to tell him that
2072 this will never be tolerated, and he is going to unite the
2073 country to make sure that is true.

2074 The most basic function of a government is to protect
2075 its people from a foreign attack. If our President or the
2076 Attorney General or his allies in Congress are unable or
2077 unwilling to do that, then we don't have a government.

2078 Fortunately, we are not powerless anymore. The American
2079 people voted to put a balance of power on all of these abuses
2080 of power. And this committee is going to protect and defend
2081 America, and it is is going to start with holding this
2082 lawless Attorney General in contempt.

2083 And I yield back.

2084 Chairman Nadler. For what purpose does the gentlelady
2085 from Arizona seek recognition?

2086 Mrs. Lesko. Thank you, Mr. Chairman.

2087 I move to strike the last word.

2088 Chairman Nadler. The gentlelady is recognized.

2089 Mrs. Lesko. Thank you.

2090 Members and audience, you know, I ran for Congress to
2091 make a difference and get things done. We have a lot of big
2092 issues that are problems that are going on in our Nation. We
2093 have a border crisis. I am from Arizona. We have lots of
2094 humanitarian and border crisis going on.

2095 We need to work to improve the education system in our
2096 country. We need to work to improve our healthcare system.
2097 It is too expensive. And you know, when I served 9 years in
2098 the Arizona State House and Senate, we actually got big
2099 things done. I worked with my Democratic colleagues and my
2100 Republican colleagues, and we got issues done. And that is
2101 what the American people want us to do. They want us to work
2102 together to get things done.

2103 And this hearing today does nothing, nothing at all to
2104 further that cause. In fact, you know, I think that my
2105 Democratic colleagues are still in denial that the President
2106 was actually elected. I saw it on election night. I stayed
2107 up late in Arizona and saw the meltdown of some of the -- you

2108 know, my Democratic colleagues and the media.

2109 And then for 2 years, even before the election of
2110 President Trump, for 2 years now, there has been this nonstop
2111 saying by my Democratic colleagues and others that, you know,
2112 somehow the Trump campaign was colluding with Russia. And
2113 they even said they had evidence of it. You know, they said
2114 it on TV over and over and over again. Well, it turned out
2115 to not be true.

2116 So 2 years later, you have the Mueller report says no
2117 collusion. No collusion. So instead of talking about that,
2118 which they have done for the last 2 years, now they are
2119 changing their tune. And so now it is all about obstruction
2120 of justice.

2121 Well, let us review. And some of my colleagues have
2122 already gone through this, but you know, Attorney General
2123 Barr released the Mueller report. He didn't have to do that.
2124 It wasn't the law to do it, but he did it because he did it
2125 for the public interest to release the Mueller report.
2126 Again, no collusion.

2127 Then the Department of Justice offered for Chairman
2128 Nadler to review a less redacted version of the Mueller
2129 report. Chairman Nadler refused. He has not gone. And in
2130 fact, I think in the Volume 2, which is the obstruction of
2131 justice part, only 0.1 percent -- 0.1 percent of the report
2132 is actually redacted.

2133 Then Attorney General Barr agreed to testify right here
2134 in Judiciary Committee on May 2nd. And what happened?
2135 Instead of us being able to hear from him and ask him
2136 questions, Chairman Nadler insisted that the staff, the staff
2137 should question the Attorney General Barr, which is
2138 unprecedented in this committee.

2139 You know, I believe -- I don't know. I can't read his
2140 heart. But I believe this was done for headlines. I mean,
2141 here we had right there a blank chair, an open chair with the
2142 nametag of the Attorney General Barr, and then we had a
2143 member from this committee eat chicken and pose with a
2144 ceramic chicken.

2145 I mean, this is all political theater and political show
2146 that makes for, you know, good TV. But are we getting things
2147 done? No, we are not getting things done.

2148 And now the Democrats and Chairman Nadler and this
2149 committee are asking the Attorney General to break the law,
2150 break the law by releasing grand jury information to
2151 Congress. So now we are here today, and there has been a
2152 movement, a motion to hold Attorney General Barr in contempt
2153 of Congress at incredibly fast pace. From the subpoena to
2154 the contempt, 19 days.

2155 Let us compare that to Eric Holder. It was 255 days,
2156 and we still don't have all the documents from Fast and
2157 Furious, where a Border Patrol agent was killed. So all I

2158 can say is let us work together and get things done. Let us
2159 stop this political theater. Week after week after week, we
2160 are just having this theater.

2161 The American people want us to work together to work on
2162 the big issues. Let us secure the border. Let us improve
2163 education. Let us improve healthcare. Let us stop this
2164 political theater.

2165 I yield back.

2166 Chairman Nadler. The gentlelady yields back. For what
2167 purpose does the gentleman from California seek recognition?

2168 Mr. Lieu. I move to strike the last word.

2169 Chairman Nadler. The gentleman is recognized.

2170 Mr. Lieu. Thank you, Mr. Chair.

2171 I am going to ask three questions today.

2172 First, what is the Trump Administration hiding from the
2173 American people? Because the Administration is not just
2174 stonewalling this committee. They are stonewalling every
2175 committee's request for information on behalf of the American
2176 people. That is in direct violation of the Constitution.
2177 Under the Necessary and Proper clause of the Constitution,
2178 Congress has the absolute right to conduct oversight and
2179 investigations on behalf of the American people. In fact, in
2180 Federalist Paper 51, James Madison stated that in a
2181 Republican form of government, "the legislative authority
2182 necessarily predominates." We are Article 1 of the

2183 Constitution, and we will act that way.

2184 Madison further says that the three branches of
2185 government were set up "in such a manner as that each may be
2186 a check on the other." Today's vote is about more than just
2187 the credibility of Bill Barr. It is about the credibility of
2188 our entire system of government, and the Democrats on this
2189 committee intend to honor our oaths to the Constitution and
2190 to the American people.

2191 The second question I want to ask: Why are Republicans
2192 on this committee reversing the very vote they took earlier
2193 this year to get the full Mueller report? The House voted
2194 420 to 0 to get the full, unredacted Mueller report,
2195 including most of the members of the Republicans on this
2196 committee.

2197 I will tell you why. They have now realized that Bill
2198 Barr misled the American people, because the Mueller report
2199 turns out to be bad, bad, bad for the President and his
2200 enablers. The report shows that the Trump campaign engaged
2201 in numerous contacts with Russian agents, that they knew the
2202 Russians were going to interfere in American elections. They
2203 welcomed it, they embraced it, and they knew it was going to
2204 help the President win the election. That is immoral, that
2205 is wrong, that is unpatriotic, and that is just Volume I of
2206 the report.

2207 Volume 2 of the report lays out 10 instances at least of

2208 obstruction of justice. Over 500 former prosecutors have now
2209 written a letter saying that any ordinary American faced with
2210 this amount of evidence, it would have resulted in multiple
2211 felony charges. That is why it is so important that we get
2212 the full, unredacted report and the underlying evidence
2213 behind these charges, especially because Bill Barr admitted
2214 under oath he did not even read the underlying evidence
2215 before he wrote his misleading summary.

2216 And I would like to also now correct a misleading
2217 talking point of my Republican colleagues, where they say
2218 somehow Bill Barr is complying with the law. No, no, no.
2219 The congressional subpoena is the law. How do we know that?
2220 That is what the court upheld during Watergate. Leon
2221 Jaworski, the Special Prosecutor, issued a report. Then
2222 Chief of Staff Haldeman moved to suppress the report, relying
2223 on the same Rule 6(e) that Bill Barr is relying on, and the
2224 D.C. Circuit Court of Appeals held squarely for Congress and
2225 said that under this congressional subpoena, the members of
2226 the House Judiciary Committee get the grand jury secrecy
2227 materials. Bill Barr is violating the law right now. He is
2228 not complying with it. The congressional subpoena is the
2229 law. That is what the courts upheld; that is what they are
2230 going to do.

2231 And then the final question I want to ask is why is Bill
2232 Barr suing right now in Federal court to eliminate

2233 preexisting conditions health care coverage for millions of
2234 Americans? I do not know. But I do know that Democrats are
2235 going to pass off the floor this week legislation to protect
2236 preexisting conditions and to protect the health care
2237 coverage for millions of Americans, because it turns out we
2238 are doing two things. We have passed and will continue to
2239 pass legislation to move Americans and the American family
2240 forward, and we are also going to conduct oversight as
2241 required by the United States Constitution.

2242 It is Donald Trump and the Republicans who are
2243 stonewalling. I hope they stop doing that, and I yield back.

2244 Chairman Nadler. The gentleman yields back.

2245 Who seeks recognition?

2246 For what purpose does the gentleman from Pennsylvania
2247 seek recognition?

2248 Mr. Reschenthaler. I move to strike the last word.

2249 Chairman Nadler. The gentleman is recognized.

2250 Mr. Reschenthaler. Thank you, Mr. Chairman.

2251 To say that I am disappointed in the direction of this
2252 committee I would say would be an understatement. Echoing
2253 what my colleague, Ms. Lesko said, I was sent here to get
2254 things done, and I feel like my colleagues across the aisle
2255 have been just chasing a ghost for the last two years.

2256 During that time we suffered from an opioid pandemic. I
2257 say pandemic because it is everywhere in the United States.

2258 It is killing thousands of individuals.

2259 We have real problems to address.

2260 Immigration. We could be moving to a merit-based system
2261 that brings us in step with the rest of the industrialized
2262 world. And I have two bills with Democratic prime sponsors
2263 that could really make a difference.

2264 But instead, we are here engaging in political theater,
2265 bringing in props, and again just chasing ghosts for the last
2266 two years.

2267 We have a bill called the STOIC Act with my colleague
2268 Ms. Dean. This would increase grants to local law
2269 enforcement for suicide prevention, for PTSD treatment. Law
2270 enforcement and first responders need this, and we could
2271 actually get this done. This is something that would be
2272 productive if we were not wasting our time.

2273 I have another bill with my colleague across the aisle,
2274 Ms. Rochester. It is called Clean Slate. It would seal the
2275 records of anybody convicted of a non-violent criminal
2276 offense, give these individuals a chance to have a fresh
2277 start and be productive members in society and move on once
2278 they have paid their debt to society. This is something that
2279 thousands of people need across the United States. It is
2280 something that would help the workforce development in the
2281 United States. But again, instead we are here for two years
2282 chasing ghosts.

2283 So again, to say that I am disappointed in the direction
2284 of this committee is an understatement, especially when we
2285 have real work that we could be focused on.

2286 With that, I would yield the balance of my time to
2287 Ranking Member Doug Collins.

2288 Mr. Collins. Thank you. I appreciate the gentleman
2289 yielding.

2290 In a lot of discussion, a lot of things have been
2291 pointed out. I just want to sum up, and it is very
2292 interesting to me that in this country we talk a lot about
2293 manufacturing and manufacturing jobs and the need for our
2294 economy. Well, we now have our committee pitching in,
2295 because we are manufacturing the crisis. We are
2296 manufacturing something that does not need to exist and does
2297 not need to happen.

2298 In fact, the reason I know it is a manufactured crisis,
2299 I go back to the very words of many on the other side a few
2300 years ago, and even my chairman, when they joined a walk off
2301 of the House floor chamber to protest, in his words, the
2302 shameful and politically motivated GOP vote holding Eric
2303 Holder, Attorney General, in contempt. Walked off, upset,
2304 tore up, because we were holding Eric Holder in contempt
2305 after almost a year, over a year, 400-plus days, in which
2306 accommodations back and forth were made, discussions were
2307 made back and forth.

2308 So really we are just manufacturing a crisis because,
2309 number one, we did not get what we want; number two, we do
2310 not like what we got, and there is nothing being hidden here.
2311 And yes, the Attorney General is following the regulation.
2312 Do not be deceived; he is.

2313 It is interesting that we go along, and also some of the
2314 interesting things that have been talked about today. We
2315 talked about Nixon impeachment and Article 3, and this has
2316 been thrown out by my colleagues. All of the subpoenas
2317 issued to President Nixon -- and again, a whole different
2318 inquiry, which was an impeachment inquiry -- were issued
2319 after the impeachment inquiry was already started. These
2320 were not before the impeachment inquiry. They were after,
2321 and that is what we found, that the impeachment inquiry was
2322 opened on October 30, 1973. All of the subpoenas were from
2323 April to June of 1974. So let us at least get our facts
2324 straight.

2325 We have had issues all day today that we have sort of
2326 had to correct, number one being that the Chairman now of the
2327 Oversight Committee was not sued in his personal capacity.
2328 Mr. Flynn is not in jail. He has pled guilty. He is still
2329 in that process, but he is not in jail, as was stated
2330 earlier.

2331 And also, though, I think we have finally come to the
2332 conclusion that I think we have all been waiting for, and it

2333 was really something interesting to come, and that was what
2334 my friend from Georgia actually gave us, and it really sort
2335 of summed up this entire thing. It was what I talked about
2336 last week. It is what I talk about now.

2337 And my friend from Georgia said -- and he brought down
2338 the curtain on this entire thing when he said no documents,
2339 how do we impeach? If we do not have the documents, how do
2340 we impeach? Because right now, let's be honest, by that very
2341 statement he is making the claim that they do not have enough
2342 to impeach because Mueller did not give them impeachment.
2343 The report did not show collusion and did not charge
2344 obstruction. There is nothing to impeach. So now we have to
2345 dig deeper.

2346 And my question is this: An investigation -- and I will
2347 agree with my friends from across the aisle -- from a top-
2348 notch investigator, from top-notch attorneys who had
2349 unlimited access to a grand jury, unlimited access to
2350 subpoenas, unlimited access to investigators, and over \$30
2351 million at least in budget, which is larger than any House
2352 committee, and we think we are going to find out something
2353 more than he found out?

2354 Come on. We are manufacturing the crisis, and that is
2355 why we are here, and I yield back.

2356 Ms. Lofgren. [Presiding] The gentleman yields back.

2357 Does any member seek recognition?

2358 The gentleman from Maryland is recognized.

2359 Mr. Raskin. Thank you, Madam Chair. Moved to strike
2360 the last word.

2361 Ms. Lofgren. The gentleman is recognized.

2362 Mr. Raskin. Thank you, Madam Chair.

2363 Tom Paine said that in the monarchies, the king is law.
2364 But in the democracies, the law is king. That is the
2365 principle at stake in America today.

2366 The President of the United States and all of us who
2367 seek and attain public office are nothing but the servants of
2368 the people and the servants of the law. And the moment that
2369 we forget that and we begin to act like the masters of the
2370 people and the masters of the law, then we put our jobs at
2371 risk.

2372 If the gentleman from Florida is so convinced that the
2373 Mueller report offers complete and total exoneration of the
2374 President, why does he not want the Congress and the American
2375 people to see it?

2376 Well, he says the Attorney General has only redacted 8
2377 percent of the report.

2378 Madam Chair, you could redact 8 percent of the
2379 Constitution of the United States and get rid of freedom of
2380 speech, freedom of the press, religious freedom, equal
2381 protection, and due process. You would not have enough room
2382 to get rid of Article 1 of the Constitution, which is I know

2383 what some would like to do today. But Article 1 is the
2384 provision in the Constitution that establishes the powers of
2385 Congress, the lawmaking branch, the branch of the people.
2386 The President's sole job, primary job, after being commander-
2387 in-chief, is to take care that the laws are faithfully
2388 executed -- not circumvented, not defied, and not violated.

2389 Now, Madam Chair, I think we need to remark how far this
2390 President has lowered our country. First, they destroy the
2391 norms and values of society, things we have always taken for
2392 granted. You do not mock people with disabilities. Men do
2393 not mock women's bodies on television. You do not ridicule
2394 people and give them obnoxious nicknames, at least after you
2395 graduate from the 3rd grade. You do not falsely accuse other
2396 political leaders of treason. You do not accuse other
2397 political leaders' parents of assassinating President
2398 Kennedy. You do not use disgusting, profane language to
2399 disparage other countries. And you do not call neo-Nazis and
2400 Klansmen very fine people. You do not give aid and comfort
2401 to the dictators of the world, like Kim Jong Un and Vladimir
2402 Putin, by flattering them and being their sycophant.

2403 But then you destroyed the norms and values of your
2404 office. You called the press the enemy of the people. You
2405 call true facts fake news, and you call fake news true facts.
2406 You vilify and you demonize the hard-working employees of the
2407 Department of Justice and the FBI. You accuse them of being

2408 part of a fantasy deep-state conspiracy just for doing their
2409 jobs. You falsely claim that millions of people voted
2410 illegally while you deny and dismiss the findings of Special
2411 Counsel Mueller that there was a sweeping and systematic
2412 campaign to disrupt our elections in 2016.

2413 You refused to divest yourself of your business
2414 interests or to put them in a blind trust, as other
2415 presidents have done. You travel to your own business
2416 properties and hotels on government expense. You double
2417 initiation fees to Mar-a-Lago. You turn the Government of
2418 the United States into a moneymaking operation for your
2419 family, for your business, and for yourself.

2420 And then you violate and undermine the laws of the
2421 United States. You sabotage the Affordable Care Act to try
2422 to deny millions of people access to their healthcare. You
2423 separate children from their parents at the border. You pull
2424 out of the Paris climate agreement, making our country an
2425 international environmental pariah, an outlaw state. You lie
2426 about what science has shown about climate change. You call
2427 it a Chinese hoax.

2428 You collect millions of dollars from foreign princes and
2429 kings and governments in violation of Article 1, Section 9,
2430 Clause 8 of the Constitution. And now the President, aided
2431 and abetted by the Attorney General, tears at the very fabric
2432 of our Constitution. He orders that a curtain be pulled down

2433 over the executive branch. He says there will be no
2434 cooperation with the lawful demands of Congress for
2435 information.

2436 Congress should not be looking anymore, the president
2437 king declares. This is all; it is done. No tax returns. No
2438 Mueller report. No witnesses. No Don McGahn.

2439 The President declares himself above and beyond the law.
2440 The Supreme Court has repeatedly stated that it is an
2441 essential and integral aspect of our power under Article 1 to
2442 do fact-finding investigations for the people. James Madison
2443 said knowledge will forever govern ignorance, and those who
2444 mean to be their own governors must arm themselves with the
2445 power that knowledge gives.

2446 The people, through the Constitution, gave us that
2447 power. We must exercise it. If you act with contempt for
2448 the people and Congress, we will find you in contempt of the
2449 people and of Congress. And I support the resolution.

2450 I yield back, Mr. Chairman.

2451 Chairman Nadler. [Presiding] The gentleman yields
2452 back.

2453 For what purpose does the gentleman from Virginia seek
2454 recognition?

2455 Mr. Cline. Move to strike the last word.

2456 Chairman Nadler. The gentleman is recognized.

2457 Mr. Cline. Thank you, Mr. Chairman.

2458 As I have sat here and listened, it is getting more and
2459 more frustrating to me, and I am sure to people watching at
2460 home, how distracted this committee is getting from the
2461 issues that truly matter to the American people. We heard
2462 Congresswoman Lesko speak to those.

2463 When I get home, my constituents want to know are we
2464 addressing the availability of healthcare and the
2465 accessibility of healthcare after the skyrocketing premiums
2466 that came into place from Obamacare, are we taking action to
2467 reform and renew our highway and infrastructure system to
2468 keep up with our booming economy, are we working to stop the
2469 wave of illegal immigration flowing across our borders.
2470 These are just a handful of issues that we should be working
2471 on.

2472 We should be looking at ways to reduce government
2473 regulations and find ways to put more money back in
2474 Americans' pockets. And instead, my colleagues on the other
2475 side of the aisle are calling for more and more
2476 investigation, pursuit of documents, even those they are not
2477 entitled to receive. And without a judicial proceeding, my
2478 colleague from California argues that we are entitled to
2479 receive it. Not without a judicial proceeding.

2480 They are in search of a smoking gun of collusion,
2481 conspiracy with Russia that does not exist. Volume 1 of the
2482 Mueller report shows clearly it does not exist. Some of my

2483 colleagues are running for president on that ghost, on that
2484 very ghost, that somehow collusion with Russia still exists
2485 somewhere. This report proves there was no conspiracy.

2486 I was interviewed a while back and I said I hope that as
2487 much as possible is released to the American public because
2488 whatever is redacted they are going to point to and say, aha,
2489 that is where the smoking gun is. And sure enough, my
2490 colleagues on this committee just five minutes ago said aha,
2491 that is where important information must be. Well, without a
2492 court order, that grand jury testimony is not allowed to be
2493 released. That is the law.

2494 We talk about the rule of law, we talk past each other
2495 about the rule of law, but the law is the law. A subpoena is
2496 not the law when it comes to grand jury testimony and whether
2497 that can be released. The law prohibiting grand jury
2498 testimony from being released is the law. So we cannot see
2499 the full Mueller report without judicial action. The
2500 Chairman can go to court and ask the judge to allow
2501 disclosure of 6(e) grand jury testimony. They do not need
2502 the Administration to join. They want the Administration to
2503 join. They say work with us, but has the Chairman, has this
2504 committee worked with the Administration when it comes to the
2505 Attorney General appearing before this committee and getting
2506 questioned by staff members recently hired onto the
2507 committee? No, apparently not.

2508 In fact, the Chairman has not even reviewed the
2509 unredacted version that has been provided. I listened with
2510 interest as the Chairman mentioned in his remarks how
2511 important it is that we all read the report, but he has not
2512 gone down to read the report.

2513 This is a charade, and I have never seen anything like
2514 it. Two hundred and twenty-five days progressed from
2515 subpoena of Eric Holder to a contempt vote. This circus, 19
2516 days. It is clear that this is just a game for the majority.
2517 And now that they have a bad hand, they are bluffing. Give
2518 us the unredacted report. Bill Barr is biased. Do not worry
2519 about what the law says. The only bias is the blind hatred
2520 of this President and disdain for the rules of this House and
2521 the rule of law that is in this Constitution.

2522 The views and actions of the majority that drive for
2523 impeachment Trump saw. And yes, if it walks like a duck and
2524 talks like a duck, it is a duck. So they are trying to
2525 impeach the duck. It trumps the truth, it trumps the
2526 historic precedents of this committee, and it apparently
2527 trumps the laws of this nation.

2528 I am honored to be a member of this House of
2529 Representatives. I am honored to be a member of this
2530 committee. But that honor has been tarnished by the
2531 blatantly partisan actions of this committee today and the
2532 willful ignorance of this committee to the rule of law.

2533 I yield back.

2534 Chairman Nadler. Who seeks recognition?

2535 Mr. Cline. Mr. Chairman? I have an amendment at the --

2536 Chairman Nadler. The gentle lady from Washington.

2537 For what purpose does the gentle lady from Washington

2538 seek recognition?

2539 Ms. Jayapal. Move to strike the last word.

2540 Chairman Nadler. The gentle lady is recognized.

2541 Ms. Jayapal. Thank you, Mr. Chairman.

2542 Mr. Chairman, this is definitely not a game. This is

2543 one of the most serious moments our democracy has faced, and

2544 it is a test. It is a test against an administration that is

2545 continually disregarding Congress, an administration that

2546 seems to have no regard for checks and balances. It is

2547 unprecedented for a president to say he will provide no

2548 cooperation with authorized subpoenas from Congress, no

2549 cooperation with witnesses coming to testify before Congress,

2550 and now, just as we have seen in this letter, and

2551 unprecedented effort to exert executive privilege, sweeping

2552 executive privilege over the entire Mueller report.

2553 Mr. Chairman, this is a lawless administration. And why

2554 is this important? I think we have to talk about this in a

2555 way that hopefully anybody who is watching can understand.

2556 Our system is based on checks and balances. That is

2557 part of our democracy. It is part of what our Constitution

2558 was geared to do. Our Constitution said we will get our
2559 power as members of Congress from you, from the American
2560 people who vote us in as members of Congress, and then you
2561 give us the power to write the laws of this democracy.

2562 Then the Constitution says the president is there to
2563 faithfully execute those laws. And by the way, when the
2564 founders framed this Constitution, what they were afraid of
2565 was that there would be power concentrated in the hands of
2566 very few people, or in the hands of one person. And so what
2567 they did is they framed the Constitution so that they
2568 included checks and balances with three co-equal branches of
2569 government, at least co-equal. We are Article 1.

2570 But at least co-equal. And that was in order for each
2571 branch to have jurisdiction and authority over making sure
2572 another branch was not abusing their power, not obstructing
2573 justice, not using power for their own purpose instead of for
2574 the American people.

2575 So now, if we have one branch saying we are not going to
2576 respect the authority of a co-equal branch, that puts us in a
2577 very, very dangerous position.

2578 And why is it that we want these materials? One hundred
2579 percent of the materials, not 92 percent, not just the
2580 Chairman with one staff member, and then he is not allowed to
2581 talk about it to anybody else, but everybody.

2582 The Chairman has been very generous. He conceded that

2583 it would just be the members of the Judiciary Committee and
2584 the Intelligence Committees that would look at the full
2585 report, not just the unredacted report but the underlying
2586 evidence.

2587 Why is that important? Because we need to see
2588 everything that was in the report. And frankly, the Attorney
2589 General has misrepresented what is in the report. Just look
2590 at these articles, the discrepancy between the Mueller report
2591 and Barr's summary, how Barr's excerpts compared to the
2592 Mueller report's findings. Do you know why these articles
2593 were written? They were written because Attorney General
2594 Barr misrepresented what was in the Mueller report.

2595 Here are the words of Mr. Mueller himself. "Barr's
2596 summary letter did not fully capture the context, nature, and
2597 substance of this Office's work and conclusions. This
2598 threatens to undermine a central purpose for which the
2599 Department appointed the Special Counsel, to assure full
2600 public confidence in the outcome of these investigations."

2601 So that is why we must see the full report, so that we
2602 can understand exactly what was in it, we can do our
2603 constitutional obligations.

2604 I want to be clear that if the President refuses this
2605 request, refuses all subpoenas, refuses all witnesses, that
2606 affects every aspect of the American people's lives. It
2607 means that there is no oversight when the President seeks to

2608 strip health care away from millions of Americans. It means
2609 there is no oversight when this Administration rips children
2610 away from their parents at the border. It means there is no
2611 oversight over the utilization of public power in the White
2612 House for personal gain. That is why it is incredibly
2613 important.

2614 And I just want to take on one quick thing. My
2615 colleagues keep talking about how crazy it was that we wanted
2616 to have staff counsel question the Attorney General for 30
2617 minutes. Let me just read a quote from a member of Congress.
2618 "The goal of attorneys is to depoliticize the process and get
2619 to the truth instead of grandstanding." Do you know who said
2620 that? Senator Chuck Grassley during the Kavanaugh hearings.
2621 And did any of my colleagues object at that time to Senator
2622 Grassley using an attorney to question the witnesses? No,
2623 they did not. I do not see anyone on record having said
2624 that.

2625 So, Mr. Chairman, let's be clear. We are at the brink
2626 of importance between democracy and dictatorship if we ignore
2627 checks and balances, and I fully support holding this
2628 Attorney General in contempt for refusing to comply with
2629 constitutional foundations.

2630 Thank you, Mr. Chairman. I yield back.

2631 Chairman Nadler. The gentle lady yields back.

2632 For what purpose does the gentleman from Florida seek

2633 recognition?

2634 Mr. Gaetz. I have an amendment at the desk, Mr.

2635 Chairman.

2636 Chairman Nadler. The Clerk will report the amendment.

2637 [The amendment of Mr. Gaetz follows:]

2638

2639 Ms. Strasser. Amendment to the amendment in the nature
2640 of a substitute to the committee report for the resolution
2641 recommending that the House of Representatives find William
2642 P. Barr, Attorney General, U.S. Department of Justice, in
2643 contempt of Congress for refusal to comply with a subpoena
2644 duly issued by the Committee on the Judiciary, offered by Mr.
2645 Gaetz of Florida.

2646 After the last paragraph on page 27, insert the
2647 following.

2648 Rule of Construction. No provision in the resolution --
2649 Chairman Nadler. Without objection, the amendment is
2650 considered as read.

2651 The gentleman is recognized.

2652 Mr. Gaetz. Thank you, Mr. Chairman.

2653 Earlier today, the gentle lady from Pennsylvania, the
2654 Vice Chair of the committee, said, and I quote, "Nobody is
2655 asking the Attorney General to break the law. Nobody is
2656 asking the Attorney General to break the law."

2657 So that comment inspired me to write this amendment to
2658 test the sincerity of that reflection by the leadership of
2659 the committee on the majority side. My amendment merely says
2660 that no element of the resolution or the report that is
2661 currently before the committee would be construed to require
2662 the Attorney General of the United States to break any law or
2663 break any rule of Federal Criminal Procedure, expressly

2664 including but not limited to the rule that has the force of
2665 law that says that the Attorney General is not able to
2666 provide specific grand jury testimony.

2667 So my hope is that my colleagues were, in fact, sincere,
2668 that this is not about putting the Attorney General in a
2669 Catch-22. But I fear that may not be the case. Here is why.

2670 If the Chairman wanted to, he would be able to go and
2671 read the remaining 8 percent of the Mueller report and, in
2672 fact, take notes on it, and potentially even share his
2673 thoughts, impressions, conclusions on the House floor. We,
2674 in fact, have seen circumstances where the Ranking Member, in
2675 an effort to facilitate greater context and understanding and
2676 transparency about the work of this committee over the past
2677 two years, has in fact gone to the floor, utilizing the
2678 privileges of the House, to release transcripts and testimony
2679 that shed light on the true origins of this investigation,
2680 the true bias that infected the senior levels of the
2681 Department of Justice and the FBI.

2682 So if that was what this was really about, my friend
2683 from Maryland, my friend from Washington both said, well, you
2684 know, 8 percent, that could be the whole deal, that could be
2685 as significant as the freedom of speech and the freedom of
2686 the press. I mean, we could find things in the 8 percent of
2687 the report that fundamentally reshape our understanding of
2688 the Mueller probe.

2689 If that is the case, then just do it. Go tell us what
2690 is in it. You have the ability to go read it. Go read it.
2691 Come back and share with the rest of the Congress and the
2692 rest of the country.

2693 Ms. Lofgren. Would the gentleman yield?

2694 Mr. Gaetz. Well, since my microphone was cut off last
2695 week, I am going to try to use it all this week when I have
2696 the time, so I am not going to yield.

2697 I do think, though, that as we have heard our colleagues
2698 wax poetic about the rule of law, it is important to
2699 highlight some of their statements.

2700 My friend from Rhode Island said, "The rule of law
2701 questions are deadly serious." Deadly serious, like life or
2702 death, these rule of law questions. So if we are holding up
2703 the rule of law as this great virtue, why then would we ask
2704 the Attorney General to break the law in order to serve the
2705 rule of law?

2706 My friend from Washington said this is one of the
2707 greatest tests of the committee. This tests our muster and
2708 our merit to see whether we will continue this pursuit of the
2709 truth.

2710 It is my expectation that this is, in fact, on purpose,
2711 that what the majority has tried to do is put the Attorney
2712 General in a situation where they can generate conflict, and
2713 they need that conflict because they have a narrative of

2714 impeachment that currently binds their caucus.

2715 Look, with the Democratic Party right now, you have a
2716 fundamental problem. You have one group of people who
2717 control the levers of power, the Speaker Pelosis and the
2718 senior leadership of the Democratic Party, and then you have
2719 this whole other batch of people who really control the
2720 energy of the party that are on this fast march to a fact-
2721 less impeachment. So they have to go and generate these
2722 little skirmishes to keep the hamsters on the hamster wheel
2723 so their more rambunctious members will not rush to the floor
2724 in search of impeachment. Let's just be honest that that is
2725 why we are doing this. Let's be honest about the fact that
2726 you are using the Attorney General of the United States as a
2727 whipping boy because you cannot go after a popular president
2728 who has a humming economy, who has seen his approval rating
2729 rise since the release of the Mueller report.

2730 So do us all a favor. Do the rule of law a favor.
2731 Provide substantive legislation that reflects on the words
2732 your own committee leadership has used in this very meeting,
2733 that you will not use this process to impair the rule of law
2734 and to ask the Attorney General of the United States to break
2735 the law.

2736 And, by the way, if there is nothing in your report or
2737 resolution that demands that the Attorney General break the
2738 law, vote for it. Vote for my amendment. But you will not,

2739 because you know the real purpose of this is to distract the
2740 country, create a fictitious conflict, and divide us even
2741 further after you were proven to not be telling the truth as
2742 a party about the Russian collusion hoax.

2743 I think we can do better. I think this amendment
2744 clarifies your words, but you will not vote for it because it
2745 is not really what you are doing, and I yield back.

2746 Chairman Nadler. The gentleman yields back.

2747 I recognize myself for 5 minutes on the amendment.

2748 The gentleman's theories about motives and witch hunts
2749 aside, which I do not agree with, obviously, although I do
2750 appreciate the gentleman's use of colorful imagery about the
2751 hamster on the hamster wheel, it has never been our
2752 intention, as we have stated before, to ask the Attorney
2753 General to violate the law. We have always intended and we
2754 have made it very clear that we wanted him to come to court
2755 with us to ask for an exemption to Rule 6(e).

2756 But having said that, the amendment simply restates our
2757 intent, and therefore I accept the amendment. I urge my
2758 colleagues to support the amendment.

2759 Is there any further discussion on the amendment?

2760 Hearing none --

2761 Mr. Biggs. Mr. Chairman?

2762 Chairman Nadler. The gentleman from Arizona. For what
2763 purpose does the gentleman from Arizona seek recognition?

2764 Mr. Biggs. I move to strike the last word.

2765 Chairman Nadler. The gentleman is recognized.

2766 Mr. Biggs. Thank you, Mr. Chairman. I do appreciate
2767 your willingness to support the gentleman from Florida's
2768 amendment. I appreciate that. I am going to also support
2769 and vote for that.

2770 But I just want to make one thing perfectly clear again,
2771 as I iterated before, and it goes to something that the
2772 Chairman just said. It gets to the heart of this thing, and
2773 that is if really, if really one were to believe that the
2774 underlying contempt citation was issued irrespective of and
2775 not designed to put Mr. Barr into a box where he has a binary
2776 choice, effectively saying I will either violate the Federal
2777 law or I will be held in contempt, I just find it somewhat
2778 odd and awkward that he was invited, then, to go to court and
2779 appeal to the court and say give me permission to reveal this
2780 redacted information pursuant to Rule 6(e).

2781 I mean, I just think that is really interesting because
2782 nobody would really say we need to go to court if he did not
2783 believe that you did not have authority. So it is obvious to
2784 me that maybe people do not believe they have the authority,
2785 they feel they need to go to court. So I think this
2786 amendment -- and I am glad the Chairman supports it, because
2787 I think this amendment clarifies that it is not the intention
2788 of this committee, nor is Mr. Barr obligated to violate the

2789 Federal rules.

2790 So with that, Mr. Chairman --

2791 Chairman Nadler. Would the gentleman yield?

2792 Mr. Biggs. Well, I yield back.

2793 Chairman Nadler. The gentleman yields back.

2794 For what purpose does the gentle lady from California
2795 seek recognition?

2796 Ms. Lofgren. To strike the last word.

2797 Chairman Nadler. The gentle lady is recognized.

2798 Ms. Lofgren. One of the great principles of legislating
2799 is to accept a win. So I am hoping that we can agree to this
2800 and go on to what other further discussions we may have.

2801 I would just like to say that as I listened to the
2802 debate, and I listened carefully, the concept that it would
2803 be reasonable for Mr. Collins and Mr. Nadler to be the only
2804 ones among our members to review this material is astonishing
2805 to me.

2806 For example, Mr. Sensenbrenner has been a member of
2807 Congress since 1979. That he would not have something to
2808 offer if he reviewed this is just not correct.

2809 I have been a member of this committee since 1995. I
2810 would have something, I think, to offer if I were to review
2811 this.

2812 So I hope that we can get past what has been proposed by
2813 the Department and then withdrawn is an acceptable outcome,

2814 and I would yield to the Chairman of the committee.

2815 Chairman Nadler. I thank the gentle lady for yielding.

2816 I just want to comment on what was said a moment ago by

2817 Mr. Buck -- Biggs. I am sorry. By Mr. Biggs.

2818 As I said repeatedly and as the record will bear out,

2819 the subpoena was never intended to cover Rule 6(e). It has

2820 always been made clear that we understand that it is unlawful

2821 to get grand jury information without permission of the

2822 court. That is why we have asked the Attorney General to

2823 join us in petitioning the court to get that grand jury

2824 material. That is the practice that has been done in many

2825 similar situations; in fact, in every similar situation I can

2826 think of, in which the Attorney General has gone to court

2827 with the committee and gotten the court's permission to use

2828 6(e) material.

2829 We are disappointed that the Attorney General is not

2830 doing that, has declined to do that, for reasons he will not

2831 state. But the contempt citation is for his ignoring the

2832 subpoena, in effect. It was never intended to put him in

2833 jeopardy by saying you have to give us 6(e) material. This

2834 amendment makes that crystal clear, and we are perfectly

2835 happy to accept it since that was always our intent, and

2836 there is certainly no contradiction between saying you have

2837 to obey a subpoena which is not intended to include 6(e)

2838 material; but, by the way, let's ask for the 6(e) material

2839 separately as for court.

2840 So I hope that clarifies things, and I urge a yes vote
2841 on the amendment, and I yield back.

2842 Mr. Collins. Mr. Chairman?

2843 Chairman Nadler. For what purpose does the gentleman
2844 from Georgia seek recognition?

2845 Mr. Collins. Move to strike the last word.

2846 Chairman Nadler. The gentleman is recognized.

2847 Mr. Collins. Thank you.

2848 I am glad the Chairman has accepted this.

2849 But let's also be clear that this motion is also for the
2850 report and for the contempt hearing that we are asking for
2851 now. We actually offered an amendment during the subpoena
2852 which you just referenced very eloquently. You said it did
2853 not require 6(e) in your subpoena. However, when we offered
2854 an amendment to exclude 6(e), we voted for that amendment,
2855 you all rejected that amendment.

2856 So it is interesting that you are saying now that it
2857 does not include 6(e) information, but when we specifically
2858 offered an amendment to the subpoena that would have excluded
2859 6(e), we voted for that amendment, you rejected that
2860 amendment. There is a contradiction in terms.

2861 I am glad we are accepting this. I am not going to
2862 belabor the point. There are other things we can talk about
2863 as we go forward, but I will yield to the gentleman from

2864 Colorado.

2865 Mr. Buck. I thank the gentleman for yielding. And I
2866 also appreciate the Chairman accepting this amendment.

2867 I am confused, though, legitimately confused. I am not
2868 trying to make a political point here. My understanding is
2869 that the Attorney General's report has redacted classified
2870 information, grand jury material, and ongoing investigations.
2871 I am confused at what we are arguing about if we are not
2872 arguing about grand jury material.

2873 Chairman Nadler. Would the gentleman yield?

2874 Mr. Buck. Yes, absolutely.

2875 Chairman Nadler. We are arguing about -- there were
2876 four categories of material that the Attorney General tells
2877 us were redacted: grand jury material, which we are not
2878 concerned with here, as this amendment makes clear. What
2879 else? You just mentioned two of them. Things that impact
2880 other criminal investigations, things that may cast
2881 aspersions on third-party reputations, and what was the
2882 third? And, of course, classified information. Plus, of
2883 course, all the underlying material.

2884 So we are talking about those three categories of
2885 material, not including the grand jury material, the other
2886 three, plus the underlying evidence and materials for the
2887 report itself. That is what we are talking about. That is
2888 what we have always been talking about.

2889 I yield back.

2890 Mr. Buck. Reclaiming my time, we have access to
2891 classified material in a SCIF.

2892 Chairman Nadler. Not according -- not under -- no, we
2893 have not been accorded that. That is part of the request.
2894 It is part of the subpoena, I should say.

2895 Mr. Buck. May I yield to the gentleman from Georgia,
2896 please?

2897 Mr. Collins. Reclaiming my time, we have just hit on
2898 something. This is exactly why we are too far in this
2899 process. And I appreciate the Chairman bringing that up.
2900 That was a very enlightening discussion here, because that is
2901 the part of working with the DOJ on accommodations. That is
2902 exactly what we should be doing here, not rushing to
2903 contempt.

2904 Again, I will go back to my original point. The 6(e)
2905 information, if it was not a part of the subpoena, then why
2906 reject an amendment that actually said that? I think that is
2907 the curiosity.

2908 But I appreciate the Chairman. This is not a criticism,
2909 and I agree with my friend from Colorado. This is not a
2910 criticism, but this is exactly why -- again, for those of us
2911 who have been here for a while, this is why this contempt is
2912 too quick. You can get to contempt at some point --

2913 Chairman Nadler. Will the gentleman yield?

2914 Mr. Collins. I will yield, yes.

2915 Chairman Nadler. I thank the gentleman for yielding.

2916 We attempted to negotiate with the Department of Justice
2917 for what? Two months? For two months, and they refused to
2918 talk to us. They finally, only under the threat of this
2919 contempt proceeding were they willing to talk about an
2920 accommodation in the last few days. And then my opinion is
2921 their so-called accommodation was not an accommodation at
2922 all.

2923 But for two months we tried to initiate negotiations
2924 with them over the precise things you are talking about, and
2925 they refused to talk.

2926 Mr. Collins. And reclaiming my time, you are exactly
2927 right, but two months ago we were just at the very beginning
2928 of a report that just came out. Again, this has been talked
2929 about all along. But I think this is a healthy debate right
2930 here on exactly what we are talking about. I think the
2931 reason that we are concerned and I am concerned and many of
2932 us are concerned about the actual move to contempt here is
2933 two months, when looked at in the prism of just the last
2934 little bit in this Congress and the previous Congresses, the
2935 timing here is what we are talking about.

2936 It has been said earlier, and I did not say this earlier
2937 when some of the comments on the other side said that when we
2938 get to court -- when you go to court on a contempt, a civil

2939 contempt, especially like this, the judge will look at what
2940 accommodations, what process has been made. If we have cases
2941 in direct discussion here in which over 400 days were used,
2942 300 days --

2943 Chairman Nadler. Will the gentleman yield for one
2944 sentence?

2945 Mr. Collins. At this point I want to yield back to Mr.
2946 Buck for a second.

2947 Chairman Nadler. Would the gentleman yield --

2948 Mr. Collins. I am yielding to -- I only have 15 more
2949 seconds.

2950 Mr. Buck. I yield to the Chairman.

2951 Chairman Nadler. I thank you. I would simply point out
2952 that two months of refusal to talk to us or to negotiate is
2953 not trivial.

2954 I yield back.

2955 Mr. Collins. And, Mr. Chairman, I will take back my
2956 time. I am not saying it is trivial, but it is not enough
2957 either. I think that is where our terminology is getting --
2958 and again, Mr. Chairman, you yourself were very critical of
2959 holding Mr. Holder in contempt, very critical of him being
2960 held in contempt, and that was a process that lasted a long
2961 time.

2962 My time is over and I yield back.

2963 Chairman Nadler. I would like to take a vote on the

2964 amendment.

2965 Mr. Buck. Just a few more questions, in good faith.

2966 Chairman Nadler. For what purpose does the gentleman
2967 seek recognition?

2968 Mr. Buck. I move to strike the last word.

2969 Chairman Nadler. The gentleman is recognized.

2970 Mr. Buck. Thank you, Mr. Chairman.

2971 I am wondering what prevents the committee attorneys
2972 from going to court and asking the court to disclose grand
2973 jury material. We could ask for that waiver ourselves. We
2974 do not need the Attorney General to --

2975 Chairman Nadler. Would the gentleman yield for an
2976 answer?

2977 Mr. Buck. Yes, I would yield.

2978 Chairman Nadler. Nothing. We intend to do exactly
2979 that. But the application is greatly strengthened if it is
2980 supported by the Attorney General, as opposed to the Attorney
2981 General either opposing it, which we do not know he would do,
2982 or not supporting it. He has said he would not support it.
2983 In every previous case where the committee has gone to court
2984 and asked for 6(e) material, the Attorney General has
2985 supported that request. What is new is that he has said he
2986 would not support the request, and he has given no reason for
2987 that.

2988 Mr. Buck. Mr. Chairman, reclaiming my time, I believe

2989 that in every single case, at least the ones that you have
2990 cited in the past, there was an ongoing impeachment
2991 proceeding or a select committee that had been empaneled to
2992 hear those issues.

2993 Chairman Nadler. Would the gentleman yield?

2994 Mr. Buck. Yes.

2995 Chairman Nadler. No, that is not correct. For
2996 instance, Ken Starr, the Special Prosecutor, went to the
2997 court for grand jury material well before there was an
2998 impeachment inquiry.

2999 Mr. Buck. And in that situation, we were operating
3000 under a different set of rules. There had been a law passed
3001 by Congress --

3002 Chairman Nadler. Also I should add in the question of
3003 Judge Hastings' impeachment. And let me just say what you
3004 just said. Yes, we are operating on a different set of
3005 rules, but the initial grant of power for the Special
3006 Prosecutor and the Special Counsel differs, and some other
3007 things differ too, but they do not differ in any way with
3008 respect to the ability to get information or in the ability
3009 to seek the Attorney General's assistance in going to court
3010 to get grand jury information.

3011 Mr. Buck. But the law that was passed for the
3012 Independent Counsel statute specifically granted Congress the
3013 ability to get grand jury material. The regulations --

3014 Chairman Nadler. No, that is incorrect. I am told that
3015 is not true. They granted it at the discretion of the court.

3016 Mr. Buck. Okay. I just would recommend and ask that we
3017 hold a vote that this committee authorize staff to go to the
3018 court and ask for grand jury material.

3019 Chairman Nadler. Well, we certainly intend to do that.
3020 I do not know if we need a vote of the committee to do so.
3021 If we do, we will hold such a vote.

3022 Mr. Buck. I think that resolves at least a portion of
3023 the --

3024 Chairman Nadler. I do not know that it is a question.
3025 We certainly intend to do that.

3026 Mr. Buck. I yield back.

3027 Chairman Nadler. The question occurs on the amendment.
3028 All in favor of the amendment, say aye.

3029 Opposed?

3030 The ayes have it. The amendment is adopted.

3031 Mr. Buck. I have an amendment at the desk, Mr.
3032 Chairman.

3033 Chairman Nadler. I recognize myself for the purpose of
3034 offering an amendment.

3035 The Clerk will report the amendment.

3036 [The amendment of Mr. Nadler follows:]

3037

3038 Ms. Strasser. Amendment to the amendment in the nature
3039 of a substitute to the committee report for the resolution
3040 recommending that the House of Representatives find William
3041 P. Barr, Attorney General, U.S. Department of Justice, in
3042 contempt of Congress for refusal to comply with a --

3043 Chairman Nadler. Without objection, the amendment will
3044 be considered as read.

3045 I now recognize myself for the purpose of explaining the
3046 amendment.

3047 I am introducing this amendment in order to address the
3048 last-minute purported claim of executive privilege by the
3049 President over the entirety of the materials sought by this
3050 committee's lawful subpoena. This is a development that just
3051 occurred this morning.

3052 It is regrettable that this unfounded claim interrupted
3053 negotiations that had finally begun after the committee's
3054 many requests.

3055 The Attorney General and the Department of Justice
3056 ignored our repeated attempts at accommodation and compromise
3057 for well over a month. Only in the face of a contempt
3058 resolution did the Department begin to engage in a discussion
3059 of accommodation without producing a single page of the
3060 underlying evidence or materials. When that effort failed,
3061 the Attorney General took the extraordinary step of asking
3062 the President to assert executive privilege in order to

3063 conceal the entire Special Counsel report and all the
3064 evidence and materials underlying it.

3065 There is no legal right to stonewall or to obstruct
3066 legitimate oversight. That is what we have been seeing as a
3067 result of the President's declaration that he is "fighting
3068 all the subpoenas" issued by Congress.

3069 The Attorney General may believe that he is merely
3070 following orders and seeking to prevent Congress from
3071 carrying out its constitutional responsibilities, but history
3072 has shown time and again that the first line of defense
3073 against undemocratic rule is for those individuals asked to
3074 carry out indefensible orders to show the courage,
3075 independence, and belief in the institutions under attack to
3076 just say no, as the President's former counsel, Don McGahn
3077 did on a number of occasions.

3078 We are disappointed that the Attorney General has again
3079 shown with his actions today that he is not that person. He
3080 has left this committee no choice but to reject the baseless,
3081 improper, and indefensible blanket assertion of executive
3082 privilege and pass this resolution holding him in contempt.

3083 I am proud we have taken this action in defense of our
3084 great nation's constitutional system of checks and balances,
3085 which, make no mistake, is clearly under attack. I am proud
3086 of this committee for standing up in defense of our
3087 democratic institutions and principles that we hold so dear.

3088 I yield back the balance of my time.

3089 Who seeks recognition?

3090 Mr. Collins. I do, Mr. Chairman.

3091 Chairman Nadler. For what purpose does the gentleman
3092 seek recognition?

3093 Mr. Collins. I seek recognition to oppose this
3094 amendment.

3095 Chairman Nadler. The gentleman is recognized.

3096 Mr. Collins. Thank you.

3097 I think it is interesting going into this and trying to
3098 come up with something that -- let's just go back on some
3099 grounded points here.

3100 Executive privilege is ground in the Constitution for
3101 the privileges and waivers must be intentional. What we are
3102 trying to do through your amendment is argue that the
3103 executive branch talking to the executive branch is somehow a
3104 waiver of executive privilege.

3105 Chairman, you say that because the report is public,
3106 executive privilege has been waived. You rely on the *Espy*
3107 case, referred to as "In re sealed case." The court that had
3108 executive privilege waivers must be intentional.

3109 In the *Espy* case, the White House Counsel's Office
3110 conducted an investigation and made the resulting report
3111 public. In fact, the court said since executive privilege
3112 exists to aid the governmental decision-making process, a

3113 waiver should not be lightly inferred. The court then
3114 refused to take an all-or-nothing approach to executive
3115 privilege.

3116 Quoting from the very decision that you are relying upon
3117 for this motion, the courts have said that the release of a
3118 document only waives the privileges for the document or
3119 information specifically raised but not for related
3120 materials.

3121 Here, all the underlying materials not made public are
3122 privileged. This is a balancing test where a crime has
3123 occurred in the *Nixon* case. Here, there is no crime that
3124 occurred, as the Mueller report demonstrated.

3125 In re sealed case, the court also said the privilege
3126 should not extend to the staff outside the White House and
3127 executive branch agencies. Instead, the privilege should
3128 apply only to the communication's author and solicited or
3129 received by those of the immediate White House advisor staff
3130 who have broad and significant responsibilities for
3131 investigating and formulating the advice to be given to the
3132 President on a particular matter which the communications
3133 relay.

3134 This is an interesting point and should be pointed out
3135 because actually when we had our mark-up, the subpoenas that
3136 were issued were to Donaldson, Don McGahn, Steve Bannon, Hope
3137 Hicks, Reince Priebus, some of the highest-ranking officials

3138 in this White House and to the very people the court held
3139 that should have executive privilege. When we look at this
3140 in the underlying report, even in the Mueller report, just
3141 getting around it because we do not like it through an
3142 amendment is not getting around this.

3143 I think when coupled with the fact that we have had
3144 discussions here of rushing to this, not having accommodation
3145 process, not talking, and many times, as you well know, and
3146 folks who have been here a while, it does take what I will
3147 call those termination -- there is not an impasse here, and I
3148 think that is the interesting part about this.

3149 It is always talked about in contempt, what is the
3150 impasse. There is no impasse here because there is at least
3151 still negotiations, even from what the Department of Justice
3152 offered yesterday to say if we go to this step, we will be
3153 back next week and we will discuss some more. There is an
3154 impasse.

3155 Now, maybe there is the discussion that did not like it
3156 because this was actually -- the same thing was done by
3157 President Obama in the Eric Holder case, but actually not for
3158 those closest to the President himself but actually for
3159 lesser officials.

3160 So in looking at this, this is not new in the exertion
3161 of the executive privilege. The case that you are relying
3162 upon, even in the most generous reading, is a 50-50 toss-up

3163 for what you are trying to do here with this, and that is in
3164 the most generous of reading. From what I would say is a
3165 factual reading, it is not 50-50. It says that this is
3166 actually held.

3167 So as we go down this line, I understand the Chairman's
3168 frustrations. I disagree with the Chairman's frustrations on
3169 the fact that you are not getting the information that you
3170 want, or at this point you are not getting it the way you
3171 want it, but it has been pointed out that you have the
3172 ability to go to court to try and make this happen.

3173 Also, before I quit here, the Starr case is not
3174 precedent, and we keep bringing this up. The Starr case is
3175 not precedent. One, the statute is defunct. And also, today
3176 we have what is the Clinton-era Special Counsel investigation
3177 regulations, which is what Bill Barr is actually operating
3178 under.

3179 So if we want to go back and discuss, again, non-
3180 applicable precedent here, that is something issued, because
3181 the Starr report was actually made for the purpose of giving
3182 recommendations for impeachment. That is not what has
3183 happened under the Special Counsel's advice here, and it was
3184 not why the Mueller report was actually done.

3185 So if we count this case from a strictly legal reading,
3186 again, at best, it is a 50-50 jump ball to say that this is
3187 actually for that. But if you actually get into it, and

3188 especially what your subpoena has asked for, those closest to
3189 the President, this case actually sides and lands more toward
3190 my argument that this case does not apply and that your
3191 amendment should not be well taken and should be voted down.

3192 We have a lot left to go here. There are more problems
3193 with this than just the executive privilege issue that has
3194 been listed here. There is the problem of once you get
3195 before a judge and say what did you actually do to ask and
3196 get to this, there is no accommodation that has been made,
3197 this is again a process and rush to judgment.

3198 I would encourage all members to read the case, read the
3199 underlying case that this is based on, and reject this motion
3200 as it is offered.

3201 And with that, I yield back.

3202 Chairman Nadler. I thank the gentleman.

3203 Having used far less than my allotted 5 minutes, and
3204 having just realized that in the haste with which we prepared
3205 this I neglected to describe what the amendment actually
3206 does, I yield myself 15 seconds for that purpose.

3207 The amendment supplements the contempt report to address
3208 the Attorney General's statement last night and later this
3209 morning that he is asserting executive privilege over the
3210 redacted portions of the report and all underlying materials.
3211 The amendment then explains some of the many reasons why we
3212 believe that assertion of privilege lacks any valid basis.

3213 I yield back.

3214 Who seeks recognition?

3215 The gentle lady from Pennsylvania is recognized.

3216 For what purpose does the gentle lady from Pennsylvania
3217 seek recognition?

3218 Ms. Dean. To strike the last word.

3219 Chairman Nadler. The gentle lady is recognized.

3220 Ms. Dean. Thank you, Mr. Chairman, and thank you for
3221 offering this amendment, which I support.

3222 I was puzzled, maybe like many of you, that we received
3223 this morning -- I received it here, handed it about 10
3224 o'clock this morning -- a letter dated today, May the 8th,
3225 2019, addressed to the President, the White House,
3226 Washington, D.C.

3227 "Dear Mr. President, I am writing to request that you
3228 make a proactive assertion of executive privilege with
3229 respect to the Department of Justice documents recently
3230 subpoenaed by the Committee on the Judiciary of the House of
3231 Representatives." That is signed by William Barr, Attorney
3232 General, not personal attorney to the President, Attorney
3233 General Barr.

3234 And I contrast that with something I was taking a look
3235 at, dated January 29th of last year, 2018, written by
3236 personal attorney for the President, John Dowd, to Robert
3237 Mueller.

3238 In response to Robert Mueller asking for the President
3239 to come on in and testify, to interview with the President
3240 and discuss concerns regarding the report and the
3241 investigation, there is a list of some 15 areas of concern
3242 that the Special Counsel asked for the President to come on
3243 in and discuss. And guess what his personal attorney, John
3244 Dowd, said during this long letter?

3245 "After reviewing the list of topics you presented, it is
3246 abundantly clear to the undersigned that all of the answers
3247 to your inquiries are contained in the exhibits and testimony
3248 that have already been voluntarily provided to you by the
3249 White House and witnesses, all of which clearly show there
3250 was no collusion with Russia and that no FBI investigation
3251 even could have been obstructed."

3252 Farther down in the letter: "We all remain in agreement
3253 that your Office has received unprecedented access and
3254 voluntary cooperation in the collection of all documents
3255 requested by the White House."

3256 It goes on to further say: "In an effort to provide
3257 complete transparency, the President waived the obviously
3258 applicable privileges, where appropriate, in order to show
3259 both the Congress and the Special Counsel to see all relevant
3260 documents."

3261 His personal attorney more than a year ago waived
3262 privilege, said everybody came in, they had the right to

3263 testify, they had the right to meet. They spoke for hours,
3264 whether it was McGahn or any others, Hope Hicks and others,
3265 and yet this morning the Attorney General asked the President
3266 please claim -- put a big drape over this thing, please claim
3267 privilege. And then we later got a letter from the Attorney
3268 General saying he has claimed privilege, so I guess there was
3269 a conversation there.

3270 Imagine that, an attorney general sworn to uphold the
3271 oath of his office to be an independent, highest voice of the
3272 law of the land, hanging a heavy drapery of distortion,
3273 distraction, and deception over this incredible, important
3274 investigation.

3275 Mr. Chairman, we are at a grave moment. I thank you for
3276 holding this very important hearing on contempt. Our
3277 constitutional system of government is in jeopardy. We have
3278 to make sure that we protect the rule of law. We are up
3279 against an administration that cares nothing for the rule of
3280 law, cares only for self, and we need to see the entire
3281 Mueller report.

3282 Mr. Barr has given away his credibility here. We know
3283 that. His letters have no meaning because they do not
3284 reflect the truth.

3285 And so I stand in support of your amendment and, of
3286 course, in support of the underlying contempt report.

3287 Thank you, Mr. Chairman.

3288 Chairman Nadler. The gentle lady yields back.

3289 For what purpose does the gentleman from North Dakota
3290 seek recognition?

3291 Mr. Armstrong. Move to strike the last word.

3292 Chairman Nadler. The gentleman is recognized.

3293 Mr. Armstrong. I think we have some signals crossed.
3294 Until about 30 seconds ago or 5 minutes ago or 10 minutes
3295 ago, this subpoena was for a full unredacted version of the
3296 Mueller report. My colleagues on the other side of the aisle
3297 have given speeches, have cited cases -- now, I think they
3298 are entirely relevant -- about releasing 6(e) material. We
3299 just had a witness or just had a speech saying we get the
3300 entire report. Now, we are hearing conversations about 6(e)
3301 isn't necessarily in it, but it is in the subpoena.

3302 The subpoena is simple. It is fully to have the
3303 unredacted Mueller report. And just in the way that words
3304 matter, the letter didn't say a proactive assertion of
3305 privilege. It said a protective assertion of privilege. And
3306 I think we can reasonably argue that one of the reasons they
3307 are doing a protective assertion of privilege is in order to
3308 comply with the subpoena, they would have to violate the law.

3309 Now, we talk about compelling or we talk about asking
3310 the Attorney General to go to court to release grand jury
3311 evidence. We talk about how that has happened in the past.
3312 First of all, in the case that it happened in in the past, it

3313 was actually the *Halderman* case, and the reason the Court
3314 ruled in favor of releasing the information is because they
3315 ruled that it was a legal proceeding because it was an
3316 impeachment proceeding. Secondly, the Attorney General has
3317 no obligation to go to court, and by issuing a subpoena, this
3318 committee cannot compel him to go to court. This committee
3319 can go to court on its own to try and release that
3320 information. By the way -- and I will be offering an
3321 amendment later -- there is no guarantee that is going to
3322 happen either.

3323 So when we are having this conversation, when we are
3324 giving speeches, when we are going on CNN, when we are going
3325 on MSNBC, let's at least talk about what this is about. The
3326 subpoena was to release the full, unredacted report. And
3327 regardless of the colloquy we are having today, regardless of
3328 the debate we are having on this dais about that very
3329 information, that is what the subpoena says. So when you
3330 issue a protective assertion of privilege, you have the right
3331 to do that, particularly, I think, if you are the Attorney
3332 General and you think you will have to violate the law in
3333 order to comply with a subpoena.

3334 Secondly, and I think it becomes interesting and more
3335 important when we discuss how this has moved forward and
3336 where we are at, and by that I mean we are citing the *Espy*
3337 case. We are saying that we have all of these different

3338 issues, but nothing that has been redacted has been shared.
3339 It has only been shared from executive to executive. None of
3340 the underlying information has been shared. To say that
3341 there isn't a valid claim of assertion of executive privilege
3342 on that information, I think, I agree with the ranking
3343 member, is a jump ball at best. So with that --
3344 Mr. Neguse. Would the gentleman yield?
3345 Mr. Armstrong. Yeah, I yield.
3346 Mr. Neguse. Mr. Armstrong, with great respect, I guess
3347 the question may be to Ranking Member Collins. You said that
3348 executive privilege has not been waived with respect to the
3349 redacted portions of the report. I am not talking about the
3350 grand jury piece. I am talking about the other pieces. My
3351 understanding is that the ranking member has seen that
3352 unredacted material. Am I mistaken?
3353 Mr. Armstrong. I haven't seen it, so --
3354 Mr. Neguse. I know you haven't seen it, Mr. Armstrong,
3355 which is why we are here, right? I mean, fundamentally it is
3356 so that the members of this committee, as well as the
3357 members, I would say, of the Intelligence Committee, I might
3358 add, can have access to those unredacted portions of the
3359 report so that we can ultimately do our jobs. And so I want
3360 just to clarify that piece.
3361 Mr. Armstrong. Well, and the answer, I think, becomes
3362 when you go into a contempt proceeding as you are working

3363 this. And, I mean, I am confused now as to whether 6(e)
3364 material is part of this subpoena. Actually I am not. I
3365 know it is part of the subpoena, but as far as the
3366 conversation that has gone on. So asserting protective
3367 assertion of privilege, I mean, they have the right to do
3368 that. What the ranking member has seen and hasn't seen under
3369 those settings, I think, is a completely different
3370 conversation. I yield back.

3371 Chairman Nadler. The gentleman yields back. Who seeks
3372 recognition? For what purpose does the gentlelady from Texas
3373 seek recognition?

3374 Ms. Jackson Lee. I would like to quickly strike the
3375 last word.

3376 Chairman Nadler. The gentlelady is recognized.

3377 Ms. Jackson Lee. I would like to thank Mr. Neguse for
3378 giving a moment of clarity for the basis of this hearing and
3379 this markup, which is to illuminate on the unredacted
3380 entirety of the document, unredacted. But I would like to
3381 add just a point or two of clarification. I just want to
3382 rhetorically ask the question, if the document was issued
3383 during the time frame of 2012 to 2016 -- it was the previous
3384 President -- what my friends on the other side of the aisle
3385 would be engaged in. There would be no doubt in my mind that
3386 they would raging for the entire report. They would not only
3387 subpoena, they might even use inherent powers to attempt to

3388 incarcerate some of the Administration officials under the
3389 Obama Administration.

3390 We now are working on the basis of our chairman having
3391 worked extensively on accommodation. That terminology means
3392 that we have been reaching out to the Department of Justice
3393 to work with their lawyers to find a common ground to provide
3394 the documents that we ask. To clarify the gentleman, Mr.
3395 Armstrong's, point, we understand the law over here. We
3396 understand that the 6(e) materials are materials that deal
3397 with matters that will have to be reviewed by the Court. We
3398 don't intend to utilize materials randomly, and so we have
3399 asked the attorney general to come to court with us.

3400 Of course these documents are important because they go
3401 to the full understanding of the American people. We know
3402 that many of those documents may be held in a classified or
3403 confidential manner. We would intend to do that if that was
3404 necessary by the Court. So to act as if you are confused,
3405 the resolution speaks for it: the unredacted document in its
3406 entirety, the supporting materials, documents that Mr.
3407 Mueller utilized, and appropriate 6(e), as dictated by a
3408 court proceeding, which we would go and hope would move
3409 expeditiously.

3410 The reason why this is so important for the courts to
3411 look at this seriously is, again, whether you use the word
3412 "protected" or "proactive," it is the request for a blanket

3413 use of the executive privilege, which, as I said earlier, is
3414 historic. Today on this day in 2019, you are seeing a
3415 request on May 8th for something that has never been
3416 requested by any President of the United States, no matter
3417 how much review, investigation, and trouble they might be in.
3418 So this is historic.

3419 And I believe for the very infrastructure of the
3420 Constitution, there is no way that we can yield or cede to a
3421 blanket request for executive privilege. And I ask the
3422 rhetorical question as to what my friends would have done if
3423 this same document had come out between 2012 and 2016, and
3424 what the American people would have asked us to do.

3425 And so I believe we should move on the resolution, the
3426 underlying resolution because we have seen actions that have
3427 been never utilized. We have sought an accommodation. We
3428 have received letters on May 8th, today, both the letter to
3429 us indicating that we had breached the accommodation, and the
3430 breach came from the Attorney General, not from this
3431 committee. We were still negotiating late into the night.
3432 That should be very clear. And as well the seeking of a
3433 proactive, protective assertion of the executive privilege, I
3434 would offer to say to you, an executive privilege that has
3435 been waived.

3436 Let's get on our work in finding out the truth, and
3437 let's clarify what Mr. Nadler is asking for. I think he has

3438 been very clear, and I certainly think he has been measured
3439 in his attempt to work through this with the Attorney
3440 General. And I would hope that we would rise to support the
3441 resolution of which I support. I yield back.

3442 Chairman Nadler. The gentlelady yields back. For what
3443 purpose does the gentleman from Colorado seek recognition?

3444 Mr. Buck. Move to strike the last word.

3445 Chairman Nadler. The gentleman is recognized.

3446 Mr. Buck. I yield such time as the gentleman from
3447 Georgia desires.

3448 Mr. Collins. Thank you, and I appreciate the gentleman
3449 yielding. And I agree, and this is one of the things that I
3450 have thought about a while. And as I mentioned, it was very
3451 true. I think we have a lot of good attorneys on this
3452 committee. That is why we were, you know, objecting not to
3453 have questions. And if my friend from Texas and I were in a
3454 courtroom together, my immediate thought as an old trial
3455 lawyer would be, objection, calls for speculation. You are
3456 asking what speculation would be on what we would have said.

3457 But I don't have to have speculation on this. I have
3458 facts. What did happen during the previous Administration
3459 when a contempt proceeding was going on? They actually made
3460 the preemptive assertion. Jim Cole actually made the
3461 preemptive assertion for the privilege. My friends across
3462 the aisle actually disagreed with this, didn't want it to

3463 happen. In fact, walked out and made a big production saying
3464 it was all political, and they should have never held Eric
3465 Holder in contempt. The interesting part is, and I go back
3466 to this that will actually repeated, and repeated, and
3467 repeated, is that was over 400 days. We are still under even
3468 at the generous 2-months' level here.

3469 And I think it is really interesting because I want to
3470 go back to really the interesting issue that Mr. Neguse
3471 brought up, which was a valid point as something to bring up.
3472 But it also strengthened my argument that we are going too
3473 quickly, that there were accommodations made. The Department
3474 of Justice were in the process of making accommodations, and
3475 they made that from the original intent of letting members
3476 go. I never saw a definitive statement that said that is all
3477 we will ever do, okay?

3478 And I did go see it. That was public record. I did go
3479 see it. The chairman has not gone and seen it.

3480 Mr. Neguse. Would the gentleman yield?

3481 Mr. Collins. I will.

3482 Mr. Neguse. Ranking Member, with all due respect in the
3483 world, while I appreciate that, it seems to me that it has
3484 been pretty clear from the Department of Justice that they
3485 would only allow you and the chairman of this committee, as
3486 well as a few other members of this Congress, of this House,
3487 to see the materials you have. Our point is that the

3488 Republican members of the Judiciary Committee, as well as the
3489 Democratic members of this committee, as well as the
3490 Republican and Democratic members of the Intelligence
3491 Committee, ought to be able to review these materials to
3492 perform their critical constitutional duties. And that is
3493 why the ranking member of the Intelligence Committee, Devin
3494 Nunes, joined with the chairman of the Intelligence
3495 Committee, Adam Schiff, in making the same request that this
3496 committee has made.

3497 Mr. Collins. Yeah, reclaiming my time, and I
3498 appreciate, you know, the gentleman there, but I think this
3499 is the exact thing. That was the request actually that was
3500 made yesterday is we will have this request. There has never
3501 been a definitive we will never do it because we have
3502 actually seen an offer made yesterday that was rejected, and
3503 that is why we are here today. That is part of negotiations.
3504 As anyone who has went through a negotiation process, that is
3505 part of the negotiation. You may not like the timing, and
3506 you may not like it, but, again, in less than 40 days.

3507 It is pretty interesting when we had 400 days and over
3508 300 days with Holder and then also with Myers and Bolton.
3509 Again, I think we are conflating the issues here, and it is
3510 really interesting. The 6(e) information, we don't need to
3511 gloss over that. If you are watching and you are seeing
3512 this, don't gloss over the fact that we previously in this

3513 committee, the majority rejected an amendment that said 6(e)
3514 information is not going to be a part of this because now we
3515 are looking at this information, and it has been said several
3516 times what is relevant, and what is the speculation, and
3517 where do we go from here.

3518 I go back to a statement that I made just the other day
3519 when the chairman and I were talking about another amendment,
3520 and it goes back to this, and this is just true. We vote on
3521 words on paper, not intent. We vote on words on paper, and
3522 what words on paper say matter, and it may intend that we ask
3523 for this. It may intend that we don't want to do it, but
3524 that is not what we vote on in this Congress.

3525 Ms. Jackson Lee. Would the gentleman yield? Would the
3526 gentleman yield?

3527 Mr. Collins. I will yield to the gentlelady.

3528 Ms. Jackson Lee. I thank the gentleman. We certainly
3529 could be in a courtroom. I just want to clarify that Mr.
3530 Holder's activities were far more distinctive for the actual
3531 acts of the President of the United States. We are dealing
3532 with the actual acts of a President of the United States.
3533 And what I was saying, if that occurred between 2012 and
3534 2016, you would be, my good friends, rushing toward a
3535 particular procedure. And this is has to do with actual acts
3536 of the presidency. I yield back to you.

3537 Mr. Collins. And I will reclaim my time, and that is

3538 exactly what I believe my friends have said that you are
3539 rushing toward. But I also go back to this amendment. To
3540 the gentelady, this amendment is actually based on a case, I
3541 laid that out very clearly, this case, when you look at it
3542 even from the Holder perspective, wouldn't even apply there.
3543 This is actually the *Espy* case as we go forward. Again, I
3544 think this all goes into the very assumption that this is why
3545 this is rushed. That is why we have said this all along, and
3546 it just goes back to the court because if taken to court, if
3547 my friends take this contempt to court, if that is what they
3548 are intending to do, they are going to look at the record
3549 that was laid. And right now that record and cupboard is
3550 bare. With that, I yield back to the gentleman from
3551 Colorado.

3552 Mr. Buck. And I yield back.

3553 Mr. Johnson of Georgia. Mr. Chairman?

3554 Chairman Nadler. The gentleman from Colorado has the
3555 time.

3556 Mr. Buck. I yield back.

3557 Chairman Nadler. The gentleman yields back. For what
3558 purpose does the gentleman from --

3559 Ms. Escobar. Mr. Chairman?

3560 Chairman Nadler. For what purpose does the gentelady
3561 from Texas seek recognition?

3562 Ms. Escobar. Mr. Chairman, I move to strike the last

3563 word.

3564 Chairman Nadler. The gentlelady is recognized.

3565 Ms. Escobar. I think it is so important for us to come
3566 back to why we are here and to understand why there is so
3567 many efforts to prevent us from getting to the full truth.
3568 Let's remember what we all know. We all know that Russia, a
3569 foreign adversary, attacked our country, and they did that by
3570 meddling in our elections. We know that a campaign, the
3571 President's campaign, knew about that attack. We know that
3572 they welcomed that attack. We know that they tried to
3573 prevent others from knowing about that attack. We know that
3574 they made false statements about the attack. And after
3575 everyone knew, the President then tried to obstruct the
3576 investigation about that attack.

3577 And the other thing that we know, and this is what we
3578 have to remember as Americans, they are still at it. They
3579 were wildly successful in trying to get inside of our
3580 elections. Wildly successful, and they are still at it.
3581 That is why we are here. That is why we are trying to get to
3582 the truth. That is why we are fighting so hard for the
3583 American public to have access to everything. It is not that
3584 complicated. It is actually pretty simple. But I will tell
3585 you, I am new here, and earlier one of my colleagues, Ms.
3586 Scanlon, said -- she is also new -- how this whole thing
3587 really saddens her. And Mary Gay, it saddens me, too.

3588 I can't believe this. I cannot believe this. Something
3589 that should be unifying Republicans and Democrats alike,
3590 fighting for this country, fighting for the integrity of our
3591 democracy, fighting for our elections, fighting for the
3592 American people. But instead, this is what we get. We get
3593 different ways and avenues and strategies to obstruct getting
3594 to the full truth.

3595 I want to remind everyone here, and I want to remind the
3596 American public, about the oath that we took. We took an
3597 oath the day we were sworn in to support and defend the
3598 Constitution of the United States against all enemies,
3599 foreign and domestic. Further, that we will bear true faith
3600 and allegiance to the same. I remember my oath. I take my
3601 oath seriously. And all of these efforts to create obstacles
3602 and roadblocks to getting to the full truth? Shame. Shame,
3603 shame, shame. Mr. Chairman, I support your amendment. I
3604 support this resolution, and it is about time that everyone
3605 unite and fight for the American public.

3606 Mr. Johnson of Georgia. Would the gentlelady yield?

3607 Ms. Escobar. I do. I yield.

3608 Mr. Johnson of Georgia. Yes, we simply do not have 400
3609 days to wait before making sure that we are protected in the
3610 2020 election. We know that in 2016, the Russians interfered
3611 with our election so that they could help Donald Trump get
3612 elected. Donald Trump will stand for reelection again in a

3613 very short period of time, and we don't have 400 days to wait
3614 to determine whether or not we are in shape to withstand any
3615 additional attempts for the Russians to try to interfere to
3616 help Trump get reelected.

3617 And I don't want the public to be confused. 6(e) is not
3618 the issue here. We know that we have to get with the courts
3619 in order to obtain grand jury information. We know that, and
3620 we are prepared to do that. Ordinarily the Attorney General
3621 would go with us to court to do that, but he doesn't want to
3622 do that. But the other three things that they are
3623 withholding information, they are redacting the Mueller
3624 report for are for ongoing matters. They don't say "ongoing
3625 investigations or prosecutions." Ongoing matters. What does
3626 that mean? National security sources and methods. We can
3627 deal with that. And then the third thing, embarrassing
3628 information on peripheral third parties not charged. Those
3629 are things that we need to be negotiating about, and this
3630 Administration has refused to do so, and that is what this
3631 contempt proceeding is all about. And with that, I yield
3632 back.

3633 Ms. Escobar. I yield back my time.

3634 Chairman Nadler. The gentleman yields back.

3635 All in favor of the motion, say aye?

3636 Those opposed?

3637 The ayes have it.

3638 Mr. Collins. Roll call vote.

3639 Chairman Nadler. The clerk will call the roll.

3640 Ms. Strasser. Mr. Nadler?

3641 Chairman Nadler. Aye.

3642 Ms. Strasser. Mr. Nadler votes aye.

3643 Ms. Lofgren?

3644 Ms. Lofgren. Aye.

3645 Ms. Strasser. Ms. Lofgren votes aye.

3646 Ms. Jackson Lee?

3647 Ms. Jackson Lee. Aye.

3648 Ms. Strasser. Ms. Jackson Lee votes aye.

3649 Mr. Cohen?

3650 Mr. Johnson of Georgia?

3651 Mr. Johnson of Georgia. Aye.

3652 Ms. Strasser. Mr. Johnson of Georgia votes aye.

3653 Mr. Deutch?

3654 Mr. Deutch. Aye.

3655 Ms. Strasser. Mr. Deutch votes aye.

3656 Ms. Bass?

3657 Mr. Richmond?

3658 Mr. Jeffries?

3659 Mr. Cicilline?

3660 Mr. Swalwell?

3661 Mr. Swalwell. Aye.

3662 Ms. Strasser. Mr. Swalwell votes aye.

3663 Mr. Lieu?

3664 Mr. Lieu. Aye.

3665 Ms. Strasser. Mr. Lieu votes aye.

3666 Mr. Raskin?

3667 Mr. Raskin. Aye.

3668 Ms. Strasser. Mr. Raskin votes aye.

3669 Ms. Jayapal?

3670 Mrs. Demings?

3671 Mrs. Demings. Aye.

3672 Ms. Strasser. Mrs. Demings votes aye.

3673 Mr. Correa?

3674 Mr. Correa. Aye.

3675 Ms. Strasser. Mr. Correa votes aye.

3676 Ms. Scanlon?

3677 Ms. Scanlon. Aye.

3678 Ms. Strasser. Ms. Scanlon votes aye.

3679 Ms. Garcia?

3680 Ms. Garcia. Aye.

3681 Ms. Strasser. Ms. Garcia votes aye.

3682 Mr. Neguse?

3683 Mr. Neguse. Aye.

3684 Ms. Strasser. Mr. Neguse votes aye.

3685 Mrs. McBath?

3686 Mrs. McBath. Aye.

3687 Ms. Strasser. Mrs. McBath votes aye.

3688 Mr. Stanton?

3689 Mr. Stanton. Aye.

3690 Ms. Strasser. Mr. Stanton votes aye.

3691 Ms. Dean?

3692 Ms. Dean. Aye.

3693 Ms. Strasser. Ms. Dean votes aye.

3694 Ms. Mucarsel-Powell?

3695 Ms. Mucarsel-Powell. Aye.

3696 Ms. Strasser. Ms. Mucarsel-Powell votes aye.

3697 Ms. Escobar?

3698 Ms. Escobar. Aye.

3699 Ms. Strasser. Ms. Escobar votes aye.

3700 Mr. Collins?

3701 Mr. Collins. No.

3702 Ms. Strasser. Mr. Collins votes no.

3703 Mr. Sensenbrenner?

3704 Mr. Chabot?

3705 Mr. Chabot. No.

3706 Ms. Strasser. Mr. Chabot votes no.

3707 Mr. Gohmert?

3708 Mr. Jordan?

3709 Mr. Jordan. No.

3710 Ms. Strasser. Mr. Jordan votes no.

3711 Mr. Buck?

3712 Mr. Buck. No.

3713 Ms. Strasser. Mr. Buck votes no.
3714 Mr. Ratcliffe?
3715 Mr. Ratcliffe. No.
3716 Ms. Strasser. Mr. Ratcliffe votes no.
3717 Mrs. Roby?
3718 Mr. Gaetz?
3719 Mr. Johnson of Louisiana?
3720 Mr. Biggs?
3721 Mr. Biggs. No.
3722 Ms. Strasser. Mr. Biggs votes no.
3723 Mr. McClintock?
3724 Mr. McClintock. No.
3725 Ms. Strasser. Mr. McClintock votes no.
3726 Mrs. Lesko?
3727 Mr. Reschenthaler?
3728 Mr. Reschenthaler. No.
3729 Ms. Strasser. Mr. Reschenthaler votes no.
3730 Mr. Cline?
3731 Mr. Cline. No.
3732 Ms. Strasser. Mr. Cline votes no.
3733 Mr. Armstrong?
3734 Mr. Armstrong. No.
3735 Ms. Strasser. Mr. Armstrong votes no.
3736 Mr. Steube?
3737 Mr. Steube. No.

3738 Ms. Strasser. Mr. Steube votes no.

3739 Chairman Nadler. Has every member voted that wishes to
3740 vote?

3741 The gentlelady from Washington?

3742 Ms. Jayapal. Aye.

3743 Ms. Strasser. Ms. Jayapal votes aye.

3744 Chairman Nadler. The gentleman from Tennessee?
3745 Mr. Cohen. Aye.

3746 Ms. Strasser. Mr. Cohen votes aye.

3747 Chairman Nadler. The gentlelady from Arizona?

3748 Mrs. Lesko. Thank you. How am I recorded?

3749 Ms. Strasser. Mrs. Lesko, you are not recorded.

3750 Mrs. Lesko. No.

3751 Ms. Strasser. Mrs. Lesko votes no.

3752 Chairman Nadler. Are there any other members of the
3753 committee who have not been recorded who wish to be recorded?

3754 [No response.]

3755 Chairman Nadler. The clerk will report.

3756 Ms. Strasser. Mr. Chairman, there are 20 ayes and 12
3757 noes.

3758 Chairman Nadler. The ayes have it. The amendment is
3759 agreed to.

3760 There are votes about to be called on the floor at 1:30.
3761 It is now 1:31. They should be called momentarily. The
3762 committee will stand in recess until 2:30. That should give

3763 members time to get a little quick lunch, too.

3764 The committee will stand in recess until 2:30.

3765 [Whereupon, at 1:32 p.m., the committee recessed, to
3766 reconvene at 2:42 p.m., the same day.]

3767 Chairman Nadler. The committee will come back to order.

3768 Are there any further amendments?

3769 For what purpose does the gentleman from Colorado seek
3770 recognition?

3771 Mr. Buck. Mr. Chairman, I have an amendment at the
3772 desk.

3773 Chairman Nadler. The clerk will report the amendment.

3774 Ms. Strasser. Amendment to the amendment in the nature
3775 of a substitute to the Committee Report for the Resolution
3776 Recommending that the House of Representatives Find William
3777 P. Barr, Attorney General, U.S. Department of Justice, in
3778 Contempt of Congress for Refusal to Comply with a Subpoena
3779 Duly Issued by the Committee on the Judiciary, offered by
3780 Mr. Buck of Colorado.

3781 [The amendment of Mr. Buck follows:]

3782

3783 Chairman Nadler. The gentleman is recognized to explain
3784 his amendment.

3785 Mr. Buck. Thank you, Mr. Chairman.

3786 Congress does its work mindful of House and committee
3787 precedents. What Members have done and said in past
3788 instances involving the investigation of a sitting President,
3789 appointment of a special and independent counsel, review of a
3790 report from the office of an independent or special counsel,
3791 and how we review and consider obstruction of justice and,
3792 ultimately, impeachment are all relevant to our work today.

3793 Mr. Chairman, as you are well aware, the referral of the
3794 Starr report to Congress in 1998 and this committee's
3795 consideration of that report in 1998 and 1999 are very
3796 relevant to us today. The purpose of today's markup is to
3797 ostensibly to conduct oversight, and the insistence of the
3798 Attorney General to refuse to violate the law by surrendering
3799 an unredacted copy of the special counsel report has led us
3800 to considering a contempt of Congress resolution.

3801 What is a special counsel report? Is it definitive in
3802 its conclusions? Does it reflect one side's views? Is it
3803 potentially biased?

3804 Mr. Chairman, you said in 1998 that a report of this
3805 kind is "a prosecutor's report. By its nature, it is a one-
3806 sided report."

3807 Why then is it so important for this committee to see

3808 the unredacted report if it only tells one side of the story?
3809 Wouldn't this committee be better off doing our investigation
3810 so we can see information that is not one-sided, but instead
3811 balanced? Is it critical for Congress or this committee to
3812 review 6(e) material?

3813 So there was a time 20 years ago where you suggested
3814 grand jury materials were unverified and may not be true and
3815 could be salacious. You said their release would be unfair.
3816 Why are we interested now in untrue and salacious materials?
3817 You said certain grand jury materials must not be seen at
3818 all. Given your position, I offered an amendment several
3819 weeks ago to protect those materials, and the Democrats on
3820 this committee objected and voted against my amendment.

3821 Should this committee see the materials on the floor of
3822 the House? In 1998, you said it would be "grossly unfair" to
3823 allow members of the Judiciary Committee to see the materials
3824 in relation to a report involving obstruction of justice by a
3825 Democratic President. In 1998, you criticized members of the
3826 Judiciary Committee, suggesting members of this committee
3827 would leak the materials.

3828 I would note that during the Nixon impeachment
3829 proceedings, this committee adopted rules of procedure to
3830 protect against leaks. We could do that today, but I would
3831 note for the record we have not.

3832 Mr. Chairman, in 1999, the New York Times wrote a

3833 glowing piece on your opposition to the Clinton impeachment
3834 matter. In that article, they wrote that "Mr. Nadler said he
3835 was not convinced that Mr. Clinton committed perjury or
3836 obstructed justice, but if the President did, the offenses,
3837 meaning perjury and obstruction, would not be impeachable."

3838 So there we have it. Mr. Mueller said no collusion, no
3839 provable obstruction, but even now we have issues that would
3840 not be impeachable if they were found to be verified. And
3841 Mr. Chairman, I would note that you did suggest in 1999 an
3842 impeachment was a "partisan coup d'etat."

3843 I believe it is important for this committee to
3844 understand and be mindful of its history as we consider
3845 today's business. Your past statements related to these
3846 issues are as important today as they were in 1998 and 1999.
3847 I urge the committee to adopt the amendment to ensure that
3848 the report accurately reflects our past positions.

3849 I yield back my time.

3850 Chairman Nadler. I thank the gentleman for yielding.

3851 I yield myself 5 minutes in opposition of the amendment.

3852 The amendment incompletely and incorrectly --
3853 incompletely, I should say, mischaracterizes my position of
3854 20 years ago. It mischaracterizes and incomplete also my
3855 position today. I, in any event, reserve the right to learn
3856 over a 20-year period. I am not going to waste time debating
3857 my view in 1998, and I have already stated my views on this

3858 matter today.

3859 We ought to be focused now on getting the unredacted
3860 Mueller report and the underlying evidence for the committee
3861 and for the American people. They are of great moment. I
3862 will simply say one thing with respect to what the gentleman
3863 said a moment ago.

3864 Yes, a prosecutor's report is a prosecutor's report and
3865 is not necessarily totally objective. And yes, we should
3866 look at other evidence, too. But that is where you start.
3867 We have to start by looking at the Mueller report and the
3868 underlying evidence for it. It is not where we should
3869 finish. No one is suggesting that that is the only evidence
3870 before us, but it is the start of the evidence. It is
3871 essential to the evidence.

3872 And as I said, I am not going to debate my views of
3873 20 years ago. Not now. I will be happy to do it in other
3874 forums. I have already stated my position today.

3875 I oppose the amendment. I urge my colleagues to vote
3876 against it, and I urge my colleagues to do what we can to get
3877 the unredacted Mueller report and the underlying evidence for
3878 the committee and for the American people so that we can do
3879 our job of holding the administration accountable.

3880 I yield back.

3881 The question occurs -- oh, for what purpose does the
3882 gentlelady from Florida seek recognition?

3883 Mrs. Demings. Move to strike the last word.

3884 Chairman Nadler. The gentlelady is recognized for
3885 5 minutes.

3886 Mrs. Demings. Mr. Chairman, I wish to speak in
3887 opposition to the gentleman from Colorado's amendment.

3888 As a former law enforcement officer, I frequently make
3889 statements and comments about law enforcement and the
3890 Department of Justice. And overwhelmingly, most of my
3891 comments are filled with pride and appreciation for the men
3892 and women of a profession that I have loved. But Attorney
3893 General Barr has betrayed his oath to uphold the law and
3894 defend the Constitution, and today, we are voting to hold him
3895 accountable for refusing to respond to a lawful subpoena.

3896 And Mr. Chairman, we have more than enough reason to be
3897 here and to take this action. The special counsel's report
3898 documents a pattern of criminal and corrupt behavior and
3899 makes it clear that it is not -- if it were not for the
3900 Department of Justice rule, had the subject of this
3901 investigation been any other person, any other man or woman,
3902 he or she would have been charged.

3903 And shockingly, the report shows the President tried to
3904 limit the investigation, fire the investigators, and hide
3905 conclusions. Let us also remember that several of the
3906 President's associates who were closely related to either the
3907 administration or the campaign are guilty of Federal crimes.

3908 The President of the United States encouraged his associates
3909 to hide the truth, illegally suggested that he would pardon
3910 witnesses and threatened them with retribution if they didn't
3911 protect him.

3912 In short, the special counsel's report tells a shocking
3913 story of corruption and obstruction. The Mueller report
3914 shows motive and means. It documents statements, events, and
3915 evidence.

3916 However, 48 short hours after receiving the 448-page
3917 report from the special counsel, Attorney General Barr rushed
3918 to release a letter designed to mislead the Nation, knowing
3919 that the American people are just busy, trying to make a
3920 living, take care of their families, trying to stay healthy
3921 and be safe. The Attorney General's letter, in fact, was so
3922 misleading that the special counsel wrote to the attorney
3923 general saying that the letter did not fully capture the
3924 context, nature, and substance of the report and, in fact,
3925 threatened to undermine, undermine the investigation.

3926 As a former police chief, a law enforcement officer,
3927 someone who worked as a detective and a detective sergeant, I
3928 am not angry. I am not ticked off or afraid. But I am
3929 deeply disappointed by the top cop of this Nation's behavior.

3930 Too often the powerful exploit our system and take
3931 advantage of the system and everyone else. But Mr. Chairman,
3932 not today. So I do not support the gentleman from Colorado's

3933 amendment, but I do fully support the underlying resolution
3934 to hold the Attorney General like we would anybody else,
3935 excluding the President, accountable and hold them in
3936 contempt.

3937 Thank you, Mr. Chairman. And with that, I yield back.

3938 Chairman Nadler. Who seeks recognition? The gentleman
3939 from California?

3940 Mr. Correa. Thank you, Mr. Chairman. Move to strike
3941 the last word.

3942 Chairman Nadler. The gentleman is recognized.

3943 Mr. Correa. Thank you.

3944 First of all, I want to welcome my constituents that
3945 have come all the way from Orange County to be here to
3946 witness democracy, to witness the Judiciary Committee. Good
3947 debate on the law, the debate on policy. And I wanted to
3948 take a few moments just to let you know what this is all
3949 about today.

3950 A lot of debate, a lot of discussion, but this is really
3951 about that concept that no one is above the law. And we in
3952 Congress have the responsibility, on behalf of the American
3953 people, to hold each and every person accountable for their
3954 actions and wrongdoing. Congressional oversight.

3955 Congressional oversight is what this is about today.

3956 Our democratic constitutional system of checks and
3957 balances says that we have to have meaningful significant

3958 congressional oversight. And today, we are debating simply
3959 one important thing, which is access by Congress of the
3960 Mueller report, full Mueller report and all the underlying
3961 evidence.

3962 We are congresspeople. Every day we are subject, we
3963 review top secret documents. Believe it or not, we can keep
3964 secrets, and today is one of those days when we have to make
3965 sure that we have access to all the information.

3966 The Mueller report. Mr. Mueller, everybody seems to
3967 have an opinion on what the Mueller report is about,
3968 including Mr. Mueller, who came back and said that Mr. Barr's
3969 four-page statement was not correct.

3970 So here we are today, asking to see the full Mueller
3971 report. And it is just not about what happened in 2016, and
3972 it is not about who did what, when, and how. Sadly, it is
3973 about something equally important, which is the 2020
3974 election.

3975 I also sit on Homeland Security. The former head of
3976 Homeland Security, Secretary Nielsen, before she resigned,
3977 she tried to tell the President that the Russians were at it
3978 again, and the President did not want to listen.

3979 If we are to have significant democracy in this country,
3980 we have to make sure that we protect it from foreign
3981 interference. And today, getting to the bottom of that
3982 Mueller report is the first step in the direction of

3983 protecting America, protecting our democracy, and making sure
3984 that people in this country are assured that their votes and
3985 their elections are sacred.

3986 Mr. Chairman, I yield.

3987 Chairman Nadler. For what purpose does the gentlelady
3988 from Texas seek recognition?

3989 Ms. Garcia. To say the last word.

3990 Chairman Nadler. The gentlelady is recognized.

3991 Ms. Garcia. Thank you, Mr. Chairman.

3992 And first of all, I want to thank you for your patience
3993 and for your judicious demeanor throughout these proceedings
3994 and in working with the Department of Justice to reach an
3995 accommodation. You know, I find it very difficult to even
3996 bring to words what I need to say today because, as a lawyer,
3997 a former judge, and an officer of the court, I am
3998 astoundingly and profoundly disturbed that the Attorney
3999 General of the United States is refusing to comply with a
4000 congressional subpoena.

4001 Never in my dreams growing up, working hard to get an
4002 education with a belief in truth, justice, and the American
4003 dream, never would I have believed that I would be sitting
4004 here today talking about an Attorney General of the United
4005 States, the top law enforcement officer refusing to comply
4006 with a subpoena of the United States Congress.

4007 And what is this fight really all about? You know, this

4008 is the report itself, for those watching from TV. And it may
4009 sound like it is not a lot when they keep saying that it is
4010 only 8 percent of a report. But wouldn't all of us like to
4011 hide 8 percent of our lives?

4012 You know, as stated earlier, you know, what about the
4013 truth we tell? I am Catholic. When I go to confession, do I
4014 just not tell 8 percent of the things that I really should
4015 confess about? No. You confess about the whole thing.

4016 This is what it looks like. If you are the reader, you
4017 really do kind of feel cheated because you are reading, and
4018 then all of a sudden, there is just dark spaces. And that is
4019 really how I do feel. I feel like I am being cheated. I
4020 feel like the American people are being cheated.

4021 So it is important, Mr. Chairman and my colleagues, that
4022 we tell the American people exactly why we are here. We are
4023 not here because we enjoy yelling at each other or fighting
4024 with each other or, frankly, sometimes because we enjoy being
4025 with each other. We are here convened today to fulfill our
4026 constitutional oversight responsibilities. That, I might
4027 add, in addition to legislative responsibilities.

4028 The Constitution establishes Congress and the executive
4029 as coequal branches, designed to check each other. That
4030 system relies on each branch respecting -- and I want to
4031 underscore "respecting" -- the powers of the other two.

4032 This committee has issued a subpoena directing the

4033 Attorney General to produce an unredacted copy of the Mueller
4034 report so that we can see, frankly, what they are trying to
4035 hide. We need the full report, but the Attorney General has
4036 refused to comply and now belatedly has urged the President
4037 to exert executive privilege. In Texas, we say he is a day
4038 late and a dollar short.

4039 That refusal undermines our constitutional order and its
4040 system of checks and balances. And if we do not hold the
4041 Attorney General in contempt for this refusal, it blesses the
4042 continued diminishment of Congress as an institution and
4043 continues the disrespect to the American people.

4044 Congress is constitutionally entitled to the full
4045 Mueller report, and it requires this evidence so that we can
4046 fulfill our legislative oversight and constitutional
4047 responsibilities. Mr. Barr may need reminding that no one --
4048 not myself, not the President, and not the Attorney General -
4049 - is above the law.

4050 So I, therefore, say that, Mr. Chairman, we have no
4051 choice but to hold Mr. Barr accountable, and the way we do
4052 that is through contempt. I don't support this amendment. I
4053 think we need to move on. I don't think it adds anything and
4054 I intend to vote for your motion and your report.

4055 Thank you, Mr. Chairman. I yield back.

4056 Mr. Johnson of Georgia. Mr. Chairman?

4057 Mr. Sensenbrenner. Mr. Chairman?

4058 Chairman Nadler. For what purpose does the gentleman
4059 from Wisconsin seek recognition?

4060 Mr. Sensenbrenner. Mr. Chairman, I move to strike the
4061 last word.

4062 Chairman Nadler. The gentleman is recognized.

4063 Mr. Sensenbrenner. Mr. Chairman, we have had a number
4064 of speakers in a row on the other side of the aisle, and
4065 every one of them has forgotten the background of Attorney
4066 General Barr, former attorney, the Deputy Attorney General
4067 Rosenstein, and also Mr. Mueller. All of them are
4068 prosecutors. All of them are trained to spot where there is
4069 enough evidence to obtain a conviction should they go to the
4070 grand jury and bring a defendant to trial.

4071 In terms of the alleged Russian collusion, there is
4072 extensive evidence in the Mueller report that, yes, the
4073 Russians did attempt to influence the election, but there was
4074 no collusion or no conspiracy. You know, they did things
4075 like paying Facebook to have pop-up ads on people's cell
4076 phones and other types of things, including getting the voter
4077 registration rolls in the State of Illinois and perhaps
4078 elsewhere. But there wasn't the tie that they colluded with
4079 the Trump campaign or, for that matter, anybody else to do
4080 that.

4081 Now in regards to Volume 2 of the Mueller report, again,
4082 Mueller is a trained prosecutor. Many of the indictments

4083 that he brought were for Federal crimes of people who were
4084 involved in the Trump campaign, like Mr. Manafort, but for
4085 offenses that they committed before Mr. Trump even announced
4086 his candidacy for President of the United States.

4087 So we are not talking about corruption during the
4088 campaign. We are talking about corrupt individuals doing
4089 corrupt things before Trump announced and before the campaign
4090 started.

4091 We hear an awful lot about the summary of the Mueller
4092 report that Attorney General Barr made public a couple days
4093 after the report was delivered. First of all, you can read
4094 that report in a couple of days. It is 400 pages long. So
4095 having a reaction to the report within 2 days is not simply
4096 blowing off what may have been contained in there, but
4097 Mr. Barr is entitled to his opinions. And what was contained
4098 in that letter are the opinions of the Attorney General of
4099 the United States -- no more, no less -- on what he had read
4100 in the Mueller report.

4101 Now if Mr. Mueller has a different opinion -- and
4102 apparently he does, from my reading of the press -- maybe he
4103 should have made that part of the report a little bit more
4104 specific, so that there would be no ambiguity involved in
4105 what Mr. Mueller was driving at.

4106 Now we talk about separation of powers here, and I have
4107 heard that repeatedly today on the other side of the aisle.

4108 One of the things in separation of powers is that the
4109 legislative branch does not prosecute anybody. That is a
4110 bill of attainder, and that was specifically prohibited in
4111 the Constitution simply because of the excesses of the
4112 British parliament that occurred before the Constitution was
4113 written and before the independence of our country.

4114 So we don't prosecute anybody. Sure, we do oversight.
4115 But I can see there is way not to do oversight, and that is
4116 what we are seeing on the other side of the aisle.

4117 I was the chairman of this committee for 6 years in the
4118 last decade, and before that, I was the chairman of the
4119 Science Committee. We did very vigorous oversight on the
4120 PATRIOT Act, as the chairman, gentleman from New York,
4121 recognized. I did vigorous oversight of our involvement with
4122 the Russians in terms of the Space Station, as those who were
4123 around here at that time recognized.

4124 But in 10 years as a committee chairman, I never issued
4125 a subpoena. And the reason I never issued a subpoena is that
4126 I was able to get the information the committee needed to do
4127 its oversight simply by negotiating, by writing letters to
4128 the agency heads, some of which I admit used some very tart
4129 language, but at least I was able to get the information that
4130 the committee needed to make the agencies operate better
4131 without issuing a subpoena.

4132 What we are seeing here is subpoena first and then

4133 figure out what we can do to make people embarrassed because
4134 they cannot comply with all parts of the subpoena. Mr. Barr
4135 can't do that under Rule 6(e). So the chairman has put the
4136 Attorney General between a rock and a hard place. Comply
4137 with a subpoena, you violate the law on grand jury secrecy.
4138 Blow off the subpoena, and you end up being found in
4139 contempt. That is not fair, and it doesn't do this committee
4140 any good in getting to the bottom of this.

4141 I yield back.

4142 Chairman Nadler. For what purpose does the gentlelady
4143 from Georgia seek recognition?

4144 Mrs. McBath. Thank you, Mr. Chairman. I would like to
4145 move to strike the last word.

4146 Chairman Nadler. The gentlelady is recognized.

4147 Mrs. McBath. Thank you.

4148 On the heels of my esteemed colleague from Texas, I
4149 would like to kind of take a few moments and just bring these
4150 discussions back to our broader problem. Today, the House
4151 Judiciary Committee is holding a vote on whether to hold
4152 Mr. Barr in contempt. And trust me, I take no joy in doing
4153 this whatsoever, and I am disappointed that it has come to
4154 this.

4155 But compliance with congressional oversight is simply
4156 not an option. The American people should be able to know if
4157 the Government is working for the people. My constituents in

4158 my district, they deserve to know the truth. And this
4159 committee, we deserve to know the truth, and we should do
4160 whatever it takes to ensure that our Government is by the
4161 people and for the people.

4162 This administration has announced a dangerous blanket
4163 policy of refusing to comply with congressional, critical
4164 congressional oversight. This makes it impossible for us and
4165 this committee to fulfill our constitutional
4166 responsibilities.

4167 And lastly, I would like to say this. If this
4168 committee, with every fiber of their being, is not fighting
4169 for the American people, then who are we fighting for?

4170 And I yield back the balance of my time.

4171 Mr. Biggs. Mr. Chairman?

4172 Mr. Johnson of Louisiana. Mr. Chairman?

4173 Chairman Nadler. For what purpose does the gentleman
4174 from Louisiana seek recognition?

4175 Mr. Johnson of Louisiana. Move to strike the last word.

4176 Chairman Nadler. The last word is duly struck, and the
4177 gentleman is recognized.

4178 Mr. Johnson of Louisiana. Thank you, Mr. Chairman.

4179 I have a point of clarification. It is a bit technical,
4180 but I do believe it is very important for the proceedings
4181 today.

4182 Before we recessed, the committee voted unanimously to

4183 adopt an amendment by Mr. Gaetz that provided that nothing in
4184 the resolution shall require the Attorney General to break
4185 the law in complying with the subpoena. And a number of
4186 Democrats, including you, assured the committee your intent
4187 was not to force the Attorney General to disclose 6(e)
4188 material, which would, of course, be in violation of the law.

4189 Chairman Nadler. Without a court order.

4190 Mr. Johnson of Louisiana. Without a court order. So on
4191 April 3rd, this is the question Mr. Buck offered an amendment
4192 to specifically exclude 6(e) material from the subpoena. And
4193 I have the amendment right here, and I would ask unanimous
4194 consent to include that in the record.

4195 Chairman Nadler. Without objection.

4196 [The information follows:]

4197

4198 Mr. Johnson of Louisiana. Every Democrat voted against
4199 that amendment, and I have the vote tally right here as well,
4200 and I would ask to include that in the record as well.

4201 Chairman Nadler. Without objection.

4202 [The information follows:]

4203

4204 Mr. Johnson of Louisiana. The amendment failed by a
4205 party-line vote, 16 Republican yeas and 24 Democrat nays.

4206 This morning's vote changes nothing about the subpoena
4207 and the demands that are put on the Attorney General. The
4208 subpoena, as it stands today, requires the Attorney General
4209 to break the law to be fully compliant. If you look at it on
4210 its face, that is beyond dispute. I know that, and you know
4211 that. And yet you are nonetheless rushing to hold him in
4212 contempt.

4213 So despite your intent that the subpoena not require
4214 6(e) material without a court order, that is what the
4215 subpoena you issued actually demands, if you read it on its
4216 face. You and every single Democrat member on this dais
4217 voted for that, and that is the danger that we are talking
4218 about today of moving forward so quickly on these things.

4219 So here is the question. I ask my good friends and
4220 colleagues on the other side, how do you explain today's
4221 sudden change of heart? Is it true that it is not your
4222 intent to force the AG to break the law by forcing him
4223 without -- with your subpoena to disclose 6(e) material? And
4224 if that is your intent, that proves what every Republican on
4225 this dais has been saying all day.

4226 If it is not, then the subpoena you have issued is
4227 dangerously over broad, and the question is, are you going to
4228 reissue a new subpoena? It is a change of heart that I think

4229 deserves some clarification.

4230 Chairman Nadler. The gentleman will yield?

4231 Mr. Johnson of Louisiana. I will yield.

4232 Chairman Nadler. No, we are not going to issue a new
4233 subpoena. We have no intention and never had any intention
4234 of enforcing -- of trying to force the Attorney General or
4235 anyone else to give us 6(e) material without going to court.
4236 We did want to and we still do want to follow the procedure
4237 that has been done in every similar case in the past of going
4238 to court, which we will do, to ask for 6(e) material and
4239 having the Attorney General go with us.

4240 The reason that was in the subpoena was to increase our
4241 clout in court in getting the 6(e) material, hopefully with
4242 the Attorney General's support, but it is in no way meant to
4243 force him to give that support.

4244 Mr. Johnson of Louisiana. Mr. Chairman, reclaim my
4245 time. The way I understand it, the Attorney General would be
4246 required to go to court to avoid. The way the subpoena is
4247 written right now, he would be required to go to court.

4248 Chairman Nadler. The gentleman will yield?

4249 Mr. Johnson of Louisiana. I will yield. Yes, sir.

4250 Chairman Nadler. The subpoena is written as the
4251 beginning of a dialogue process. It is the beginning of a
4252 process to talk to the Attorney General and to the Department
4253 of Justice and, ultimately, to go to court. But it is

4254 designed to be the foundation of a dialogue and is not

4255 designed to force our hand in what we insist on in court.

4256 Mr. Johnson of Louisiana. Mr. Chairman, the beginning

4257 of a dialogue? Let me yield to Mr. Buck, if I may?

4258 Mr. Chairman?

4259 Chairman Nadler. Let me just -- before you -- let me

4260 just point out --

4261 Mr. Johnson of Louisiana. Well, wait. This is my time,

4262 Mr. Chairman.

4263 Chairman Nadler. We have accepted the amendment today.

4264 We have stated the intent. I think that should take care of

4265 the matter.

4266 Mr. Johnson of Louisiana. This is a contempt

4267 proceeding. Let me yield to Mr. Buck.

4268 Mr. Buck. Mr. Chairman, I have never -- I have issued

4269 many subpoenas or requested the court to issue many subpoenas

4270 on behalf of prosecutors' offices that I have worked in. I

4271 have never considered it the beginning of a dialogue. I have

4272 considered it a command by the court to produce documents.

4273 We are now in a contempt proceeding, and I am not sure

4274 whether you consider this the middle of a dialogue or the

4275 mid-beginning of a dialogue. But I consider this a pretty

4276 serious matter, as is ordering -- issuing a subpoena from the

4277 Judiciary Committee.

4278 If it was a dialogue that you were interested in, and I

4279 understand that it is your position that you had attempted a
4280 dialogue for 2 months before the Department of Justice came
4281 to the table. But if it is a dialogue you are interested in,
4282 I believe there are other methods of going about that than a
4283 command from Congress to the administration to supply
4284 documents.

4285 And this is a far, far cry from anything other than one
4286 of the most serious matters that we will handle in the
4287 Judiciary Committee in the year 2019. So I would ask -- and
4288 I thank the gentleman for yielding to me, but I would ask you
4289 to clarify exactly what we are doing here in contempt if this
4290 is part of a dialogue with the Attorney General.

4291 Mr. Johnson of Louisiana. And Mr. Chairman, just
4292 reclaim my 6 seconds that I have left. In the letter this
4293 morning from the Department of Justice to you, he says you
4294 have terminated our ongoing negotiations and abandoned the
4295 accommodation process. That is a dialogue.

4296 Why did you do this, and why are we here if this is part
4297 of a dialogue?

4298 Chairman Nadler. We didn't terminate. They did by
4299 refusing to make any offer in good faith.

4300 The gentlelady from Florida is recognized. For what
4301 purpose does the gentlelady from Florida seek recognition?

4302 Ms. Mucarsel-Powell. Thank you, Mr. Chairman. I move
4303 to strike the last word.

4304 Chairman Nadler. The gentlelady is recognized.

4305 Ms. Mucarsel-Powell. I think we need to regroup for
4306 just one second, and I would like to share my story. I did
4307 not have the privilege of being born into this country. I
4308 became an American citizen when I was 20 years old, and both
4309 when I become a citizen and when I was sworn into Congress, I
4310 took an oath to protect and defend the Constitution against
4311 all enemies, foreign and domestic.

4312 And just last month, I spoke to a group of new citizens
4313 in my district in Miami who took that same oath. The room
4314 was in tears at the significance of becoming members of our
4315 shining example of democracy. Attorney General Barr took
4316 that same oath, but now he shows us that the only oath he is
4317 following is to protect and defend this President, who right
4318 now is threatening the strength of our democracy.

4319 Having come from South America, I understand very well
4320 what it means when authoritarian leaders believe that they
4321 are above the law. They start circumventing other branches
4322 of government and consolidate their own power to the
4323 detriment of the democratic ideals and freedoms of this
4324 country, and we cannot allow this to happen in the United
4325 States of America.

4326 We have a crisis in our hands. On the one hand, we have
4327 a report that details a systematic attack on our election
4328 system by a foreign adversary. On the other, we have an

4329 administration that refuses to acknowledge these attacks and
4330 fails to recognize the Article I powers of a coequal branch
4331 of government. And we have an Attorney General who refuses
4332 to comply with a duly issued, legitimate congressional
4333 subpoena.

4334 Now just for one moment, I would like to bring up some
4335 facts. The Mueller report concludes that the Russian
4336 government interfered in the 2016 presidential election in
4337 sweeping and systematic fashion. The report states that the
4338 Russians attacked our election systems at least in part to
4339 support the Trump campaign. The Russians targeted our State
4340 and local governments. In fact, my own State of Florida,
4341 including my very own district, Florida 26, was a victim of
4342 Russian attacks.

4343 The report says that the Russian government sent
4344 spearfishing emails to over 120 email accounts used by
4345 Florida county officials responsible for administering the
4346 2016 election. And despite this clear threat to our
4347 democracy, the Attorney General has seemingly relinquished
4348 the duties he owes to the American people.

4349 He has chosen to work as the President's personal
4350 defense counsel, seeking to bury Mueller's very detailed
4351 account of the President's attempts to obstruct justice.
4352 Since Mueller issued his report, Mr. Barr's conduct has been
4353 misleading and deceptive. He has tarnished his own

4354 reputation.

4355 Despite numerous reasonable requests from the House and
4356 this committee, the Attorney General has refused to put the
4357 interests of the American people first. He has refused to
4358 allow Congress to view the full report and the evidence on
4359 which it is based. And now, just this morning, he is
4360 pleading the President to assert executive privilege only
4361 when the possibility of contempt is on the table.

4362 I was elected into office to lower healthcare costs, fix
4363 a broken immigration system, pass common sense gun reform
4364 laws. But I was also elected to take an oath to defend the
4365 Constitution of the United States. I take my job very
4366 seriously.

4367 And being a mom, I can assure you that I can do more
4368 than one thing at a time. In addition to passing legislation
4369 for the people, Congress also has a duty to perform our
4370 oversight function to make sure that this administration is
4371 taking adequate steps to protect our elections from future
4372 attacks, and we can't do that job with an administration that
4373 obstructs our constitutional responsibility at every single
4374 turn.

4375 This contempt citation is necessary to ensure that the
4376 Attorney General does not violate his oath to uphold the
4377 Constitution and is held accountable to Congress and to the
4378 American people. I ask my Republican colleagues across the

4379 aisle who speak so strongly against the violations of
4380 democratic values and freedoms in Venezuela, in Cuba, to not
4381 abdicate their Article I powers to this President.

4382 Our Constitution, the separation of powers, and our very
4383 democracy depend upon us to support and defend the
4384 Constitution of the United States and faithfully discharge
4385 the duties of our office.

4386 I yield the rest of my time.

4387 Mr. Biggs. Mr. Chairman?

4388 Chairman Nadler. For what purpose does the gentleman
4389 from Georgia seek recognition?

4390 Mr. Collins. Strike the last word.

4391 Chairman Nadler. The gentleman is recognized.

4392 Mr. Collins. Okay. Continuing this out, and I know
4393 that I am going to yield to some of our members as well. But
4394 let us -- it is not an empty point, and I think this is the
4395 concern that has been brought up because I have said it
4396 before in this committee that we don't vote on intent. We
4397 don't vote on what we say, and we don't even vote on our
4398 words. We vote on words on paper. A judge, anybody else
4399 will vote on what is presented to him in court.

4400 And the subpoena that I have before me says that the
4401 Honorable William P. Barr, Attorney General, will command to
4402 appear and identified certain things to produce. Those
4403 things that he was supposed to produce are, number one, the

4404 complete and unredacted version of the report submitted on or
4405 about March 22, 2019.

4406 And it says includes, but not limited to summaries,
4407 indices, all documents referencing the report, and all
4408 documents obtained through that. There is no qualification
4409 there. It says you will produce everything that we just
4410 said, with no qualifications of 6(e). And if everything is
4411 involved there, there is 6(e) information in there.

4412 So this is something that when you look at the -- when
4413 the court will look at this, and if you even look through the
4414 back on 15 under I think it is -- Report Number 15 on
4415 definitions, 15 says the report means the complete and
4416 unredacted version of the report submitted on or about
4417 March 22, 2019.

4418 We had offered an amendment that said -- that would have
4419 excluded 6(e) information from this report and from this
4420 subpoena. That is not in this subpoena. The four corners of
4421 this subpoena simply say give us the whole report. It
4422 doesn't say nothing that is not against the law. And it
4423 can't be assumed when you put this in here.

4424 So as we look at this, this is an important point, and
4425 also there has been a couple of cases here where it says "as
4426 in other cases." And some of you -- Mr. Chairman, you said
4427 this and others. It has "in other cases," where we go with
4428 the Attorney General to make this happen. There is no other

4429 cases. The independent counsel case that you cite and others
4430 was done under the independent counsel statute, which the
4431 independent counsel went to the court to get the information,
4432 not the Attorney General.

4433 So as we look at this, it is not a -- Mr. Johnson brings
4434 up a very valid point. And when we rejected the 6(e)
4435 amendment to the subpoena, this is now what we are left with,
4436 with a subpoena that truly does, on any valid reading of
4437 this, it says if you read this subpoena -- any attorney, any
4438 judge -- it says give me the whole report. I don't care --
4439 even classified. I mean, it is all -- you have got to have
4440 everything here.

4441 So this is just the four-corner document of what a judge
4442 would look at when enforcing this subpoena. So it does
4443 matter. It is not irrelevant. It is a valid question. If
4444 we had rejected an amendment on 6(e), how do we go -- you
4445 know, how else then do you say that it is not, except we take
4446 your word for it.

4447 And around this place, neither side takes our word for
4448 it. You go on what is on the paper.

4449 Chairman Nadler. Mr. Biggs?

4450 Mr. Collins. I yield to the gentleman from Arizona.

4451 Mr. Biggs. Thank you, Mr. Collins. I appreciate that.

4452 The point I wanted to make is real simple. It is
4453 getting back to what is going to happen when the court gets

4454 there. The court will look at documents. The court is going
4455 to look first at the document which talks about a full and
4456 complete unredacted -- excuse me, it is going to look at the
4457 subpoena, which says a full and complete unredacted report.

4458 And the point has been made by Mr. Johnson, it has also
4459 been made by Mr. Buck and Mr. Collins, that is what will be
4460 questioned. Mr. Barr, did you submit to that subpoena?

4461 And there is no way he can comply with that subpoena
4462 because we have not qualified it. Which puts him back to
4463 what I kept saying this morning is that you have placed him,
4464 by the terms of the subpoena, in an untenable position. It
4465 is either be held in contempt or violate the Federal law.

4466 So we move there, the judge is going to say -- and since
4467 we have now basically qualified the contempt motion that we
4468 are here marking up, the judge is going to say the subpoena
4469 you have is now invalid. Your contempt citation is
4470 premature. You did not give Mr. Barr an opportunity to
4471 respond to the modifications that you made in your contempt
4472 hearing.

4473 That is what this is about. So when people start
4474 talking about rule of law and we need to do that, and I am
4475 all for the rule of law. By modifying today, saying what
4476 Mr. Barr has to comply with, you have unalterably changed
4477 this subpoena. You are premature on the subpoena that is
4478 outstanding. There is no subpoena that has been modified.

4479 It is only your motion that has been modified.

4480 How in the world will the court rule in favor of you?

4481 It is a legalistic argument, but the reality is that is
4482 exactly what a judge is going to be asking you.

4483 And I yield back to Mr. Collins.

4484 Mr. Collins. And I thank the gentleman from Arizona.

4485 Again, we are just -- again, this goes back to the whole
4486 argument we have had on why are we here today. Is it too
4487 quick? Have we come to this point too quick? Have we
4488 reached an impasse?

4489 Today, we have, in essence, and I think it couldn't be
4490 construed maybe too broadly here, we have actually made an
4491 offer here at this committee today on the contempt hearing.

4492 So, with that, I yield back. Thank you, Mr. Chairman.

4493 Chairman Nadler. For what purpose does the gentleman
4494 from Colorado rise?

4495 Mr. Neguse. Move to strike the last word.

4496 Chairman Nadler. The gentleman is recognized.

4497 Mr. Neguse. Mr. Chair, I am happy to recognize you for
4498 a moment if you would like to respond to the ranking member?

4499 Chairman Nadler. Let me just -- I thank the gentleman
4500 for yielding.

4501 I just want to say the following. We have been beating
4502 a dead horse. Two comments.

4503 The Constitution requires that the two branches of

4504 government engage in an accommodations process when one wants
4505 information from the other. I asked the Department to begin
4506 that dialogue with us long before the report was released in
4507 anticipation of our needs, long before the Mueller report was
4508 released.

4509 I issued a subpoena only when the Attorney General made
4510 clear that he would not provide it to us in any meaningful
4511 way. I asked to negotiate with the Department at least 5
4512 times over 6 weeks. They provided us with nothing. We moved
4513 to contempt only after the AG blew through our May 1st
4514 deadline.

4515 I am still willing to reach an accommodation. Late last
4516 night, we were still negotiating when the Department pulled
4517 the plug and declared its intent to declare privilege over
4518 all of the material that we wanted -- over all the material
4519 from the grand jury, both the grand jury material and other
4520 redactions and all of the underlying evidence.

4521 And yes, absent an accommodation, the Attorney General
4522 must comply with a lawful subpoena. That is the general
4523 thing. Yes, I heard that with Holder, they negotiated -- it
4524 took 400 days, but Holder supplied many documents throughout
4525 that period. In the end, there was an impasse. Here, they
4526 refused to negotiate with us or to deal with us in any way or
4527 to give us a single piece of paper.

4528 Secondly, we keep talking about the 6(e) material. We

4529 have made clear that the 6(e) material is not included for
4530 purposes of the subpoena. And if that wasn't clear enough,
4531 when we accepted Mr. Gaetz's amendment, that is made super
4532 clear.

4533 Now we hope to continue negotiations anyway, but you are
4534 beating a dead horse that is not relevant because, A, no one
4535 is going to insist on it and, B, the amendment to the
4536 contempt motion makes that very clear.

4537 I thank the gentleman. I yield back. I give the time
4538 back to Mr. Neguse.

4539 Mr. Collins. Would the gentleman yield?

4540 Mr. Neguse. Thank you, Mr. Chair.

4541 Chairman Nadler. It is his time.

4542 Mr. Collins. I know, and that is who I am asking. Will
4543 the gentleman from Colorado yield?

4544 Mr. Neguse. I will yield for a moment to the ranking
4545 member.

4546 Mr. Collins. Okay. Thank you.

4547 Again, I get it that we are wanting to discuss this, and
4548 it has not happened. But there is no -- I mean, how many
4549 lawyers walk into a court today and present a four-corner
4550 document to a judge, and then you try to argue, well, that is
4551 not what we meant, Your Honor. I meant to actually exclude
4552 this, but I didn't have it. I have lost cases that way
4553 because I didn't put what I wanted in there.

4554 We can't say it doesn't matter. So I appreciate the
4555 gentleman yielding here just to make that clarification. It
4556 does matter what is in the subpoena. It does matter.

4557 And my question is, is really from a legal perspective,
4558 by adding this to contempt today, did we, in essence -- did
4559 the majority and us make an offer to Department of Justice?

4560 I yield back to the gentleman. Thank you.

4561 Mr. Neguse. Thank you.

4562 Mr. Chair, I just again want to, because I imagine we
4563 are getting fairly close to the end of this hearing, kind of
4564 circle back to why we are here. And I think Representative
4565 Escobar, the gentlewoman from Texas, as well as
4566 Representative Mucarsel-Powell, did an articulate job of
4567 doing precisely that, which is to say that, fundamentally,
4568 our democracy was attacked by a foreign adversary in 2016.
4569 And the Mueller report makes abundantly clear that that was
4570 the case.

4571 I will refer the American public to page 3 of the
4572 contempt report, and I will quote, "The redacted Mueller
4573 report contains numerous findings, including that the Russian
4574 government attacked the 2016 U.S. presidential election in
4575 sweeping and systematic fashion through a social media
4576 campaign and releasing hacked documents. And two, the
4577 Russian intelligence services intentionally focused on State
4578 and local databases of registered voters and State and local

4579 websites affiliated with voter registration."

4580 For example, "The GRU compromised the computer network
4581 of the Illinois State Board of Elections, then gained access
4582 to a database containing information --"

4583 Mr. Sensenbrenner. Will the gentleman yield?

4584 Mr. Neguse. "-- on millions --" I will not. "On
4585 millions of registered Illinois voters and extracted data
4586 related to thousands of U.S. voters before the malicious
4587 activity was identified."

4588 Here is the point. If I can leave the American people
4589 with one thing, it is this. If we don't take actions to
4590 prevent it, it will happen again. And that is why it is so
4591 fundamentally important for us to be able to discharge our
4592 constitutional duties by reviewing the Mueller report and the
4593 underlying evidence.

4594 And by the way, this is why I am particularly frustrated
4595 today because this is not an unreasonable request. As I
4596 referenced earlier in this hearing, I will read a letter.
4597 April 25th to the Attorney General of the United States that
4598 says, I will quote, "In our prior letter, we made clear that
4599 for the committee to discharge its unique constitutional and
4600 statutory responsibilities, the committee requires full
4601 visibility into the special counsel's office's unredacted
4602 report, findings, and underlying evidence and information."

4603 That letter is signed by Congressman Adam Schiff and

4604 Congressman Devin Nunes of the Intelligence Committee. I am
4605 at a loss for understanding why my colleagues on the other
4606 side of the aisle, who I respect greatly, would not join in
4607 our efforts to be able to ensure that this committee and its
4608 distinguished members have accessed to the special counsel's
4609 report so that we could ultimately do our jobs.

4610 And given the Attorney General's unwillingness to allow
4611 us to do so and this administration's engaging in wholesale
4612 obstruction of Congress to be able to engage in its oversight
4613 duties, we have no choice but to move forward with a contempt
4614 citation. And that is why I will be voting no on my
4615 colleague's amendment and will be voting yes in favor of the
4616 citation.

4617 And with that, I yield.

4618 Chairman Nadler. For what purpose does the gentleman
4619 from Pennsylvania seek recognition?

4620 Mr. Reschenthaler. Mr. Chairman, I move to strike the
4621 last word.

4622 Chairman Nadler. The gentleman is recognized.

4623 Mr. Reschenthaler. Thank you, Mr. Chairman.

4624 Mr. Chairman, I yield the balance of my time to my
4625 colleague from Louisiana.

4626 Mr. Johnson of Louisiana. I thank the gentleman for
4627 yielding.

4628 Mr. Chairman, I just want to make sure that we get

4629 something straight for the record. Because if there is a
4630 court proceeding about this, this would be very relevant to
4631 the trier of fact, to the judge in that matter.

4632 You said in your own words, I think, just a few moments
4633 ago in response to my inquiry that the subpoena that you
4634 issued, that this committee issued to the Attorney General is
4635 just the next step in a dialogue. We are here on an
4636 extraordinary contempt citation. This is not a game. Your
4637 subpoena is issued to the Attorney General of the United
4638 States of America, and it reads in its first line, "You are
4639 hereby commanded."

4640 That is not an invitation to a dialogue unless we are
4641 going to construe it that way. And if that is the view of
4642 the chair, we need to make it crystal clear for the record
4643 right now, so we can dispense with the court hearing that
4644 many of us anticipate to come out of this. This record will
4645 make that court hearing moot and unnecessary. This is a
4646 dialogue and not intended by the sender of the subpoena to be
4647 an actual subpoena, apparently.

4648 Look, the authority that we have in the Congress to
4649 issue subpoenas is a heavy one. We should not weaponize
4650 this. We can't be using this stuff for political purposes,
4651 and that is what is happening in this committee right now.

4652 Many of the legal rights usually associated with a
4653 judicial subpoena don't apply to a congressional subpoena.

4654 We have a huge weight of authority, and I just feel like it
4655 is being abused here, and I think the admission that you made
4656 just a few moments ago is extraordinary. It makes much of
4657 what we have done here today a total waste of the American
4658 taxpayer's time.

4659 And I will yield back.

4660 Mr. Johnson of Georgia. Mr. Chairman?

4661 Chairman Nadler. For what purpose does the gentleman --

4662 Mr. Reschenthaler. Mr. Chairman?

4663 Chairman Nadler. Oh, I am sorry. Mr. Reschenthaler has
4664 the time.

4665 Mr. Reschenthaler. Mr. Chairman, I yield the balance of
4666 my time to my colleague, Mr. Biggs.

4667 Mr. Biggs. Thank you. Thank you.

4668 I just want to make two quick points that I think have
4669 to be said. When I listen to some of my colleagues on the
4670 other side and they talk about the Russian meddling, which is
4671 one of the findings in the Mueller report, there is nobody on
4672 this side of the aisle that is minimizing that. There is no
4673 one over here that doesn't think something has to be done.

4674 In fact, it was the Obama administration under which
4675 that took place. That is when that took place. But we need
4676 to -- both sides are culpable. Both sides need to fix that.
4677 But it has nothing to do with whether Mr. Barr has complied
4678 with the subpoena. That is why we are here, to see if he

4679 should be held in contempt.

4680 The subpoena, in and of itself, as we have now
4681 discovered, was apparently the words within the subpoena were
4682 not what was intended by this party, by the chairman. That
4683 is a problem when you are going to find someone in contempt.

4684 Contempt says there was a specific order of performance
4685 to be made, you didn't make it, we are going to hold you in
4686 contempt. That has nothing to do with whether we all think
4687 something should be done about Russian interference in the
4688 most sacred right of being in a democratic republic, which is
4689 voting.

4690 But what it does have to do with is whether we followed
4691 the rule of law, and what I am seeing today is we will issue
4692 a subpoena, but when it comes time to enforce the subpoena
4693 through something called a contempt citation, we will start
4694 modifying what we really intended. That cannot stand.

4695 And with that, I will yield my time to the gentleman
4696 from Colorado.

4697 Mr. Buck. I thank the gentleman for yielding, and I
4698 just wanted to respond to my friend from Colorado. Rather
4699 than doing this on the plane ride back on Friday, we could do
4700 it right here in public.

4701 I don't think anybody on this side of the aisle
4702 disagrees that the Russians meddled, interfered, tried to
4703 influence the outcome of our election. And if this is what

4704 this is about, I am absolutely in favor of proceeding and
4705 finding out more information and doing our job as oversight.

4706 A number of the folks on this side of the aisle were
4707 very adamant about our Article I powers when President Obama
4708 was in office, and number of them are very adamant right now
4709 about our powers of oversight and take this very seriously.

4710 The issue before us is whether the President colluded,
4711 conspired with the Russians, and it is clear from the Mueller
4712 report that he did not. And so I think we need to move on
4713 and not attack the Attorney General in this way.

4714 I understand from the chairman that we are not after
4715 6(e) material until we get an order from the court, that we
4716 are willing to only look at classified material in a secured
4717 setting. I think both of those things make a lot of sense.
4718 Then the other two categories of documents I really don't
4719 know enough about. I can't support the underlying motion in
4720 this case because I just don't know what the negotiations
4721 were, and I think this is premature.

4722 Chairman Nadler. The gentleman's time has expired. For
4723 what purpose does the gentleman from Georgia seek
4724 recognition?

4725 Mr. Johnson of Georgia. Move to strike the last word.

4726 Chairman Nadler. The gentleman is recognized.

4727 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

4728 I have been amused over the last half hour or so

4729 listening to the sweet talk coming from the other side of the
4730 aisle. It reminds me of when I was courting my wife and
4731 trying to get her to agree to marry me, and I just wouldn't
4732 let her leave until she committed. And I just kept talking
4733 and talking and bringing up 6(e) and 6(g) --

4734 [Laughter.]

4735 Mr. Johnson of Georgia. -- and everything that I could,
4736 and so, finally, 39 years ago, she agreed to marry me. So I
4737 won. But we can't let the Republicans win today trying to
4738 sweet talk us and trying to sweet talk the American people.

4739 The issue is not about 6(e). Don't get it twisted. The
4740 issue is about whether or not the Republicans on this panel
4741 will be consistent with the vote that they took on the floor
4742 of the House on March 14th, and they voted unanimously -- in
4743 a rare form of bipartisan unity, we all voted 420 to 0 for a
4744 full release of the full Mueller report.

4745 What happened to change their minds about it? Because
4746 now they are trying to sweet talk us into not getting the
4747 report. What changed? I believe what happened was on April
4748 22nd, my colleague from Georgia was able to go and view the
4749 unredacted report. He went by himself, and he agreed that he
4750 wouldn't say anything to anybody about it.

4751 But now we have the Republicans in lock step, all of
4752 them agreeing to obstruct our ability to get the report.
4753 They have rescinded their support of March the 14th. And I

4754 wonder why. Is it because they don't understand --

4755 Mr. Buck. Will the gentleman yield, and I will explain?

4756 Mr. Johnson of Georgia. Is it because they have seen
4757 the full report, and now they don't want us to see the report
4758 because they are afraid that it implicates the President?
4759 What is the reason why they have changed their minds from
4760 March 14th to today?

4761 And with that, I will yield to the gentleman from
4762 Colorado. I would like to have an answer to that question.
4763 It is more than a rhetorical one and will give the time.

4764 Mr. Neguse. I think --

4765 Mr. Buck. Will the gentleman yield?

4766 Mr. Johnson of Georgia. Yes, sir.

4767 Mr. Neguse. I appreciate the gentleman from Georgia
4768 yielding. I will just be brief just not to belabor the point
4769 with respect to 6(e), but I do think this is an important
4770 clarification. The amendment that we adopted from Mr. Gaetz
4771 states simply, "No provision in this resolution or report
4772 shall be construed as a directive for the Attorney General to
4773 violate Federal law or rules, including, but not limited to
4774 Rule 6 of the Federal Rule of Criminal Procedure."

4775 The Attorney General, there are a variety of ways in
4776 which he could have complied with this subpoena and complied
4777 with Rule 6. One of the ways, as has been discussed during
4778 this hearing, was to simply tell this committee that he

4779 believed that he could not produce the grand jury materials,
4780 but that he would join us in a request at a court of law to
4781 ultimately produce those materials.

4782 I will also say the members of the Intelligence
4783 Committee make a compelling case that there is another
4784 exception under Rule 6(e) that very well could apply. If you
4785 look to Footnote 3 in their letter to the Attorney General
4786 where they state, "To the extent any such information relates
4787 to grand jury matters, Rule 6(e) of the Federal Rules of
4788 Criminal Procedure pose no bar to disclosure of such
4789 materials to this committee under the exception set forth in
4790 Rule 6(e)(3)(D)," which I am new to Congress, but many of you
4791 were here when the amendments to Rule 6(e) were made in 2001.

4792 All right. This relates specifically to information
4793 involving foreign intelligence, counterintelligence, grand
4794 jury matters involving grave hostile acts from a foreign
4795 power, and so forth. So the point being that there are a
4796 variety of different ways in which the rule can be complied
4797 with and the subpoena could be complied with. In this case,
4798 the Attorney General clearly, after much, much negotiation by
4799 the chairman of this committee, who showed great patience
4800 throughout this entire process, chose not to do so.

4801 With that, I yield back to the gentleman from Georgia.

4802 Mr. Johnson of Georgia. Thank you. And I yield to the
4803 gentleman from New York.

4804 Chairman Nadler. I thank the gentleman for yielding.

4805 I fully agree with the gentleman from Colorado,
4806 obviously. But I want to say that we are making a big
4807 mountain out of a small part of this, and remember, the main
4808 thing we are talking about is not Rule 6(e). The main thing
4809 we are talking about is the absolute stonewalling by the
4810 Justice Department, the Attorney General, and the President
4811 not only of the unredacted Mueller report and the underlying
4812 evidence, but of everything.

4813 The President said we will reject all House subpoenas.
4814 What we are dealing with here, and we should not lose sight
4815 of the main fact, is, one, a total stonewalling of Congress
4816 from all oversight activity, which is unprecedented in the
4817 history of the country. And two, a refusal to let the
4818 Congress see the Mueller report, the unredacted Mueller
4819 report and the underlying evidence. And I would point out
4820 that the comparisons made to 20 years ago are completely off
4821 base because 20 years ago, the entire Starr report, 445 pages
4822 and 17 boxes of documents were handed to the Judiciary
4823 committee, and we saw all of it. And the debate was whether
4824 -- how much of that or all of it should be made public or not
4825 public.

4826 No one is urging that the entire -- that all the
4827 redacted portions of the Mueller report and the underlying
4828 evidence all be made public. Obviously, there are parts that

4829 cannot be made public, but obviously, the Judiciary Committee
4830 should make that decision, not the Attorney General of the
4831 United States, who is acting -- who has misled the public,
4832 deliberately misled the public and apparently misled the
4833 Congress as to the contents of the reports and has obviously
4834 a motive other than a motive to protect the President.

4835 He shouldn't make that decision. The Judiciary
4836 Committee should make that decision, as has been the case in
4837 every previous case. That is what is at stake today.

4838 I yield back.

4839 Mr. Chabot. Mr. Chairman? Mr. Chairman?

4840 Chairman Nadler. Who seeks recognition?

4841 Mr. Chabot. Mr. Chairman, down here.

4842 Chairman Nadler. For what purpose does the gentleman
4843 from Ohio seek recognition?

4844 Mr. Chabot. Move to strike the last word.

4845 Chairman Nadler. The gentleman is recognized.

4846 Mr. Chabot. Thank you, Mr. Chairman.

4847 Before yielding to the ranking member, I just want to
4848 say a couple of things. First of all, most of us, as well as
4849 being on this committee, are on other committees. I happen
4850 to be on the Foreign Affairs Committee, and we have looked
4851 over the years very closely at some of the abuses of the
4852 Russians, Putin in particular, all across the globe and in
4853 his own country as well. For example, killing his political

4854 opponents, literally, usually through other people, but it
4855 happened. Jailing reporters, basically suppressing any true
4856 form of democracy in Russia.

4857 In other parts of the world we saw what he did in
4858 Ukraine, basically using so-called "Little Green Men" to take
4859 over Crimea, and then to brutally attack the people of
4860 Eastern Ukraine. Shooting down a civilian airliner.
4861 Basically propping up Bashar al-Assad and bombing innocent
4862 civilians, being responsible for killing thousands and
4863 thousands of innocents. So it is not a surprise that in the
4864 Mueller report we saw that there is confirmation that he was
4865 trying to affect us here, in probably the most significant
4866 democracy on the globe, trying to adversely impact our
4867 elections as well. We saw him do it in other parts of the
4868 world as well. Not surprising he was doing it here.

4869 But, again, I just want to mention, and the gentleman
4870 from Arizona said this and others have as well, that this
4871 happened not when Donald Trump was President. This happened
4872 under President Obama's watch. That is when it happened, and
4873 basically a blind eye was turned on most of those occasions.
4874 We saw, you know, the famous red line in Syria where action
4875 was promised and didn't happen, and investigations were
4876 talked about. It was talked about doing something about the
4877 Russians, but ultimately nothing was done by the Obama
4878 Administration to stop this.

4879 And a lot of times we wonder why. I think perhaps it is
4880 because most people expected Hillary to win the election, and
4881 I don't think he wanted to think that there was Russian
4882 hanky-panky involved in her winning. But that didn't happen.
4883 Donald Trump won, and so, therefore, it became a huge issue.
4884 But let's not ever forget that this happened under President
4885 Obama's watch. That is where action didn't take place.

4886 And if you want to study and go into dealing with the
4887 Russians and stopping them from doing this type of stuff,
4888 that ought to be bipartisan. We will work with you on that,
4889 but this is nothing but politics. This about the next
4890 election. This is about trying to demonize the Attorney
4891 General. That is what this is all about.

4892 The Mueller report didn't come out the way you thought
4893 it was going to come out. You are really disappointed about
4894 that, and now you are fearful that this Attorney General is
4895 actually going to look into what the Mueller report should
4896 have been about, and that was about trying to influence an
4897 election, trying to tip an election into one party's favor
4898 over the other. That is what is going to be looked into now,
4899 and I think a lot of my colleagues don't like that. I would
4900 like to yield my additional time to the ranking member.

4901 Mr. Collins. Thank you. I appreciate that. Look, real
4902 quick, and I am glad my friend from Georgia, who we have
4903 talked about many things. He is a sweet talker, and I am

4904 glad his wife actually agreed. The problem is we are not
4905 sweet talking here. We are talking about a subpoena to the
4906 Attorney General. This is not sweet talking. This is a
4907 subpoena to the Attorney General insisted.

4908 And how do we know that it is being insisted? Because I
4909 sat on the floor and actually debated this resolution. It
4910 says all this would be released "except to the extent in
4911 which public disclosure or any portion thereof is expressly
4912 prohibited by law." Nothing changed. There is no backing up
4913 here. Don't fool the American people. Don't try to tell
4914 them that something changed. Nothing changed in that process
4915 because you can read the resolution, and the resolution says
4916 basically what we didn't say in the subpoena.

4917 The subpoena says you want everything. This actually
4918 said no 6(e), no classified, because you can't get it. That
4919 is what the resolution said. There has been no backup there
4920 at all. And the main thing that the chairman just said is
4921 something here in the Intel Committee -- I want to address
4922 this. The Intel Committee is not on this subpoena, so it
4923 doesn't matter. I don't care what the Intel Committee says.
4924 The Intel Committee is not on this subpoena that was issued
4925 by this chairman in this committee. And on the point and the
4926 face of this document, it asked for all things. The main
4927 thing is not about dialogue. The main thing is not about
4928 underlying documents. The main thing is what does the

4929 subpoena ask for, and the subpoena asks for everything.

4930 One last question before the time runs out. And, Mr.
4931 Chairman, you have cited on several occasions now discussing
4932 this, many cases where this has actually happened, where we
4933 have many cases. Outside of the independent counsel statute,
4934 please cite me cases where this happened where the Attorney
4935 General goes with the committee to actually go and get this
4936 done. Outside the independent counsel, which an independent
4937 counsel actually said you are supposed to do this, outside of
4938 that, what are the cases? Outside of independent counsel.

4939 You stated on several occasions from the dais this
4940 morning and this afternoon that previous cases, this is the
4941 way we have always done it in previous cases. Our side can't
4942 find a previous case outside the independent counsel statute
4943 outside the independent counsel or an impeachment proceeding.

4944 Chairman Nadler. Is the gentleman asking me a question?

4945 Mr. Collins. Yes.

4946 Chairman Nadler. Does the gentleman yield?

4947 Mr. Collins. I yield.

4948 Chairman Nadler. Well, for example, Watergate,
4949 Whitewater, the Clinton-Gore campaign finance case, Iran-
4950 Contra, the impeachment of Judge Hastings --

4951 Mr. Collins. Reclaiming my time.

4952 Chairman Nadler. -- the Mike Espy matter, for example.

4953 Mr. Collins. Reclaiming my time. You just answered

4954 everything that I told you it was not. I said outside
4955 independent counsel or impeachment, which we had. I will
4956 allow that I didn't say "impeachment."

4957 Chairman Nadler. Those were not impeachment inquiries.

4958 Mr. Collins. Again, the problem comes --

4959 Ms. Scanlon. Mr. Chairman?

4960 Mr. Collins. My time has expired, and, you know,
4961 somebody else can take the time, but this is a problem. The
4962 subpoena doesn't say that.

4963 Chairman Nadler. I would remind the gentleman, and
4964 everybody for that matter, that we are debating supposedly is
4965 an amendment over my alleged changed position 20 years ago
4966 and nothing else, but we seem to have gotten far from that.
4967 For what purpose does the gentlelady from Pennsylvania seek
4968 recognition?

4969 Ms. Dean. I move to strike the last word.

4970 Chairman Nadler. The gentlelady is recognized.

4971 Ms. Dean. Mr. Chairman, I have to report to you that I
4972 over the course of the last 30 minutes am slightly
4973 encouraged. I heard at least two, maybe three, of the
4974 minority members of this committee say they were upset about
4975 Mueller's finding of the sweeping and systematic interference
4976 in our election by Russia. I am encouraged. I have to admit
4977 over the course of many months now, I have not heard
4978 Republicans say that. I hope that they share our outrage. I

4979 hope that they share our wish and will to protect our system
4980 of government and our elections.

4981 So it would follow, it seems to me, that they would also
4982 be outraged that what happened during that sweeping and
4983 systematic interference with our elections was hundreds of
4984 meetings with Trump and Trump associates. Hundreds of
4985 contacts. That might have been during the Obama
4986 Administration, but it was during the Trump Campaign. I hope
4987 you share my outrage at that. The campaign welcomed,
4988 wallowed, invited publicly that interference by a foreign
4989 foe.

4990 And so it would also follow that the minority members
4991 would be outraged by what the Mueller report found in Volume
4992 II, which as hundreds of Federal prosecutors have now signed
4993 onto a letter this week, says, "Each of us believes that the
4994 conduct of President Trump described in Special Counsel
4995 Mueller's report would, in the case of any other person,
4996 result in multiple felony charges for obstruction of
4997 justice." Where is your outrage on that, that the
4998 President's effort to try to fire Mueller over and over, and
4999 then falsify his efforts to do that? The President's efforts
5000 to limit the scope of Mueller's investigation so as not to
5001 investigate him? There is outrage to be had, and so it would
5002 follow.

5003 I will conclude before yielding the balance of my time

5004 with where you took us last week, Mr. Chairman. You asked an
5005 important question. History is watching. Our children are
5006 watching. Our voters, our constituents, Americans are
5007 watching. Where will you be counted? Will you be on the
5008 side of obstruction? Will you be on the side of an
5009 Administration that simply wants to darken the entire Mueller
5010 report, try to reclaim privilege that they have already
5011 waived?

5012 Where will you be? Will you sit silently? Will you
5013 argue on behalf of a President who has falsified everything,
5014 who cares nothing about the truth, who cares nothing about
5015 our system of government? Will you sit silently, or will you
5016 boost him up in his false claims, or will you stand up for
5017 the rule of law? Will you stand up for the Constitution?
5018 History will judge us, and with that, I yield to the
5019 gentlewoman from Texas.

5020 Ms. Escobar. Thank you so much, Ms. Dean. I, like you,
5021 am delighted. It only took 6 hours into this hearing for us
5022 to finally to get to what this is about, and this is about
5023 Russia's attacks on the United States of America. And so how
5024 knowing, again, restating something I stated earlier, knowing
5025 they are still at it, knowing that they were so wildly
5026 successful, how do we prevent that? Who did it? Who aided
5027 and abetted? Who hid the truth?

5028 We have seen much of that in the Mueller report. We

5029 have not seen it all. And the reason that we need to see it
5030 all and the reason, more importantly, that the American
5031 public needs to see it all, is so that we ensure it never
5032 happens again. So unless you are willing for it to happen
5033 again, I would hope that our colleagues on the other side of
5034 the aisle would join us and would actually be demanding with
5035 us to see everything. Let's see it all so that we can then
5036 hold those accountable who should be held accountable and,
5037 more importantly, prevent this from ever happening again.

5038 That is well within our power. It is this committee's
5039 obligation and responsibility, and we invite our colleagues
5040 to join us in that quest for the full truth. Ms. Dean, I
5041 yield back.

5042 Mr. Swalwell. Ms. Dean, would the gentlelady yield?
5043 Behind you.

5044 Ms. Dean. I will yield. Thank you.

5045 Mr. Swalwell. I thank Ms. Dean and Ms. Escobar. Their
5046 point, I believe, is who cares if it was President Obama who
5047 was the President when we were attacked. I don't understand
5048 that point at all. It was still the Russians attacking us.
5049 It is almost as if you are suggesting that we were asking for
5050 it because he didn't do enough to counter it, and now we
5051 should have to live with what they have done.

5052 I have spoken up against the response. I believe it was
5053 inadequate. I think Donald Trump was in their head when he

5054 said that the election was going to be rigged, and so they
5055 didn't want to counter that and reinforce that claim by
5056 Donald Trump. The response should have been stronger, but we
5057 were all attacked. That is the point here. It doesn't
5058 matter who the President was. The Russians attacked us. You
5059 should be uniting with us to stop that. I yield back.

5060 Chairman Nadler. The question is on the amendment.

5061 All in favor of the amendment will say aye?

5062 Opposed, no?

5063 The noes have it. The amendment is not agreed to.

5064 If there are no other amendments, we can --

5065 Mr. Armstrong. I have an amendment.

5066 Chairman Nadler. The gentleman from North Dakota is
5067 recognized. For what purpose does the gentleman --

5068 Mr. Armstrong. Mr. Chairman, I have an amendment at the
5069 desk.

5070 Chairman Nadler. The gentleman has an amendment. The
5071 clerk will report the amendment.

5072 Ms. Strasser. Amendment to the amendment in the nature
5073 of a substitute to the Committee Report for the Resolution
5074 Recommending that the House of Representatives Find William
5075 P. Barr, Attorney General, U.S. Department of Justice, in
5076 Contempt of Congress for Refusal to Comply with a Subpoena
5077 Duly Issued by the Committee on the Judiciary, offered by Mr.
5078 Armstrong of North Dakota.

5079 [The amendment of Mr. Armstrong follows:]

5080

5081 Chairman Nadler. The gentleman is recognized for 5
5082 minutes to explain his amendment.

5083 Mr. Armstrong. Thank you, Mr. Chairman. We have done a
5084 lot of this today, and there is a lot going back and forth,
5085 but let's remember what this hearing is about today. This
5086 hearing today is about holding the Attorney General in
5087 contempt for violating a subpoena that he would have had to
5088 violate the law to comply with. We can talk about speeches.
5089 We can talk about interference. We can talk about we didn't
5090 really mean that he had to provide grand jury testimony.

5091 But we have spent the last hour and a half looking
5092 through any comments that have been made in news or in print
5093 or anything since this entire thing came up. And you know
5094 what is interesting? Not a single person has said we don't
5095 really want grand jury testimony. It is the full, unredacted
5096 Mueller report. That is what the subpoena says. That is
5097 what the narrative is. So to have this reasonable dialogue
5098 after we have already committed to a contempt proceeding
5099 seems to be a little, if we are using phrases, I will just
5100 use "cart before the horse," different types of issues.

5101 What we did find, though, was the chairman on CNN
5102 stating that every other AG has gone to court, and outside
5103 of, I think, the ranking member making sure that is a
5104 misleading statement, it is a political argument and not an
5105 adequate reflection of the current status of the law. So

5106 let's make sure we at least understand what the current
5107 status of the law regarding release of grand jury testimony
5108 is.

5109 There is no Federal code compelling the AG to go to
5110 court voluntarily to release grand jury testimony. The AG
5111 has the sole responsibility and prerogative to determine what
5112 DOJ's position will be on the release of grand jury
5113 testimony. There is no law that allows a congressional
5114 subpoena to compel the AG to go to Federal court to release
5115 grand jury testimony. The chairman and the majority may want
5116 him to release that information, they may think they are
5117 entitled to that information, but by issuing a subpoena, you
5118 cannot force the Attorney General to go to court to release
5119 the information.

5120 And so we are offering the amendment, and earlier we
5121 have cited several different cases and have brought up for
5122 various different reasons. One of them is the *Haldeman* case,
5123 *Jaworksi* case. These are cases regarding impeachment with
5124 President Nixon. But one of the things we haven't done yet
5125 is talked about a case that was decided a week ago, and I
5126 think is probably the most important thing that has been
5127 missed in this hearing is there seems to be a failure to
5128 recognize that there is no guarantee that the Court would
5129 require the release of this information. And *Wheeler v.*
5130 *Barr*, which was decided last month in the same D.C. Circuit

5131 that we continue to cite from 1972, held that "Rule 60 makes
5132 it quite clear that disclosures of matters occurring before
5133 the grand jury is the exception and not the rule, and sets
5134 forth in precise terms to whom, under what circumstances, or
5135 what conditions grand jury information may be disclosed.
5136 Rule 6(e) restricts that persons bound by grand jury secrecy
5137 must not make any disclosures about grand jury matters unless
5138 these rules provide otherwise." The only rule to provide
5139 otherwise is Rule 6(e)(3).

5140 So let's be clear about what we are doing. This isn't a
5141 fight between Congress and the executive branch. This is the
5142 fight between the Democratic leadership, the President, and
5143 their base. They know the American people don't want an
5144 impeachment proceeding, and if they want to continue down
5145 this rabbit hole and continue to have this type of
5146 showmanship, then let's at least be clear about what the
5147 status of the law is. And with that, I yield back.

5148 Mr. Cicilline. Mr. Chairman? Mr. Chairman? Point of
5149 parliamentary inquiry. Mr. Chairman, point of parliamentary
5150 inquiry.

5151 Chairman Nadler. The gentleman will state his inquiry.

5152 Mr. Cicilline. My inquiry, is it appropriate or is the
5153 committee permitted to vote on an amendment which, as far as
5154 I can tell, offers a legal opinion, but doesn't modify the
5155 contents of the contempt resolution? It is a --

5156 Chairman Nadler. That is not a proper parliamentary
5157 inquiry.

5158 Mr. Cicilline. Okay.

5159 Chairman Nadler. Does the gentleman yield back?

5160 Mr. Armstrong. Yeah, I yield back.

5161 Chairman Nadler. Okay. I will recognize myself for 5
5162 minutes in opposition to the amendment. The amendment does
5163 two things. It says that my correspondence "does not
5164 identify any legal basis to compel the Department to request
5165 a Federal court order to share 6(e) material." Quite
5166 correct. It doesn't identify any legal basis to compel the
5167 Department because we don't ask that the Department be
5168 compelled to request a Federal court order. It has nothing
5169 to do with anything. That is completely irrelevant.

5170 The second part says that "The correspondence does not
5171 account for the recent D.C. court decision in *McKeever v.*
5172 *Barr*, which holds that the Federal court does not possess
5173 inherent authority to release grand jury information
5174 protected under Rule 6(e)." The *McKeever* decision does say
5175 that, but it also recognizes various exceptions to enable our
5176 Federal courts to release 6(e) information, including for
5177 judicial proceedings. There is authority that certain
5178 congressional proceedings are the equivalent of judicial
5179 proceedings. We think that is an adequate legal basis.
5180 Beyond that --

5181 Mr. Armstrong. They are --

5182 Chairman Nadler. Beyond that, we have debated this
5183 amendment extensively in the last amendment, which is
5184 basically exactly the same subject matter. So I urge my
5185 colleagues to oppose this amendment because it is not
5186 accurate as to the correspondence, number one. It is not
5187 accurate as the law, number two. And it is completely
5188 unnecessary and misleading, number three. I yield back.

5189 We will take a vote on the amendment then. The question
5190 occurs on the amendment.

5191 Mr. Ratcliffe. Mr. Chairman? Mr. Chairman?

5192 Chairman Nadler. Who seeks recognition? For what
5193 purpose does the gentleman from Arizona seek recognition?

5194 Mr. Ratcliffe. Move to strike the last word.

5195 Chairman Nadler. The gentleman is recognized.

5196 Mr. Ratcliffe. I yield to the gentleman from North
5197 Dakota.

5198 Mr. Armstrong. Thank you. And just briefly because I
5199 know it has been a long day. But the Attorney General
5200 thought it was relevant, which is why it was issued into a
5201 response to the chairman. So with that, I yield back to my
5202 friend.

5203 Mr. Ratcliffe. And I will yield back, Mr. Chairman.

5204 Chairman Nadler. For what purpose does the gentleman
5205 from Louisiana seek recognition?

5206 Mr. Johnson of Louisiana. Move to strike the last word.

5207 Chairman Nadler. The gentleman is recognized.

5208 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I
5209 just want to make a simple point. We have been here a long
5210 day. There has been some extraordinary admissions, I would
5211 submit, by the chair and those who have issued this subpoena.
5212 But I just want to quote one more time one line from the
5213 letter that the Department of Justice, Assistant Attorney
5214 General Stephen Boyd, sent to you this morning. It begins,
5215 "We are disappointed that you have rejected the Department of
5216 Justice's request to delay the vote of the committee on this
5217 contempt filing this morning. You have terminated our
5218 ongoing negotiations and abandoned the accommodation
5219 process." And this is the important phrase: "As we have
5220 repeatedly explained, the Attorney General could not comply
5221 with your subpoena in its current form without violating the
5222 law."

5223 Some of our Democrat colleagues have conceded, I think,
5224 over the course of the last hour that this 6(e) material,
5225 that there are ways to get around this, that in its current
5226 form and on its face, maybe the subpoena says one thing, but
5227 it really means another. And the chairman says, oh, this is
5228 just part of an ongoing dialogue. This entire charade today
5229 was premature and unwarranted. Our Democrat colleagues have
5230 effectively acknowledged that on the record.

5231 I think this amendment is one we should support because
5232 I think it is not a legal opinion, as Mr. Cicilline said.
5233 This is a statement of facts. The facts, the important facts
5234 that have transpired over the couple of weeks in this good-
5235 faith negotiation by an Attorney General that has been
5236 completely transparent and who is limited only by the written
5237 rule of law. He is trying to comply with that. Mr. Neguse
5238 said a few moments ago, look, there are ways to comply. You
5239 can get around this and work with the subpoena.

5240 That is exactly what the Attorney General has been
5241 trying to negotiate in good faith, and yet we jumped the gun.
5242 We came in here. We have wasted an entire day when all these
5243 important issues are pending before the country, tying up the
5244 hands and the time of -- how many members are on the
5245 committee -- 40 members of Congress are tied up into this?
5246 And it is only, as the chairman says at the end, I just
5247 repeated it because it is so extraordinary that he admitted
5248 this in his rare moment of candor, hey, this is really just
5249 the next step in an ongoing dialogue. We could have
5250 continued that dialogue without this charade. I yield back.

5251 Chairman Nadler. For what purpose does the gentleman
5252 from Georgia seek recognition?

5253 Mr. Johnson of Georgia. I move to strike the last word.

5254 Chairman Nadler. The gentleman is recognized.

5255 Mr. Johnson of Georgia. Mr. Chairman, all this sweet

5256 talk is just killing me. I know how my wife must have felt,
5257 and I am so sorry. I am going to go home and get on one knee
5258 and apologize to her for putting her through what we are
5259 being put through today. The stakes are too high, however,
5260 for us to yield to the sweet talk. Will darkness, secrecy,
5261 and obstruction prevail, or will truth and the rule of
5262 justice overcome the sweet talk?

5263 That is the question that we are here to answer today,
5264 whether or not we are going to issue this subpoena to obtain
5265 this information that the American people want and that the
5266 members of the House Judiciary Committee need in order to do
5267 our work. And with that, I will yield to the gentleman from
5268 New York.

5269 Chairman Nadler. I thank the gentleman for yielding. I
5270 want to point out again that the amendment in front of us
5271 does two things. It points out the language that my
5272 correspondence doesn't provide a legal basis to do something
5273 which we are not asking be done. That is to compel the
5274 Department to request the Federal court to share material.
5275 We have asked them to do it, but we do not seek to compel
5276 them to do it. And it doesn't take account of the decision
5277 in the *McKeever* case, which, however, does not bar a court
5278 from ordering the grand jury material, the 6(e) material,
5279 delivered to the committee under various conditions, which we
5280 think we can meet. So it is totally irrelevant.

5281 More to the point, it is very hard to credit the good
5282 faith, so called, of the Attorney General when for 6 weeks --
5283 6 weeks -- starting when he first misstated what was in the
5284 Mueller report, misled the people, then for 6 weeks refused
5285 to talk to us, refused to negotiate with us at all about
5286 getting access to the unredacted report and the underlying
5287 material, only evinced a willingness to negotiate with us for
5288 that purpose when we threatened this contempt in the last
5289 week. Wait until the last day basically to make an offer.
5290 Made a ridiculous offer a couple days earlier, made a
5291 ridiculous offer that only the chairman and the ranking
5292 member could see the material, and then couldn't tell anybody
5293 about it, anybody on the committee or in Congress, so it was
5294 useless.

5295 Rejected our counter offer which said that members of
5296 the committee should have access to this material. And I
5297 would remind you that in all previous cases, members of the
5298 committee have had access to material. The question was
5299 whether the public should have access to it, not the
5300 committee members, and that was a decision for the committee
5301 and for the Congress. And we didn't break off negotiations.
5302 They broke off negotiations when we said we would go ahead
5303 with the contempt proceeding last night if they didn't make
5304 us a better offer. They rejected our counter offer. They
5305 didn't make an offer other than two people can see it, one

5306 extra staff person. That was their counter offer, for two
5307 members and couldn't discuss it with other people.

5308 That was an insulting offer. They broke off
5309 negotiations. It leave us no choice but to vote in contempt
5310 in order to enforce the right of the committee and the
5311 Congress and ultimately the American people to see this
5312 material, which very much implicates the President's campaign
5313 working with the Russians to subvert an American election,
5314 very much implicates the President in obstruction of justice.
5315 The special prosecutor said he didn't charge that basically
5316 because of the Office of Legal Counsel policy that you can't
5317 indict a sitting president for anything, no matter how much
5318 evidence there is.

5319 And we need to see, on behalf of the American people,
5320 all the material here, and material that may be exculpatory
5321 as people have pointed out, so that we may conduct the proper
5322 oversight in this matter. So I urge my opponents to oppose
5323 the amendment, but to keep in sight what is really at stake
5324 here. What is really at stake is the ability of Congress to
5325 do its job to protect the American people. I yield back.

5326 Mr. Johnson of Georgia. Thank you, and, Mr. Chairman,
5327 again, something bad must have happened from March the 14th
5328 when every Republican, along with every Democrat, voted for
5329 the release of the full Mueller report, and then March 22nd
5330 when the ranking member goes to see -- under a gag order, by

5331 the way -- goes and sees the full report. And now everybody
5332 on that side doesn't want to release the report.

5333 Mr. Johnson of Louisiana. Will the gentleman yield? I
5334 can answer your question.

5335 Mr. Johnson of Georgia. It doesn't pass the smell test.
5336 And, yes, I will yield.

5337 Mr. Johnson of Louisiana. The answer is very simple.
5338 We voted unanimously to release the report within the bounds
5339 of the law. That is what the Attorney General is doing, and
5340 that is what apparently you keep missing. I don't understand
5341 why that is so difficult.

5342 Mr. Johnson of Georgia. The sweet talk. Sweet talk is
5343 obscuring the real issue, and we need to stop the sweet talk
5344 and get to the business of voting on this resolution here.
5345 And I would hope that all of my friends and colleagues on the
5346 other side would join us in preserving and protecting the
5347 rule of law. Thank you.

5348 Chairman Nadler. Thank you. I ask unanimous consent to
5349 enter into the record this timeline of negotiations with the
5350 DOJ beginning March 25th, and all the letters referenced from
5351 me to the Department and, in the other direction, from the
5352 Department to me, referenced in this timeline.

5353 Without objection, this material will be --

5354 Mr. Collins. Hold on a second.

5355 Chairman Nadler. You are objecting?

5356 Mr. Collins. Can I see it?

5357 Chairman Nadler. Sure.

5358 Mr. Collins. Okay. And is this from you or is this put
5359 together by the staff? Okay. By yourself? Okay, because,
5360 again, part of this timeline, and we offered the timeline on
5361 the public negotiations, but we have no knowledge of maybe
5362 something that I haven't had a chance to read.

5363 Chairman Nadler. Well --

5364 Mr. Collins. And we have asked --

5365 Chairman Nadler. This references, I believe, and you
5366 will correct me if I am wrong, this references only letters
5367 written --

5368 Mr. Collins. Okay.

5369 Chairman Nadler. -- by the Department to us --

5370 Mr. Collins. Okay. It is fine. Probably we are fine
5371 with it.

5372 Chairman Nadler. Without objection then --

5373 Mr. Collins. No objection.

5374 Chairman Nadler. -- this material will be entered into
5375 the record.

5376 [The information follows:]

5377

5378 Chairman Nadler. For what purpose does the gentleman
5379 from Texas seek recognition?

5380 Mr. Gohmert. I rise in support of the amendment.

5381 Chairman Nadler. Does the gentleman seek to strike the
5382 last word?

5383 Mr. Gohmert. Yes.

5384 Chairman Nadler. The last word is duly struck, and the
5385 gentleman is recognized.

5386 Mr. Gohmert. Thank you, Mr. Chairman. I agree with the
5387 chairman that it seems ridiculous that we have to go in the
5388 SCIFs to review material that is classified, secret,
5389 privileged in some way, and not suitable for public release.
5390 We are not allowed to take our cell phones in. We have to
5391 leave those outside the room. We are not allowed to take
5392 notes, but if we do take notes or, in some cases, are
5393 allowed, we have to leave the notes there in the room. We
5394 can't take them with us. We can't discuss anything anywhere
5395 outside the SCIF that we saw, heard, or read in the SCIF.

5396 And, as the chairman said, the Attorney General, in
5397 essence, said we could review the much more unredacted report
5398 in a SCIF, but we couldn't tell anyone. It sounds
5399 ridiculous, except those are the rules of the House for
5400 reviewing material that is not subject to public review. So
5401 it would sound ridiculous except they are the rules. We have
5402 to follow the rules. We get into trouble when we don't

5403 follow the rules.

5404 Again, we are back to where we are going to ultimately
5405 vote. You have the votes to hold Attorney General Barr in
5406 contempt of Congress, which will be meaningless because you
5407 will never be able to enforce such a vote of contempt before
5408 a court of proper jurisdiction because you cannot legally
5409 before a court have someone in contempt for refusing to do
5410 what the law says they cannot do. So and that admission is
5411 what we got when the majority offered, oh, here is a
5412 negotiation. You agree to go into court with us to get a
5413 court order saying you can release the grand jury material.

5414 That is an admission of fact and an admission of law
5415 that the Attorney General cannot do what he is going to be
5416 voted apparently in contempt for failing to do. I applaud
5417 finally having an Attorney General that believes in following
5418 the law. And let me say, I totally understand the skepticism
5419 of the majority when anything is redacted because we found
5420 out during the Obama Administration years, so often, and
5421 probably the majority of the time, when anything was
5422 redacted, it was making the Administration look bad. It
5423 wasn't because there was something that was truly classified.
5424 So I can understand having seen that out of the Obama
5425 Administration. You might want to project that onto this
5426 Administration.

5427 But what was clear about Attorney General Barr, and,

5428 frankly, I didn't know him. I didn't know if he would be a
5429 decent Attorney General or not, but I have been impressed.
5430 He is trying to follow the law. He is trying to get to the
5431 bottom of things. And if this were Eric Holder or Loretta
5432 Lynch, then I don't have any doubt they would not have let
5433 you have any of the report if it pertained to their
5434 Administration.

5435 So I thought the Attorney General bent over backwards to
5436 present what he did, and now he is going to be met with a
5437 vote on contempt. I guess this is the rule. No good deed
5438 goes unpunished. Attorney General Barr, maybe by a vote of
5439 contempt today by this committee, will learn the lesson that
5440 my late mama used to just say, "There are some folks you just
5441 can't help." And with that, I will yield back.

5442 Chairman Nadler. The gentleman yields back. For what
5443 purpose does the gentlelady from Texas seek recognition?

5444 Ms. Jackson Lee. I have a lot of good friends, Mr.
5445 Chairman, including yourself, a lot of good friends on the
5446 other side of the aisle. And I am simply trying to clarify
5447 the consistency of the false narrative that has continued as
5448 a theme of my friends on the other side of the aisle.

5449 Chairman Nadler has been consistent and we have been
5450 consistent. We have had three elements to our request. It
5451 has been modified to the extent of the two committees,
5452 Republicans and Democrats, of the Intelligence and Judiciary

5453 Committee, specific documents that we could specify, and 6(e)
5454 materials is a part of it, operable under the law, either the
5455 Attorney General and DOJ walking into court with us saying
5456 what can be released, or not opposing when we go into court
5457 to get a court order.

5458 The false narrative that the whole premise is on trying
5459 to get grand jury materials, and I am sure the redundancy of
5460 this has strained the imagination of the American people,
5461 what is 6(e). It only means that documents used in a grand
5462 jury, like you would be down in your own backyard and you had
5463 a grand jury for a criminal case, those materials are
5464 typically not seen. In this instance, because of the need of
5465 the thorough investigation we have for the American people,
5466 we would use the courts. I want to move away from that.
5467 That is not the anchor of what we have requested.

5468 And then you cannot ignore the series of meetings and
5469 engagements that the staff has had, but what occurred in the
5470 last 24 hours was a Saturday night massacre of rejection.
5471 The DOJ stopped in its tracks of working with us. Can we
5472 understand that? They stopped in their tracks of working
5473 with us. And early in the morning we received two letters
5474 dated May 8th simultaneously. There was no space to be able
5475 to engage in a discussion if you received a letter of
5476 disappointment, saying that we are not moving forward
5477 anymore, you have terminated our ongoing discussions and

5478 abandoned the accommodation. We are still engaged. Again, a
5479 Saturday night massacre of rejection.

5480 Simultaneously comes a letter that says we are going to
5481 ask for a blanket executive privilege on everything. What
5482 more do you think people who are fact finders can do if our
5483 negotiating partner has turned the lights out and implemented
5484 Saturday night massacre with letters rejecting our honest
5485 attempt to negotiate? Then they want to use the words of Mr.
5486 Nadler, I am glad that he is a gentleman that says that he
5487 has a right to change his or he has been edified, and he is
5488 always enlightened. And so he has gotten the light and seen
5489 the light or has a different interpretation. That is just
5490 and fair. We say it in the open. But we have a colleague,
5491 Chairman Cummings, who is not here to defend himself. And so
5492 he was used to say that he is against subpoenas and he said
5493 it 7 years ago. So let me just add into the record the words
5494 of the chairman of the Government Oversight Committee, Mr.
5495 Elijah Cummings.

5496 "At the time of the Republican contempt vote 7 years
5497 ago, Attorney General Holder had already produced more than
5498 7,000 pages of documents to our committee. To my knowledge,
5499 Attorney General Barr has refused to turn over any
5500 documents." He went on to say, "The night before the
5501 contempt vote in 2012," and I remember this well -- "Attorney
5502 General Holder was really trying not to get a contempt vote.

5503 He found this particularly sensitive for his integrity, so he
5504 was working with the committee. Attorney General Holder
5505 personally came to me with Chairman Issa and me and offered
5506 to provide copies of additional internal deliberative
5507 documents.

5508 Here, Attorney General Barr is blocking the production
5509 of the very documents that General Holder came forward to
5510 produce." He was like that in the Judiciary Committee as
5511 well. "Then Attorney General Holder made a fair and
5512 reasonable offer to resolve the impasse and to providing
5513 thousands of pages of documents and numerous interviews.
5514 Here, Attorney General Barr refused to even show up." So in
5515 2012, Ranking Member Cummings did ask for a short delay to
5516 allow the committee to consider an 8-page legal document
5517 asserting executive privilege and an offer from General
5518 Holder to produce additional deliberative internal documents.

5519 Let us not establish a false narrative. There is apples
5520 and oranges from what happened in 2012. I would say to my
5521 colleagues join us in this recognition that to do our job, we
5522 need the documents. Work with General Barr. If you cannot
5523 do that, then vote for the contempt citation. With that, I
5524 yield back my time.

5525 Chairman Nadler. The question is on the amendment.

5526 Those in favor, say aye?

5527 Opposed, no?

5528 In the opinion of the chair, the nays have it, and the
5529 amendment is not agreed to.

5530 Are there any further amendments to the amendment in the
5531 nature of a substitute?

5532 [No response.]

5533 Chairman Nadler. The question occurs on the amendment
5534 in the nature of a substitute, as amended. I will take the
5535 vote in a moment, but I would remind members that after the
5536 vote on the amendment in the nature of a substitute there
5537 will be a vote on final passage.

5538 All those in favor of the amendment in the nature of a
5539 substitute, as amended, respond by saying aye.

5540 Opposed, no?

5541 In the opinion of the chair, the ayes have it, and the
5542 amendment in the nature of a substitute is agreed to.

5543 A reporting quorum being present, the question is on the
5544 motion to report the Committee Report for Resolution
5545 Recommending that the House of Representatives Find William
5546 P. Barr, Attorney General of the United States Department of
5547 Justice, in Contempt for Refusal to Comply with a Subpoena
5548 Duly Issued by the Committee on the Judiciary, as amended,
5549 favorably to the House.

5550 Those in favor, respond by saying aye.

5551 Opposed, no?

5552 And the ayes have it. The committee report --

5553 Mr. Sensenbrenner. Roll call, Mr. Chairman.

5554 Chairman Nadler. The roll call is requested. The clerk
5555 will call the roll.

5556 Chairman Nadler. The gentleman requests a recorded
5557 vote, and the clerk will call the roll.

5558 Ms. Strasser. Mr. Nadler?

5559 Chairman Nadler. Aye.

5560 Ms. Strasser. Mr. Nadler votes aye.

5561 Ms. Lofgren?

5562 Ms. Jackson Lee?

5563 Ms. Jackson Lee. Aye.

5564 Ms. Strasser. Ms. Jackson Lee votes aye.

5565 Mr. Cohen?

5566 Mr. Johnson of Georgia?

5567 Mr. Johnson of Georgia. Aye.

5568 Ms. Strasser. Mr. Johnson of Georgia votes aye.

5569 Mr. Deutch?

5570 Mr. Deutch. Aye.

5571 Ms. Strasser. Mr. Deutch votes aye.

5572 Ms. Bass?

5573 Ms. Bass. Aye.

5574 Ms. Strasser. Ms. Bass votes aye.

5575 Mr. Richmond?

5576 Mr. Jeffries?

5577 Mr. Jeffries. Aye.

5578 Ms. Strasser. Mr. Jeffries votes aye.
5579 Mr. Cicilline?
5580 Mr. Cicilline. Aye.
5581 Ms. Strasser. Mr. Cicilline votes aye.
5582 Mr. Swalwell?
5583 Mr. Swalwell. Aye.
5584 Ms. Strasser. Mr. Swalwell votes aye.
5585 Mr. Lieu?
5586 Mr. Lieu. Aye.
5587 Ms. Strasser. Mr. Lieu votes aye.
5588 Mr. Raskin?
5589 Mr. Raskin. Aye.
5590 Ms. Strasser. Mr. Raskin votes aye.
5591 Ms. Jayapal?
5592 Mrs. Demings?
5593 Mrs. Demings. Aye.
5594 Ms. Strasser. Mrs. Demings votes aye.
5595 Mr. Correa?
5596 Mr. Correa. Aye.
5597 Ms. Strasser. Mr. Correa votes aye.
5598 Ms. Scanlon?
5599 Ms. Scanlon. Aye.
5600 Ms. Strasser. Ms. Scanlon votes aye.
5601 Ms. Garcia?
5602 Ms. Garcia. Aye.

5603 Ms. Strasser. Ms. Garcia votes aye.
5604 Mr. Neguse?
5605 Mr. Neguse. Aye.
5606 Ms. Strasser. Mr. Neguse votes aye.
5607 Mrs. McBath?
5608 Mrs. McBath. Aye.
5609 Ms. Strasser. Mrs. McBath votes aye.
5610 Mr. Stanton?
5611 Mr. Stanton. Aye.
5612 Ms. Strasser. Mr. Stanton votes aye.
5613 Ms. Dean?
5614 Ms. Dean. Aye.
5615 Ms. Strasser. Ms. Dean votes aye.
5616 Ms. Mucarsel-Powell?
5617 Ms. Mucarsel-Powell. Aye.
5618 Ms. Strasser. Ms. Mucarsel-Powell votes aye.
5619 Ms. Escobar?
5620 Ms. Escobar. Aye.
5621 Ms. Strasser. Ms. Escobar votes aye.
5622 Mr. Collins?
5623 Mr. Collins. No.
5624 Ms. Strasser. Mr. Collins votes no.
5625 Mr. Sensenbrenner?
5626 Mr. Sensenbrenner. No.
5627 Ms. Strasser. Mr. Sensenbrenner votes no.

5628 Mr. Chabot?

5629 Mr. Chabot. No.

5630 Ms. Strasser. Mr. Chabot votes no.

5631 Mr. Gohmert?

5632 Mr. Gohmert. No.

5633 Ms. Strasser. Mr. Gohmert votes no.

5634 Mr. Jordan?

5635 Mr. Jordan. No.

5636 Ms. Strasser. Mr. Jordan votes no.

5637 Mr. Buck?

5638 Mr. Buck. No.

5639 Ms. Strasser. Mr. Buck votes no.

5640 Mr. Ratcliffe?

5641 Mr. Ratcliffe. No.

5642 Ms. Strasser. Mr. Ratcliffe votes no.

5643 Mrs. Roby?

5644 Mrs. Roby. No.

5645 Ms. Strasser. Mrs. Roby votes no.

5646 Mr. Gaetz?

5647 Mr. Johnson of Louisiana?

5648 Mr. Johnson of Louisiana. No.

5649 Ms. Strasser. Mr. Johnson of Louisiana votes no.

5650 Mr. Biggs?

5651 Mr. Biggs. No.

5652 Ms. Strasser. Mr. Biggs votes no.

5653 Mr. McClintock?

5654 Mr. McClintock. No.

5655 Ms. Strasser. Mr. McClintock votes no.

5656 Mrs. Lesko?

5657 Mrs. Lesko. No.

5658 Ms. Strasser. Mrs. Lesko votes no.

5659 Mr. Reschenthaler?

5660 Mr. Reschenthaler. No.

5661 Ms. Strasser. Mr. Reschenthaler votes no.

5662 Mr. Cline?

5663 Mr. Cline. No.

5664 Ms. Strasser. Mr. Cline votes no.

5665 Mr. Armstrong?

5666 Mr. Armstrong. No.

5667 Ms. Strasser. Mr. Armstrong votes no.

5668 Mr. Steube?

5669 Mr. Steube. No.

5670 Ms. Strasser. Mr. Steube votes no.

5671 Chairman Nadler. Has everyone who wishes to be recorded

5672 been recorded?

5673 Has the gentleman from Tennessee been recorded?

5674 Mr. Cohen. Not to the best of my knowledge.

5675 Chairman Nadler. Does the gentleman from Tennessee wish

5676 to be recorded?

5677 Mr. Cohen. Yes.

5678 Chairman Nadler. How does the gentleman from Tennessee

5679 wish to be recorded?

5680 [Laughter.]

5681 Mr. Cohen. Aye.

5682 Ms. Strasser. Mr. Cohen votes aye.

5683 Mr. Collins. Mr. Chairman?

5684 Chairman Nadler. We are in the middle of a roll call

5685 vote.

5686 Mr. Collins. Mr. Chairman?

5687 Chairman Nadler. The gentleman from Georgia?

5688 Mr. Collins. After all eloquent speech today, I forgot,

5689 am I recorded?

5690 Ms. Strasser. Mr. Collins, you are recorded as no.

5691 Mr. Collins. Thank you. I will be still be a no.

5692 Chairman Nadler. Madam Clerk, how am I recorded?

5693 Ms. Strasser. Mr. Nadler, you are recorded as aye.

5694 Chairman Nadler. I wish to be recorded as aye.

5695 Ms. Jackson Lee. Mr. Chairman?

5696 Chairman Nadler. The gentlelady from Texas?

5697 Ms. Jackson Lee. How am I recorded?

5698 Ms. Strasser. Ms. Jackson Lee, you are recorded as aye.

5699 Ms. Jackson Lee. I think that is correct. Thank you.

5700 Mr. Chabot. Mr. Chairman?

5701 Chairman Nadler. The gentleman from Ohio?

5702 Mr. Chabot. How am I recorded?

5703 Chairman Nadler. How is the gentleman from Ohio
5704 recorded?

5705 Ms. Strasser. Mr. Chabot, you are recorded as no.
5706 Mr. Cicilline. Mr. Chairman?

5707 Chairman Nadler. The gentleman from Rhode Island?
5708 Mr. Cicilline. Mr. Chairman, is it appropriate for us
5709 to enter into a colloquy in the middle of a vote or no?

5710 Chairman Nadler. It is the middle of a vote.
5711 Mr. Cicilline. Then how am I recorded. That is what I
5712 was going to ask.

5713 Ms. Strasser. Mr. Cicilline, you are recorded as aye.
5714 Mr. Cicilline. Thank you. That is correct.

5715 Mr. Raskin. Mr. Chairman?

5716 Chairman Nadler. The gentleman from Louisiana?
5717 Mr. Richmond. Aye.

5718 Ms. Strasser. Mr. Richmond votes aye.
5719 Mr. Raskin. Mr. Chairman?

5720 Chairman Nadler. The gentleman from Maryland?
5721 Mr. Raskin. Could the clerk please tell me how I am
5722 recorded?

5723 Ms. Strasser. Mr. Raskin, you are recorded as aye.
5724 Mr. Raskin. Thank you very much.

5725 Mr. Johnson of Louisiana. Mr. Chairman?

5726 Chairman Nadler. Who seeks recognition?
5727 Mr. Johnson of Louisiana. How am I recorded?

5728 Chairman Nadler. How is Mr. Johnson of Louisiana
5729 recorded?

5730 Ms. Strasser. Mr. Johnson of Louisiana, you are
5731 recorded as no.

5732 Mr. Johnson of Louisiana. Thank you.

5733 Chairman Nadler. For the benefit of members and
5734 everyone else present, we have two members coming back from a
5735 hearing. We are going to hold the vote open until they get
5736 her momentarily. We are going to hold the vote open until
5737 they get here momentarily. Hopefully momentarily. People
5738 don't have to keep asking how they are recorded.

5739 [Laughter.]

5740 Chairman Nadler. On this vote, everybody should be able
5741 to be recorded.

5742 [Pause.]

5743 Chairman Nadler. The gentlelady from California?

5744 Ms. Lofgren. Aye.

5745 Ms. Strasser. Ms. Lofgren votes aye.

5746 Chairman Nadler. The gentlelady from Washington?

5747 Ms. Jayapal. Aye.

5748 Ms. Strasser. Ms. Jayapal votes aye.

5749 Chairman Nadler. And the two are very welcome to cast
5750 your votes. Has anyone else who wishes to vote not voted
5751 yet?

5752 [No response.]

5753 Chairman Nadler. The clerk will report.

5754 Ms. Strasser. Mr. Chairman, there are 24 ayes and 16
5755 noes.

5756 Chairman Nadler. The ayes have it, and the committee
5757 report, as amended, is ordered reported favorably to the
5758 House.

5759 I now recognize the ranking member, the gentleman from
5760 Georgia.

5761 Mr. Collins. Thank you, Mr. Chair. Pursuant to Clause
5762 2(1) of Rule XI, I hereby give notice of intent to file
5763 dissenting views for the inclusion into the report.

5764 Chairman Nadler. The notice is duly noted. Members
5765 will have 2 days to submit views.

5766 The committee report will be reported as a single
5767 amendment in the nature of a substitute incorporating all
5768 adopted amendments. And without objection, staff is
5769 authorized to make technical and conforming changes.

5770 This concludes our business for today. Thanks to all of
5771 our members for attending. Without objection, the markup is
5772 adjourned.

5773 [Whereupon, at 4:31 p.m., the committee was adjourned.]