

Markup of H. Res. 243, Of inquiry requesting the President and directing the Attorney General to transmit, respectively, certain documents to the House of Representatives relating to the actions of former Federal Bureau of Investigation Acting Director Andrew McCabe, by the Committee on the Judiciary

**Tuesday, March 26, 2019, at 10:00 a.m.
2141 Rayburn House Office Building**

Chairman Nadler's Opening Statement:

H. Res. 243, introduced by the Ranking Member of this Committee, the Gentleman from Georgia, Mr. Collins, is a Resolution of Inquiry directing the Attorney General to provide certain documents and records to the House of Representatives.

The Resolution seeks information related to meetings and discussions that may have occurred between or among Deputy Attorney General Rod Rosenstein and former FBI Acting Director Andrew McCabe regarding conversations with President Trump, including discussions that broached the possibility of secretly recording the President, or invoking the 25th Amendment to remove him from office.

The Resolution also seeks records related to discussions between or among Mr. McCabe and others at the FBI about launching or continuing an obstruction of justice or counterintelligence investigation of the President.

In essence, this Resolution seeks records relating to concerns expressed at the very highest levels of the Department of Justice and the FBI about President Trump's allegedly illegal conduct, and his fitness for office. It also seeks records about the extraordinary measures that these leaders may have contemplated in view of these concerns.

I certainly do not oppose efforts to learn more about whether, in fact, such discussions occurred and, if so, what prompted such alarm among Mr. Rosenstein and Mr. McCabe, as well as other FBI officials, that they would consider these unprecedented actions. Therefore, I will not oppose this Resolution.

But, I would note that for the first two years of the Trump Administration, Congressional Republicans demanded, and received, more than 880,000 pages of documents from DOJ concerning Secretary Clinton's emails, but they never sought a *single* page of information that would shed light on conduct by President Trump—conduct that so deeply disturbed senior law enforcement officials that they opened a counterintelligence investigation into his actions, they seriously considered opening an obstruction of justice investigation into his actions, and they may have discussed secretly recording the President and seeking his removal from office under the 25th Amendment.

After two years of refusing to join Democrats in our efforts to conduct oversight over the Trump Administration, Republicans have now introduced this Resolution of Inquiry seeking information about certain events in the early days of the Trump presidency.

Whatever may be responsible for this change of heart, I welcome their new-found interest in transparency and oversight.

That is why I hope and expect that the Ranking Member will join me in seeking Special Counsel Robert Mueller's complete report, as well as all of the underlying evidence he has compiled, as many of the questions raised by this Resolution are the same questions we hope Attorney General Barr will answer in the coming days.

Surprisingly, in response to a question from the press yesterday about whether the Justice Department should release any material that the Special Counsel collected containing damaging information about the President, the Ranking Member stated, "It's not the Department of Justice's job to give Chairman Nadler and House Judiciary, or any committee on the House or the Senate for that matter, what they want to do to go off on a purely partisan investigation to lead towards impeachment."

Congress is a separate and co-equal branch of government with an independent mandate to safeguard the Constitution, protect democratic institutions from corruption, and act as a check against abuses of power. In order to faithfully execute these duties, Congress must see the report and its underlying evidence in its entirety so that it can reach its own independent conclusions and hold the President accountable.

The House sent a clear message to the Executive Branch and to the public when it voted 420-0 to call for the public release of the report. I thank the Ranking Member for his support of that resolution. Now that the report has been delivered to the Attorney General, I hope that all of my colleagues will back up their vote with action.

In the meantime, I will support this Resolution of Inquiry, which is a very modest step towards obtaining the information that Congress deserves—and requires—in order to do its job.