

**AMENDMENT TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO THE COMMITTEE REPORT FOR THE RESOLUTION
RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND
MERRICK B. GARLAND IN CONTEMPT OF CONGRESS FOR
REFUSAL TO COMPLY WITH A SUBPOENA DULY ISSUED BY THE
COMMITTEE ON THE JUDICIARY**

Offered by Mr. Nadler of New York.

On the bottom of page 11, after the paragraph ending in “that was important to Special Counsel Hur’s investigation,” insert:

On May 16, 2024, the Department responded again to the Committee’s requests, including the February 27, 2024, subpoena, to inform the Committees “that the President has asserted executive privilege over the requested audio recordings and is making a protective assertion of privilege over any remaining materials responsive to the subpoenas that have not already been produced.”¹ The Attorney General explained that the Justice Department has a vested interest in protecting “materials related to a closed criminal investigation where disclosure is likely to damage future law enforcement efforts,” which “is the case here.”² The Attorney General “further explains that producing the audio recordings to the Committees ‘would raise an unacceptable risk of undermining the Department’s ability to conduct similar high-profile criminal investigations—in particular, investigations where the voluntary cooperation of White House officials is exceedingly important.’”³ Further, the Attorney General writes “that the Committee’s ‘articulated need for the audio recordings is insufficient to meet any potentially applicable standard,’ and that the audio recordings will ‘not reveal any information relevant to the Committees’ stated needs that is not available in the transcripts and other documents that are already in the Committees’ possession.”⁴ In this letter, the Department requests that the Committees stop proceeding with contempt.⁵

¹ Letter from Hon. Carlos F. Uriarte, Assistant Att’y Gen., U.S. Dep’t of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability at 1 (May 16, 2024).

² *Id.* at 2.

³ *Id.*

⁴ *Id.* at 2.

⁵ *Id.* at 2-3.

On May 16, 2024, the White House also wrote to the Committees explaining that “the President’s longstanding commitment to protecting the integrity, effectiveness, and independence of the Department of Justice and its law enforcement investigations” caused his assertion of executive privilege.⁶ The White House accuses the Committees of political motivations, writing, “The absence of a legitimate need for the audio recordings lays bare your likely goal—to chop them up, distort them, and use them for partisan political purposes.”⁷ The White House further accuses the Committees of “efforts to go after prosecutors you do not like, attack witnesses in cases you disapprove of, and demand information from ongoing investigations and prosecutions, despite longstanding norms that these law enforcement processes should be allowed to play out free from such political interference.”⁸

⁶ Letter from Edward N. Siskel, Counsel to the President, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability at 1 (May 16, 2024).

⁷ *Id.* at 2.

⁸ *Id.* at 2.