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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
HOUSE COMMITTEE ON THE JUDICIARY
LESSONS FROM THE MUELLER REPORT, PART II:
BIPARTISAN PERSPECTIVES
JUNE 20, 2019 – 10:00 AM
2141 RAYBURN HOUSE OFFICE BUILDING

- I thank the Chairman for yielding.

- I would like to thank the Committee's witnesses for their service to our country and for their voluntary appearance today:

  - **Carrie Cordero**, Robert M. Gates Senior Fellow and General Counsel, Center for a New American Security

  - **Richard Hasen**, Chancellor's Professor of Law and Political Science, The University of California, Irvine School of Law

  - **Alina Polyakova**, Director, Project on Global Democracy and Emerging Technology and Fellow - Foreign Policy, Center on the United States and Europe, Brookings Institution

  - **Saikrishna Prakash**, James Monroe Distinguished Professor of Law and Paul G. Mahoney Research Professor of Law, University of Virginia School of Law

- I would ask unanimous consent to revise and extend my full remarks and include additional materials in the record.

- This is yet another hearing in the search for the truth and the quest, on behalf of the American people, to bring to light the contents of the Mueller Report.

- Consistent with our oath of office and constitutional responsibilities, House Democrats have been conducting vigorous oversight of this president.

- The response of the White House has been to stonewall.

- The request for former White House Counsel and key witness Don McGahn II to appear before the Judiciary Committee was met with a specious claim of executive privilege.

- The current Attorney General, William P. Barr, refused to appear before the House Judiciary Committee because he was afraid of being questioned by the Committee's lawyers.

- Yesterday, we met with former White House Communications Director Hope Hicks, and her level of obstruction was astounding.

- Armed with lawyers from the Justice Department and the White House Counsel's Office, Ms. Hicks refused to answer any questions about her time in the White House.

- While this alone is incredulous, it was minor compared to the completely outrageous, unfounded and untenable claim by the White House that an absolute privilege protects Ms. Hicks from answering questions about her time in the White House.

- This is absurd for the obvious reason that granting absolute privilege to any executive branch employee for interactions between the President and said employee incentivizes both the President and that employee to conspire to commit crimes.

- Indeed, the Watergate scandal may have turned out very differently had John W. Dean—who was before our committee earlier this month drawing many parallels between this president and the criminal administration of President Richard Nixon—been able to maintain plausibly that he had an absolutely privilege against testifying before a Congressional Committee.

- The New York Times reported that Ms. Hicks was aboard Air Force One when it broke the shocking news of infamous June 2016 Trump Tower meeting where the Russians offered dirt on Secretary Hillary Clinton, and Donald Trump Jr. replied "if it's what you say it is, I love it."

- The news broke while the President and his inner circle were aboard Air Force One, on his way back from a summit where he held another secret meeting with his friend and supervisor Vladimir Putin, and his team felt compelled to put out a statement regarding the meeting.

- In response to concerns that lying about the meeting would eventually be revealed because emails existed, Ms. Hicks allegedly told staff, in the presence of the President of the United States, that concerns about emails were not to be taken seriously because those emails "would not see the light of day."

- At least one member of the President's staff, Mark Corralo, reportedly resigned as a result of the President decision to disseminate this knowingly false statement.

- While members on this side of the dais are rightly outraged by the systematic stonewalling from the president, this type of obfuscation and undermining of Article I prerogatives should concern us all—Republicans and Democrats alike.

- Hope Hicks's defiance before our Committee should surprise us, but it does not because this is the tact the Administration has taken with respect to the availability of all witnesses.

- And, it was the favored tactic of this President towards the Special Counsel's investigation, as the Special Counsel told us:

  "Our investigation found multiple acts by the President that were capable of exerting undue influence over law enforcement investigations, including the Russian-interference and obstruction investigations. The incidents were often carried out through one-on-one meetings in which the President sought to use his official power outside of usual channels. These actions ranged from efforts to remove the Special Counsel and to reverse the effect of the Attorney General's recusal; to the attempted use of official power to limit the scope of the investigation; to direct and indirect contacts with witnesses with the potential to influence their testimony."

- Which led the Special Counsel to make this observation:

  "[I]f we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. Based on the facts and the applicable legal standards, we are unable to reach that judgment."

- The Special Counsel outlined at least ten instances of possibly obstructive conduct by the President but did not make a prosecutorial judgment on the issue because he was precluded from doing so by the Department of Justice OLC opinion against indicting a president.

- Instead, the Special Counsel indicated that Congress must pass judgment on the matter because it is the only institution constitutionally-charged to hold the president to account.

- He wrote: "[T]he conclusion that Congress may apply the obstruction laws to the President's corrupt exercise of the powers of office accords with our constitutional system of checks and balances and the principle that no person is above the law."