116TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

DOCUMENT
116–95

IMPEACHMENT OF PRESIDENT DONALD JOHN TRUMP

THE EVIDENTIARY RECORD PURSUANT TO H. RES. 798

VOLUME XVI

Resolution Recommending that the House of Representatives Find William P. Barr, Attorney General, U.S. Department of Justice, in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on the Judiciary (116th Congress)

Printed at the direction of Cheryl L. Johnson, Clerk of the House of Representatives, pursuant to H. Res. 798, 116th Cong., 2nd Sess. (2020)

JANUARY 23, 2020.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

39–535 WASHINGTON : 2020

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

COMMITTEE ON THE JUDICIARY

JERROLD NADLER, New York, *Chairman*

ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
THEODORE E. DEUTCH, Florida
KAREN BASS, California
CEDRIC L. RICHMOND, Louisiana
HAKEEM S. JEFFRIES, New York
DAVID N. CICILLINE, Rhode Island
ERIC SWALWELL, California
TED LIEU, California
JAMIE RASKIN, Maryland
PRAMILA JAYAPAL, Washington
VAL BUTLER DEMINGS, Florida
J. LUIS CORREA, California
MARY GAY SCANLON, Pennsylvania, *Vice-Chair*
SYLVIA R. GARCIA, Texas
JOE NEGUSE, Colorado
LUCY MCBATH, Georgia
GREG STANTON, Arizona
MADELEINE DEAN, Pennsylvania
DEBBIE MUCARSEL-POWELL, Florida
VERONICA ESCOBAR, Texas

DOUG COLLINS, Georgia, *Ranking Member*
F. JAMES SENSENBRENNER, JR., Wisconsin
STEVE CHABOT, Ohio
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio
KEN BUCK, Colorado
JOHN RATCLIFFE, Texas
MARTHA ROBY, Alabama
MATT GAETZ, Florida
MIKE JOHNSON, Louisiana
ANDY BIGGS, Arizona
TOM MCCLINTOCK, California
DEBBIE LESKO, Arizona
GUY RESCHENTHALER, Pennsylvania
BEN CLINE, Virginia
KELLY ARMSTRONG, North Dakota
W. GREGORY STEUBE, Florida

PERRY APELBAUM, *Majority Staff Director & Chief Counsel*
BRENDAN BELAIR, *Minority Staff Director*

Majority Staff

Amy Rutkin, *Chief of Staff*
Perry Apelbaum, *Staff Director and Chief Counsel*
John Doty, *Senior Advisor*
Aaron Hiller, *Deputy Chief Counsel and Chief Oversight Counsel*
Barry Berke, *Special Counsel*
Norman Eisen, *Special Counsel*
Arya Hariharan, *Deputy Chief Oversight Counsel*

Madeline Strasser, *Chief Clerk*
Priyanka Mara, *Professional Staff*
William S. Emmons, *Professional Staff*
Anthony L. Valdez, *Staff Assistant*

Minority Staff

Brendan Belair, *Staff Director, Counsel*
Bobby Parmiter, *Deputy Staff Director, Chief Counsel*
Ashley Callen, *Chief Oversight Counsel*
Stephen Castor, *Counsel*
Danny Johnson, *Oversight Counsel*
Jake Greenberg, *Oversight Counsel*
Paul Taylor, *Chief Counsel, Constitution Subcommittee*
Daniel Flores, *Counsel*
Ryan Breitenbach, *Counsel*
Jon Ferro, *Parliamentarian, Counsel*

Erica Barker, *Deputy Parliamentarian*
Ella Yates, *Member Services Director*
Andrea Woodard, *Professional Staff Member*

116th CONGRESS | REPORT
1st Session } HOUSE OF REPRESENTATIVES { 116-XXX

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

_____, 2019—Referred to the House Calendar and ordered to be printed

---

Mr. Nadler, from the Committee on the Judiciary, submitted the following

REPORT

together with

_____ VIEWS

The Committee on the Judiciary, having considered this Report, reports favorably thereon and recommends that the Report be approved.

The form of Resolution that the Committee on the Judiciary would recommend to the House of Representatives for citing William P. Barr, Attorney General, U.S. Department of Justice, for contempt of Congress pursuant to this Report is as follows:

Resolved, That William P. Barr, Attorney General of the United States, shall be found to be in contempt of Congress for failure to comply with a congressional subpoena.

(26801)

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of William P. Barr, Attorney General, U.S. Department of Justice, to produce documents to the Committee on the Judiciary as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Barr be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoena.

CONTENTS

Page

Purpose and Summary.....
Background and Need for the Legislation.....
Hearings.....
Committee Consideration.....
Committee Votes.....
Committee Oversight Findings.....
New Budget Authority and Tax Expenditures and Congressional Budget Office Cost Estimate.....
Duplication of Federal Programs.....
Performance Goals and Objectives.....
Advisory on Earmarks.....
[Dissenting\Additional\Minority\Supplemental Views, if applicable].....

PURPOSE AND SUMMARY

The Judiciary Committee ("the Committee") is currently engaged in an investigation into alleged obstruction of justice, public corruption, and other abuses of power by President Donald Trump, his associates, and members of his Administration. Relatedly, the Committee is

considering what legislative, oversight, or constitutional responses may be appropriate in response to any possible misconduct uncovered. For these purposes, the Committee has sought to obtain from Attorney General William Barr and the Department of Justice ("DOJ" or "Department") a complete and unredacted copy, including exhibits and attachments, of the "Report On The Investigation Into Russian Interference In The 2016 Presidential Election" ("Mueller Report") submitted to the Attorney General pursuant to 28 C.F.R. § 600.8(c) by Special Counsel Robert S. Mueller, III, as well as access to the underlying and supporting evidence and investigatory materials cited in the Mueller Report, and to other materials collected and produced by the Special Counsel's office.

Since first communicating its need to obtain this information, the Committee has acknowledged the Attorney General's legal and policy concerns regarding release of these materials and has sought to negotiate an accommodation acceptable to both the Attorney General and the Committee. Nevertheless, Attorney General Barr failed to comply with the Committee's request for these documents and thereby has hindered the Committee's constitutional, oversight, and legislative functions. Following Attorney General Barr's decision to provide only a redacted version of the Mueller Report to Congress—despite numerous entreaties to work toward a mutually acceptable accommodation—the Committee issued a subpoena on April 19, 2019 directing the Attorney General to produce an unredacted copy of the Mueller Report as well as the underlying materials by May 1, 2019. Attorney General Barr failed to comply with the Committee's subpoena.

The redacted Mueller Report contains numerous findings, including: 1) the Russian government attacked the 2016 U.S. presidential election in "sweeping and systematic fashion"[1] through a social media campaign, and releasing hacked documents;[2] 2) Russian intelligence services intentionally focused on state and local databases of registered voters, and state and local websites affiliated with voter registration; for example, "[t]he GRU compromised the computer network of the Illinois State Board of Elections … then gained access to a database containing information on millions of registered Illinois voters, and extracted data related to thousands of U.S. voters before the malicious activity was identified";[3] 3) there were numerous links between the Russian government and the presidential campaign of Donald J. Trump ("Trump Campaign" or "Campaign"), which "consisted of business connections, offers of assistance to the Campaign, invitations for candidate Trump and Putin to meet in person, invitations for Campaign officials and representatives of the Russian government to meet, and policy positions seeking improved U.S.–Russian relations";[4] 4) evidence of repeated attempts to obstruct justice by the President, including "multiple acts by the President that were capable of exerting undue influence over law enforcement investigations, including the Russian-interference and obstruction investigations,"[5] which were "often carried out through one-on-one meetings in which the President sought to use his official power outside of usual channels";[6] 5) substantial evidence that President Trump's attempts to remove the Special Counsel were linked to investigations that involved the President's conduct and that once the President "became aware that his own conduct was being investigated in an obstruction-of-justice inquiry, he engaged in a

[1] Robert S. Mueller, III, *Report On The Investigation Into Russian Interference In The 2016 Presidential Election* (Mar. 2019), Vol. I, at 1 (hereinafter "Mueller Report").
[2] *Id.* Vol. I, at 4.
[3] *Id.* Vol. I, at 50.
[4] *Id.* Vol. I, at 5.
[5] *Id.* Vol. II, at 157.
[6] *Id.*

second phase of conduct, involving public attacks on the investigation, non-public efforts to control it, and efforts in both public and private to encourage witnesses not to cooperate with the investigation";[7] and 6) multiple instances where the President sought to prevent his associates from cooperating with investigations, including "substantial evidence ... that in repeatedly urging [White House Counsel Donald F.] McGahn to dispute that he was ordered to have the Special Counsel terminated, the President acted for the purpose of influencing McGahn's account in order to deflect or prevent further scrutiny of the President's conduct towards the investigation."[8]

The redacted version of the Mueller Report presents grave concerns about the susceptibility of the nation's democratic institutions to foreign disinformation campaigns and the vulnerability of our election infrastructure. It also demonstrates a compelling need to strengthen laws to improve election security. The redacted Mueller Report, however, does not provide sufficient details for the Committee to perform its own constitutional duty and engage in a thorough independent investigation based on the Mueller Report's findings. It is imperative that the Committee have access to all of the facts contained in the full Mueller Report, to the evidentiary and investigatory materials cited in the Mueller Report, and to other materials produced and collected by the Special Counsel's office. Access to these materials is essential to the Committee's ability to effectively investigate possible misconduct, and consider appropriate legislative, oversight, or other constitutionally warranted responses. Attorney General Barr's refusal to comply with the Committee's subpoena or to engage in a meaningful accommodations process therefore continues to thwart the Committee's ability to fulfill its responsibilities.

---

[7] *Id.* Vol. II, at 7.
[8] *Id.* Vol. II, at 120.

BACKGROUND AND NEED FOR THE LEGISLATION

I. Background

A. *Origins of the Special Counsel's Investigation and the Mueller Report*

On January 6, 2017, the Office of the Director of National Intelligence released an intelligence assessment on "Assessing Russian Activities and Intentions in Recent U.S. Elections."[9] The assessment concluded that "Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election," and that the goals of this campaign were, *inter alia*, "to undermine public faith in the U.S. Democratic process."[10]

On March 2, 2017, Attorney General Jeff Sessions recused himself from any possible DOJ investigations related to the 2016 presidential campaign, given Mr. Sessions's own involvement with the Trump Campaign and his failure to disclose during his confirmation hearing his contacts with Russian Ambassador Sergey Kislyak while serving in his capacity as the Trump Campaign's National Security Committee Chairman.[11] Later that month, at a hearing before the House Permanent Select Committee on Intelligence, Director of the Federal Bureau of Investigation (FBI) James Comey testified that he was authorized by DOJ to confirm that the FBI was currently investigating Russian interference in the 2016 election, as well as whether there was any coordination between individuals associated with the Trump Campaign and the Russian government.[12]

---

[9] *Assessing Russian Activities and Intentions in Recent U.S. Elections*, Report of the Office of the Director of National Intelligence (Jan. 6, 2019).
[10] *Id.* at ii.
[11] Karoun Demirjian , Ed O'Keefe, Sari Horwitz, & Matt Zapotosky, *Attorney General Jeff Sessions will recuse himself from any probe related to 2016 presidential campaign*, WASH. POST, Mar. 2, 2017.
[12] Matthew Rosenberg, Emmarie Huetteman & Michael S. Schmidt, *Comey Confirms F.B.I. Inquiry on Russia; Sees No Evidence of Wiretapping*, N.Y. TIMES, Mar. 20, 2017.

On May 9, 2017, President Trump fired Director Comey and subsequently provided conflicting explanations for Mr. Comey's dismissal.[13] On May 17, 2017, Acting Attorney General Rod Rosenstein, pursuant to DOJ regulations,[14] appointed former FBI Director Robert Mueller to serve as Special Counsel.[15] Mr. Rosenstein's order stated that the purpose of Special Counsel Mueller's appointment was "to ensure a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election," as well as to investigate "any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump." Special Counsel Mueller's jurisdiction also included authority to investigate "any matters that arose or may arise directly from the investigation," and "any other matters within the scope of 28 C.F.R. § 600.4(a)." Section 600.4(a) of the Code of Federal Regulations reads in relevant part that "[t]he jurisdiction of a Special Counsel shall also include the authority to investigate and prosecute federal crimes committed in the course of, and with intent to interfere with, the Special Counsel's investigation, such as perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses." The Special Counsel's investigation resulted in the indictment of 34 individuals and three companies, seven guilty pleas, and one conviction following a jury trial.

According to DOJ regulations, upon the conclusion of the Special Counsel's investigation, "he or she shall provide the Attorney General with a confidential report explaining the prosecution or declination decisions reached by the Special Counsel."[16] The Attorney General, in turn, is required to notify the Chairman and Ranking Member of the House and

---

[13] Michelle Ye Hee Lee, *All of the White House's conflicting explanations for Comey's firing: A timeline*, WASH. POST, May 12, 2017.
[14] 28 C.F.R. § 600 *et. seq.* (2019).
[15] Office of the Deputy Attorney General, U.S. Dep't of Justice, Order No. 3915-2017 (2017).
[16] 28 C.F.R. §§ 600.8(c) (2019).

Senate Judiciary Committees when the Special Counsel concludes an investigation.[17] On March 22, 2019, Attorney General Barr notified the Committee that he had received the Report from Special Counsel Mueller.[18] On March 24, 2019, Attorney General Barr provided the Committee his summary of principal conclusions of the Mueller Report.[19] On April 18, 2019, nearly four weeks after Special Counsel Mueller submitted his confidential Report, the Attorney General released a redacted copy of the Report to Congress and the public.

B. *Requests for Information from the Department of Justice Regarding the Mueller Report and Subpoena Issued to Attorney General William Barr*

In February 2019, well before Attorney General Barr received the Mueller Report, the Committee commenced the process of informing DOJ that it sought an unredacted copy of the Mueller Report once it was completed as well as access to the underlying materials. As described below, the Committee has from that time to the present also expressed its willingness to consider the Department's legal and policy concerns related to the release of such materials and offered to negotiate mutually acceptable solutions.

On February 22, 2019, Chairman Jerrold Nadler along with five other committee chairs wrote a letter to Attorney General Barr indicating their expectation that DOJ would disclose the Mueller Report to the public "to the maximum extent permitted by law," and requesting that "to the extent that the Department believes that certain aspects of the report are not suitable for

[17] 28 C.F.R. § 600.9(a)(3) (2019).
[18] Letter to Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Lindsey Graham, Chairman, S. Comm. on the Judiciary; Hon. Doug Collins, Ranking Member, H. Comm. on the Judiciary; Hon. Dianne Feinstein, Ranking Member, S. Comm. on the Judiciary, from William Barr, Attorney General, U.S. Dep't of Justice (Mar. 22, 2019) (hereinafter "Notification Letter").
[19] Letter to Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Lindsey Graham, Chairman, S. Comm. on the Judiciary; Hon. Doug Collins, Ranking Member, H. Comm. on the Judiciary; Hon. Dianne Feinstein, Ranking Member, S. Comm. on the Judiciary, from William Barr, Attorney General, U.S. Dep't of Justice (Mar. 24, 2019).

immediate public release," the Department provide that information to Congress "along with your reasoning for withholding the information from the public."[20] The letter further stated the expectation that DOJ would provide "to our Committees, upon request and consistent with applicable law, other information and material obtained or produced by the Special Counsel."[21] Thereafter, the full House of Representatives unanimously endorsed this view.[22] On March 14, 2019, the House voted 420 to 0 in favor of a resolution calling for "the public release of any report...except to the extent the public disclosure of any portion thereof is expressly prohibited by law" and for "the full release to Congress of any report, including findings, Special Counsel Mueller provides to the Attorney General."[23]

In spite of these reasonable requests from the House and the Committee to receive the unredacted Mueller Report and the underlying materials, as well as the House's position that it is entitled to information beyond what might be made publicly available, Attorney General Barr's communications during this period drew no distinction between Congress and the public, and ignored the Committee's requests for materials underlying the Mueller Report. In his March 22, 2019 notification letter, Attorney General Barr indicated that he would in short order "advise" the Committee of the Special Counsel's "principal conclusions" and that he would consult with Deputy Attorney General Rosenstein and Special Counsel Mueller "to determine what other information from the report can be released to Congress and the public consistent with the law,

---

[20] Letter to Hon. William Barr, Attorney General, U.S. Dep't of Justice, from Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Adam Schiff, Chairman, H. Permanent Select Comm. on Intelligence; Hon. Elijah Cummings, Chairman, H. Comm. on Oversight and Reform; Hon. Elliot Engel, Chairman, H. Comm. on Foreign Affairs; Hon. Maxine Waters, Chairwoman, H. Comm. on Financial Services & Hon. Richard Neal, Chairman, H. Comm. on Ways and Means (Feb. 22, 2019).
[21] *Id.*
[22] 165 Cong. Rec. H2731-32 (daily ed. Mar. 14, 2019).
[23] H.Con.Res.24, Expressing the Sense of Congress that the Report of Special Counsel Mueller Should Be Made Available to the Public and to Congress, 116th Cong. (2019).

including the Special Counsel regulations, and the Department's longstanding policies and practices."[24]

On March 24, 2019, Attorney General Barr wrote a letter summarizing the Mueller Report's "principal conclusions."[25] The letter also briefly discussed the status of the Department's review of the Mueller Report. Again, the Attorney General failed to address the Committee's stated expectation that it receive an unredacted copy and access to the Mueller Report's underlying materials. Instead, the Attorney General reiterated his intent to "release as much of the Special Counsel's report as I can consistent with applicable law, regulations, and Departmental policies," and indicated his intent to withhold material that "is or could be subject to Federal Rule of Criminal Procedure 6(e)."[26]

In response, on March 25, 2019, Chairman Nadler along with the chairs of five other committees wrote a letter to Attorney General Barr formally requesting that he "release the Special Counsel's full report to Congress no later than Tuesday, April 2 [2019]" and that he begin "transmitting the underlying evidence and materials to the relevant committees at that time."[27] The letter further expressed the committees' willingness to accommodate the Attorney General's concerns, noting that "[t]o the extent that you believe applicable law limits your ability

---

[24] Notification Letter.
[25] Letter to Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Lindsey Graham, Chairman, S. Comm. on the Judiciary; Hon. Doug Collins, Ranking Member, H. Comm. on the Judiciary; Hon. Dianne Feinstein, Ranking Member, S. Comm. on the Judiciary, from William Barr, Attorney General, U.S. Dep't of Justice (Mar. 24, 2019).
[26] *Id.*
[27] Letter to Hon. William Barr, Attorney General, U.S. Dep't of Justice, from Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Adam Schiff, Chairman, H. Permanent Select Comm. on Intelligence; Hon. Elijah Cummings, Chairman, H. Comm. on Oversight and Reform; Hon. Elliot Engel, Chairman, H. Comm. on Foreign Affairs; Hon. Maxine Waters, Chairwoman, H. Comm. on Financial Services & Hon. Richard Neal, Chairman, H. Comm. on Ways and Means (Mar. 25, 2019).

to comply, we urge you to begin the process of consultation with us immediately in order to establish shared parameters for resolving those issues without delay."[28]

The committee chairs' March 25 letter also addressed the reasons underlying their request. The chairs explained that "the release of the full report and the underlying evidence and documents is urgently needed" by the committees "to perform their duties under the Constitution." As the chairs explained, "[t]hose duties include evaluating the underlying facts and determining whether legislative or other reforms are required—both to ensure that the Justice Department is able to carry out investigations without interference or obstruction by the President and to protect our future elections from foreign interference."[29]

On March 29, 2019, Attorney General Barr responded to Chairman Nadler's March 25 letter, but failed to address the committee chairs' requests and their explicit offer to begin consultations over access to the Mueller Report's underlying materials.[30] Instead, the Attorney General reiterated that the Department was preparing the Mueller Report for release by making what he described as "the redactions that are required."[31] The Attorney General described four categories of information he intended to withhold from both Congress and the public: 1) material subject to Federal Rule of Criminal Procedure 6(e); 2) material that the intelligence community identifies as potentially compromising sensitive sources and methods; 3) material whose release could affect ongoing matters; and 4) information that would unduly infringe on the personal privacy and reputational interests of "peripheral third parties."[32] The Attorney General indicated

[28] *Id.*
[29] *Id.*
[30] Letter to Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary, & Hon. Lindsey Graham, Chairman, S. Comm. on the Judiciary from Hon. William Barr, Attorney General, U.S. Dep't of Justice (Mar. 29, 2019).
[31] *Id.*
[32] *Id.*

the Mueller Report would be released "in mid-April, if not sooner," and offered to testify before the House Judiciary Committee on May 2, 2019.[33]

During this period, Committee majority staff engaged in discussions with DOJ Office of Legislative Affairs (OLA) officials in an attempt to begin the accommodations process offered in the chairs' March 25 letter, but the parties were ultimately unable to reach an agreement. OLA officials eventually informed Committee majority staff on March 29, 2019 that the Department had no plans to share redacted portions of the Mueller Report with Congress, but indicated that further negotiations could proceed following the Mueller Report's public release.

On April 1, 2019, Chairman Nadler and the chairs of the five other committees again wrote to Attorney General Barr urging him to "begin the process of consultation with us immediately" and to inform him that the Judiciary Committee "plans to begin the process of authorizing subpoenas for the report and underlying evidence and materials."[34] The letter contained a detailed appendix describing the nature of the committees' need for the Mueller Report and the underlying evidence, noting that "[t]he longer the delay in obtaining this information, the more harm will accrue to Congress's independent duty to investigate misconduct by the President and to assure public confidence in the independence of federal law enforcement operations."[35] The letter further explained that neither Rule 6(e) nor any applicable privilege barred disclosure of these materials to Congress. Additionally, the letter stated that to the extent the Department believed it was unable to produce any materials due to Rule 6(e),

---

[33] *Id.*

[34] Letter to Hon. William Barr, Attorney General, U.S. Dep't of Justice, from Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Adam Schiff, Chairman, H. Permanent Select Comm. on Intelligence; Hon. Elijah Cummings, Chairman, H. Comm. on Oversight and Reform; Hon. Elliot Engel, Chairman, H. Comm. on Foreign Affairs; Hon. Maxine Waters, Chairwoman, H. Comm. on Financial Services & Hon. Richard Neal, Chairman, H. Comm. on Ways and Means (Apr. 1, 2019).

[35] *Id.*

which pertains to grand jury secrecy, then "it should seek leave from the district court to produce those materials to Congress—as it has done in analogous situations in the past."[36]

That same day, Chairman Nadler announced a markup to authorize the issuance of a subpoena for the Mueller Report and the underlying material, and released a statement that "Attorney General Barr has thus far indicated he will not meet the April 2 deadline set by myself and five other committee chairs, and refused to work with us to provide the full report, without redactions, to Congress."[37] On April 3, 2019, the Committee, by a vote of 24 to 17, authorized Chairman Nadler to issue a subpoena for the Mueller Report and the underlying evidence. The Chairman did not, however, issue the subpoena pending further efforts to reach an accommodation with DOJ.

At an appearance before the House Appropriations Committee on April 9, 2019, Attorney General Barr stated that he had no intention of accommodating the Committee's request until after the Mueller Report's public release.[38] When directly asked whether DOJ would request the district court to approve the release of grand jury material to the Committee, Attorney General Barr responded, "My intention is not to ask for it at this stage."[39]

On April 11, 2019, Chairman Nadler, along with Chairman Adam Schiff, Speaker of the House Nancy Pelosi, Senate Minority Leader Charles Schumer, Senate Judiciary Committee Ranking Member Dianne Feinstein, and Senate Intelligence Committee Vice Chairman Mark Warner, wrote to Attorney General Barr to reiterate that "as a matter of law, Congress is entitled

---

[36] *Id.*
[37] Press Release, H. Comm. on the Judiciary, Wednesday: House Judiciary to Hold Markup to Authorize Subpoenas for Full Mueller Report and Related Matters, *available at* https://judiciary.house.gov/news/press-releases/wednesday-house-judiciary-hold-markup-authorize-subpoenas-full-mueller-report.
[38] Ellis Kim, *AG Barr: No Plans to Ask Court to Release Grand Jury Info in Mueller Report*, NAT'L L. J., Apr. 9, 2019.
[39] *Id.*

to the full report . . . as well as the underlying evidence," and to remind him that "the Department of Justice has an obligation to work with the relevant committees of the House and Senate to reach an accommodation on the full report and the underlying evidence."[40] They further noted that "we have received no direct response, and you have made no effort to work with us to accommodate our concerns. This work should not wait until after you have provided a redacted report."[41]

Attorney General Barr released a redacted version of the Mueller Report to Congress and to the public on April 18, 2019. The substance of even the redacted Report expressly affirmed Congress' independent authority to conduct its own investigation pursuant to its legislative, oversight, and other constitutional prerogatives. Specifically, the Special Counsel noted the need not to "preempt constitutional processes for addressing presidential misconduct," affirmed that "Congress can validly make obstruction-of-justice statutes applicable to corruptly motivated official acts of the President," and rejected President Trump's "statutory and constitutional defenses to the potential application of the obstruction-of-justice statutes to the President's conduct."[42]

Although the Committee had requested the unredacted Mueller Report on numerous occasions and had requested in multiple letters to begin consultation regarding access to redacted and underlying materials, Attorney General Barr refused to engage the Committee. In fact, Attorney General Barr did not make a direct, concrete offer to accommodate the Committee's

---

[40] Letter to Hon. William Barr, Attorney General, U.S. Dep't of Justice, from Hon. Nancy Pelosi, Speaker, U.S. House of Representatives; Hon. Charles Schumer, Minority Leader, U.S. Senate; Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Adam Schiff, Chairman, H. Permanent Select Comm. on Intelligence, Hon. Dianne Feinstein, Ranking Member, S. Comm. on the Judiciary & Hon. Mark Warner, Vice Chairman, S. Select Comm. on Intelligence (Apr. 11, 2019).
[41] *Id.*
[42] Mueller Report Vol. II, at 1, 171, 159.

request until after he released the redacted Mueller Report. In his letter accompanying the Mueller Report, Attorney General Barr finally acknowledged that "you have expressed an interest in viewing an unredacted version of the report," but offered only to make a less redacted version of the Mueller Report available for review with grand jury information still withheld.[43]

Furthermore, in a separate letter written on April 18, 2019, Assistant Attorney General Stephen Boyd detailed the specific terms of Attorney General Barr's offer.[44] The Attorney General would only permit the majority and minority leaders of the House and Senate, and Chairs and Ranking Members of select House and Senate Committees, including Chairman Nadler and Ranking Member Collins, along with a single staff member each, to review at the Department of Justice "certain material redacted in the publicly released report" and for a limited period of time between April 22 and April 26, 2019.[45] The Department further offered to permit review of a less-redacted version of the Mueller Report to the same limited group on Capitol Hill for a one-week period starting on April 29, 2019.[46] The Department insisted that any notes taken would also have to remain at the Department in a secure facility.[47]

On April 19, 2019, Chairman Nadler informed Attorney General Barr that although "the current proposal is not workable, we are open to discussing a reasonable accommodation with the Department that would protect law enforcement sensitive information while allowing

---

[43] Letter to Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Lindsey Graham, Chairman, S. Comm. on the Judiciary; Hon. Doug Collins, Ranking Member, H. Comm. on the Judiciary; Hon. Dianne Feinstein, Ranking Member, S. Comm. on the Judiciary, from William Barr, Attorney General, U.S. Dep't of Justice (Apr. 18, 2019).
[44] Letter to Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary & Hon. Lindsey Graham, Chairman, S. Comm. on the Judiciary, from Stephen Boyd, Assistant Attorney General, U.S. Dep't of Justice (Apr. 18, 2019).
[45] *Id.*
[46] *Id.*
[47] *Id.*

Congress to fulfill its constitutional duties."[48] On that same day, Chairman Nadler issued a subpoena to Attorney General Barr for: (1) the full Mueller Report, including any exhibits or attachments; (2) all materials referenced in the Mueller Report; and (3) all materials obtained or produced by the Special Counsel's office. The subpoena required production of these materials by May 1, 2019. In a statement released to the public, Chairman Nadler explained, "I am open to working with the Department to reach a reasonable accommodation for access to these materials, however I cannot accept any proposal which leaves most of Congress in the dark, as they grapple with their duties of legislation, oversight and constitutional accountability."[49] To emphasize Congress' willingness to accommodate the Department's concerns, Speaker Pelosi on May 1, 2019, wrote the Attorney General directly to urge that initial proposals for resolving the dispute that had been raised at an in-person meeting of Congressional and Department staff on April 29, 2019 "be given serious consideration by you so we can work together productively."[50]

On May 1, 2019, the Department informed the Committee that it would not comply with Chairman Nadler's subpoena.[51] On May 3, 2019, Chairman Nadler responded to the Department's May 1 letter, noting:

> [T]he Department has never explained why it is willing to allow only a small number of Members to view a less-redacted version of the report, subject to the condition that they cannot discuss what they have seen with anyone else. The Department also remains unwilling to work with the Committee to seek a court

[48] Letter to Hon. William Barr, Attorney General, U.S. Dep't of Justice, from Hon. Nancy Pelosi, Speaker, U.S. House of Representatives; Hon. Charles Schumer, Minority Leader, U.S. Senate; Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary; Hon. Adam Schiff, Chairman, H. Permanent Select Comm. on Intelligence; Hon. Dianne Feinstein, Ranking Member, S. Comm. on the Judiciary & Hon. Mark Warner, Vice Chairman, S. Select Comm. on Intelligence (Apr. 19, 2019).

[49] Press Release, H. Comm. on the Judiciary, Chairman Nadler Issues Subpoena for Full Mueller Report and Underlying Materials, *available at* https://judiciary.house.gov/news/press-releases/chairman-nadler-issues-subpoena-full-mueller-report-and-underlying-materials.

[50] Letter to Hon. William Barr, Attorney General, U.S. Dep't of Justice, from Hon. Nancy Pelosi, Speaker, U.S. House of Representatives (May 1, 2019).

[51] Letter to Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary, from Stephen Boyd, Assistant Attorney General, U.S. Dep't of Justice (May 1, 2019).

> order permitting disclosure of materials in the report that are subject to Federal Rule of Criminal Procedure 6(e). And the Department has offered no reason whatsoever for failing to produce the evidence underlying the report, except for a complaint that there is too much of it and a vague assertion about the sensitivity of law enforcement files.[52]

Chairman Nadler also observed that Attorney General Barr's "proposed conditions are a departure from accommodations made by previous Attorneys General of both parties."[53] The letter notes that the Department "produced more than 880,000 pages of sensitive investigative materials pertaining to its investigation of Hillary Clinton, as well as much other material relating to the then-ongoing Russia investigation."[54] The letter further notes that production "included highly classified material, notes from FBI interviews, internal text messages, and law enforcement memoranda" and that in the "most recent prior instance in which the Department conducted an investigation of a sitting President, Kenneth Starr produced a 445-page report to Congress along with 18 boxes of accompanying evidence."[55]

Chairman Nadler nonetheless communicated his continued willingness to "negotiate a reasonable accommodation with the Department."[56] Chairman Nadler renewed his request that the "Department work jointly with Congress to seek a court order permitting disclosure of materials covered by Rule 6(e)"; offered to prioritize a "specific, defined set of underlying investigative and evidentiary materials for immediate production," namely the "investigative and evidentiary materials specifically cited in the report"; and indicated he was "prepared to discuss

[52] Letter to Stephen Boyd, Assistant Attorney General, U.S. Department of Justice, from Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary (May 3, 2019).
[53] *Id.*
[54] *Id.*
[55] *Id.*
[56] *Id.*

limiting and prioritizing our request . . . for other underlying evidence obtained by the Special Counsel's office."[57]

II. Need for the Legislation

A. *Authority and Legislative Purpose*

The Committee on the Judiciary is a standing Committee of the House of Representatives, duly established pursuant to the Rules of the House of Representatives, which are adopted pursuant to the Rulemaking Clause of the Constitution.[58] House Rule X(*l*) grants to the Committee legislative and oversight jurisdiction over, *inter alia*, "judicial proceedings, civil and criminal,"; "criminal law enforcement"; the "application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction"; the "operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction"; and any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction."

House Rule XI specifically authorizes the Committee and its subcommittees to "require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary." The Rule also provides that the "power to authorize and issue subpoenas" may be delegated to the Committee Chairman.

---

[57] *Id.*
[58] U.S. CONST., art. I, § 5, cl. 2.

The investigation into the alleged obstruction of justice, public corruption, and other abuses of power by President Donald Trump, his associates, and members of his Administration and related concerns is being undertaken pursuant to the full authority of the Committee under Rule X(*l*) and applicable law. The purposes of this investigation include: 1) investigating and exposing any possible malfeasance, abuse of power, corruption, obstruction of justice, or other misconduct on the part of the President or other members of his Administration; 2) considering whether the conduct uncovered may warrant amending or creating new federal authorities, including among other things, relating to election security, campaign finance, misuse of electronic data, and the types of obstructive conduct that the Mueller Report describes; and 3) considering whether any of the conduct described in the Special Counsel's Report warrants the Committee in taking any further steps under Congress' Article I powers. That includes whether to approve articles of impeachment with respect to the President or any other Administration official, as well as the consideration of other steps such as censure or issuing criminal, civil or administrative referrals. No determination has been made as to such further actions, and the Committee needs to review the unredacted report, the underlying evidence, and associated documents so that it can ascertain the facts and consider its next steps.[59]

B. *Urgency*

Although the Committee has attempted to engage in accommodations with Attorney General Barr for several months, it can no longer afford to delay, and must resort to contempt proceedings. The Committee urgently requires access to the full, unredacted Mueller Report and

[59] Several bills relevant to the legislative purpose of this investigation have already been introduced and referred to the Committee, including but not limited to: the Special Counsel Independence and Integrity Act, H.R. 197, 116th Cong (2019); the Special Counsel Reporting Act, H.R. 1357, 116th Cong. (2019); the Presidential Pardon Transparency Act, H.R. 1348, 116th Cong. (2019); and the For the People Act of 2019, H.R. 1, 116th Cong. (2019) (now pending in the Senate).

to the investigatory and evidentiary materials cited in the Report. The Mueller Report describes the Russian government's extensive efforts to interfere in the 2016 presidential election "in sweeping and systematic fashion."[60] First, a Russian entity known as the "Internet Research Agency" (IRA) carried out a social media influence operation to "sow discord in the U.S. political system through what it termed 'information warfare.'"[61] Second, Russia's intelligence services hacked into computer networks associated with the Clinton campaign, stole hundreds of thousands of e-mails and other documents, and released those documents online.[62] Third, Russian intelligence services successfully compromised state computer networks; for example, they "gained access to a database containing information on millions of registered Illinois voters, and extracted data related to thousands of U.S. voters," and "targeted employees of...a voting technology company that developed software used by numerous U.S. counties to manage voter rolls, and installed malware on the company network."[63]

Russia's hostile actions against the United States and its democratic institutions are ongoing. The Justice Department has indicated in at least one other case that Russian influence efforts continued into the 2018 midterm elections.[64] With the 2020 elections looming, this threat to our democracy is at risk of recurrence, and Congress must act immediately to address it. Just recently, FBI Director Christopher Wray warned that Russia continues to pose a "very significant counterintelligence threat," and that the U.S. government "view[ed] 2018 as just kind of a dress rehearsal for the big show in 2020."[65] Earlier this year, the Director of National Intelligence

---

[60] Mueller Report Vol. I, at 1.
[61] *Id.* Vol. I, at 4.
[62] *Id.* Vol. I, at 4-5.
[63] *Id.* Vol. I, at 50-51.
[64] *See* Criminal Complaint ¶ 14, United States v. Khusyaynova, No. 1:18-mj-464 (E.D. Va. Sept. 28, 2018) (alleging Russian national participated in a conspiracy "to interfere with U.S. political and electoral processes, including the 2018 U.S. elections").
[65] Transcript, *A Conversation with Christopher Wray*, Council on Foreign Relations (Apr. 26, 2019).

similarly warned that Russia and other adversaries "probably are already looking to the 2020 U.S. election" to conduct malign influence operations and that "Moscow may employ additional influence toolkits—such as spreading disinformation, conducting hack-and-leak operations, or manipulating data—in a more targeted fashion to influence U.S. policy, actions, and elections."[66]

In the face of these efforts, and with the 2020 elections approaching, the Committee requires the most complete possible understanding of Russia's influence and hacking operations. Among other things, the Committee must be permitted to assess whether the Department and the FBI are devoting sufficient resources to the growing threat, and to consider remedial legislation such as criminal penalties targeting election inference activities or the use of illegally acquired data. In its current form, sections of the Mueller Report describing the structure and actions taken by the IRA are heavily redacted.[67] Sections of the Mueller Report describing the hacking activities undertaken by Russian intelligence services likewise contain significant redactions, which impair the ability of the Committee to gain a complete understanding of Russia's actions.[68] Without this information, the Committee is unable to fully perform its responsibility to protect the impending 2020 elections—and thus our democracy itself—from a recurrence of Russian interference.

President Trump's repeated efforts to obstruct and derail the Special Counsel's investigations also pose grave concerns. Volume II of Special Counsel Mueller's Report details "multiple acts by the President that were capable of exerting undue influence over law enforcement investigations, including the Russian-interference and obstruction investigations."[69]

---

[66] Daniel R. Coats, Director of National Intelligence, *Worldwide Threat Assessment of the U.S. Intelligence Community* (Jan. 29, 2019).
[67] Mueller Report, Vol. I, at 15-35.
[68] *Id.* Vol. I, at 35-51.
[69] *Id.* Vol. II, at 157.

The President's efforts increased in intensity over time. Once he "became aware that his own conduct was being investigated in an obstruction-of-justice inquiry, he engaged in a second phase of conduct, involving public attacks on the investigation, non-public efforts to control it, and efforts in both public and private to encourage witnesses not to cooperate with the investigation."[70] 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."[71] In order to carry out this campaign of obstruction, President Trump "sought to use his official power outside of usual channels," including by conducting "one-on-one meetings" with Administration officials or other advisors and by contacting the Attorney General about the Russia investigation after he had been explicitly counseled against doing so.[72]

The Mueller Report contains evidence that in the wake of an attack by a hostile nation against American democratic institutions, President Trump's response was to undermine the investigation rather than take action against the perpetrators. The facts recounted in the Mueller Report make clear the Committee's interest in obtaining further, more detailed information. For example, the Mueller Report states that when the President learned that he himself was under investigation for obstruction, the President "directed McGahn to call Rosenstein to have the Special Counsel removed."[73] At one point the President went so far as to direct White House Counsel Don McGahn to call Deputy Attorney General Rosenstein and inform him that

---

[70] *Id.* Vol. II, at 7.
[71] *Id.* Vol. II, at 157.
[72] *Id.*; *see also e.g.*, *id.* Vol. II at 50-51 (President Trump pulled Attorney General Sessions aside to ask that he "unrecuse" himself from the Russia investigation after the White House Counsel's office directed that Sessions should not be contacted about the matter).
[73] *Id.* Vol. II, at 88.

"'Mueller has conflicts and can't be the Special Counsel.'"[74] The President later "asked McGahn in [a] meeting why he had told Special Counsel's Office investigators that the President had told him to have the Special Counsel removed"[75] and ordered Mr. McGahn to issue a "statement denying that he had been asked to fire the Special Counsel and that he had threatened to quit in protest."[76]

Furthermore, the Mueller Report notes that the President attempted to have Attorney General "Sessions reverse his recusal [and] take control of the Special Counsel's investigation."[77] The President repeatedly tried to order Attorney General Sessions to interfere in or limit the Special Counsel investigation, including meeting with Sessions alone and "suggest[ing] that Sessions should 'unrecuse' from the Russia investigation,"[78] and attempting to send a message through campaign advisor Corey Lewandowski asking that "Sessions limit the scope of the Russia investigation."[79] The President's "position as the head of the Executive Branch provided him with unique and powerful means of influencing official proceedings, subordinate officers, and potential witnesses."[80] This conduct also included discouraging associates such as his former personal attorney, Michael Cohen, from cooperating by using "inducements in the form of positive messages in an effort to get Cohen not to cooperate, and then turn[ing] to attacks and intimidation to deter the provision of information or undermine Cohen's credibility once Cohen began cooperating."[81] This also included using his private attorneys to dangle potential pardons to discourage former campaign chairman Paul Manafort

---

[74] *Id.*
[75] *Id.* Vol. II, at 117.
[76] *Id.* Vol. II, at 114.
[77] *Id.* Vol. II, at 107.
[78] *Id.* Vol. II, at 51.
[79] *Id.* Vol. II, at 90.
[80] *Id.* Vol. II, at 7.
[81] *Id.* Vol. II, at 154.

from cooperating, such as by having Rudolph Giuliani make "repeated statements suggesting that a pardon was a possibility for Manafort, while also making it clear that the President did not want Manafort to 'flip' and cooperate with the government."[82]

In order to protect the rule of law, the Committee requires an immediate and more detailed accounting of these and other actions taken by the President. The Special Counsel "conducted a thorough factual investigation in order to preserve the evidence when memories were fresh and documentary materials were available."[83] As a result, the Committee has sought access to the fruits of that work—including investigative materials, such as interview reports, as well as evidence, such as contemporaneous notes taken by fact witnesses. The Committee urgently requires access to those materials to perform its core constitutional functions. The Special Counsel has expressly noted the need to avoid "preempt[ing] constitutional processes for addressing presidential misconduct,"[84] and affirmed that "Congress can validly make obstruction-of-justice statutes applicable to corruptly motivated official acts of the President without impermissibly undermining his Article II functions."[85] If the Committee is to proceed, it requires the unredacted Mueller Report and underlying materials without further delay.

As the Special Counsel further noted, the Department has a policy against indicting a sitting president, which the Special Counsel "accepted for purposes of exercising prosecutorial jurisdiction."[86] Congress is therefore the only body able to hold the President to account for improper conduct in our tripartite system, and urgently requires the subpoenaed material to determine whether and how to proceed with its constitutional duty to provide checks and

---

[82] *Id.* Vol. II, at 131.
[83] *Id.* Vol. II, at 2.
[84] *Id.* Vol. II, at 1.
[85] *Id.* Vol. II, at 171.
[86] *Id.*

balances on the President and Executive Branch. Otherwise, the President remains insulated from legal consequences and sits above the law. As the Special Counsel emphasized, in our system, "no person in this country is so high that he is above the law."[87]

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the Committee's May 2, 2019 hearing on "Oversight of the U.S. Department of Justice: Report by Special Counsel Robert S. Mueller, III on the Investigation Into Russian Interference in the 2016 Presidential Election and Related Matters" was used to develop this Report. Attorney General Barr was scheduled at appear at this hearing, but failed to do so. In addition, the Committee held a related hearing on February 8, 2019 entitled "Oversight of the U.S. Department of Justice." Matthew Whitaker, Acting Attorney General, on behalf of U.S. Department of Justice, was the sole witness. The hearing considered various matters, including the Justice Department's role with respect to Special Counsel Mueller's investigation and his then-anticipated report.

Lastly, the Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on March 27, 2019 on "Examining the Constitutional Role of the Pardon Power." The witnesses included Caroline Fredrickson, President, American Constitution Society for Law and Policy; Justin Florence, Legal Director, Protect Democracy; Andrew Kent, Professor of Law, Fordham University School of Law; and James Pfiffner, University Professor in the Schar School of Policy and Government, George Mason University. Despite the Committee's repeated outreach, it was unable to secure a Department witness from the Office of the Pardon Attorney for the hearing. The hearing considered the potential constitutional and legal limits on the president's power to grant clemency.

---

[87] *Id.* Vol. II at 181-82 (citations, quotation marks and brackets omitted).

COMMITTEE CONSIDERATION

On _[date]__, the Committee met in open session and ordered the Report favorably reported with [or without] an amendment, by a [specify: voice or rollcall vote of __ to ___], a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during the Committee's consideration of the Report:

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this Report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not

received a cost estimate for this Report from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this Report contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

DUPLICATION OF FEDERAL PROGRAMS

No provision of the Report establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the purpose of the Report is to enforce the Committee's authority to subpoena and obtain the unredacted Mueller Report, and its underlying investigative and evidentiary materials.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, the Report does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.