

Rabbitt, Brian (OAG)

From: Rabbitt, Brian (OAG)
Sent: Sunday, April 14, 2019 12:20 PM
To: (b)(6): AG Barr Alias OAG
Subject: FW: draft memo
Attachments: 2019.04.11 SC Cover Memo DRAFT 4.11 (short) - OAG Draft 20190411.docx

PRIVILEGED & CONFIDENTIAL
DELIBERATIVE & PRE-DECISIONAL

Attached is another non-final, working draft document. Again, it is deliberative and pre-decisional.

From: Moran, John (OAG) <jomoran@jmd.usdoj.gov>
Sent: Thursday, April 11, 2019 4:20 PM
To: Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>
Subject: RE: draft memo

Duplicative of Material Produced on 9/30/20

(b)(6): AG Barr Alias (OAG)

From: (b)(6): AG Barr Alias (OAG)
Sent: Sunday, April 14, 2019 1:25 PM
To: (b)(6): AG Barr personal email
Subject: 2019.04.11 SC Cover Memo DRAFT 4.10 1330.docx
Attachments: 2019.04.11 SC Cover Memo DRAFT 4.10 1330.docx; ATT00001.txt

Escalona, Prim F. (OLA)

From: Escalona, Prim F. (OLA)
Sent: Monday, April 15, 2019 2:55 PM
To: Cox, Stephen (OASG)
Subject: RE: AG QFRs
Attachments: Barr QFRs - FINAL.docx

Here you go.

From: Cox, Stephen (OASG) <scox@jmd.usdoj.gov>
Sent: Monday, April 15, 2019 2:43 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Subject: AG QFRs

Prim—

Any chance you could flip us a WORD version of the final Barr QFRs? Or direct us to wherever we can find it?

-sjc
x40129

QUESTIONS FOR THE RECORD
WILLIAM P. BARR
NOMINEE TO BE UNITED STATES ATTORNEY GENERAL

QUESTIONS FROM SENATOR DURBIN

1. In your June 8, 2018 memo, you acknowledge that there are many ways in which a President could commit obstruction of justice for example by altering evidence, suborning perjury, or inducing a witness to change testimony. But your memo makes an assumption that Special Counsel Mueller's obstruction theory relies on one particular obstruction of justice statute, 18 U.S.C. 1512 a statute you believe should not be used to investigate actions that you feel are within a President's lawful authority.

Based on this assumption about Special Counsel Mueller's obstruction theory, your memo concludes that "Mueller should not be permitted to demand that the President submit to interrogation about alleged obstruction." In other words, you urge Special Counsel Mueller's supervisor not to allow Mueller to take a certain action in an ongoing investigation and not to allow Mueller to ask the President any questions about obstruction, even though you concede that you are "in the dark about many facts" and that you are making assumptions about the legal obstruction theory.

- a. Is it appropriate for you to urge Special Counsel Mueller's supervisor to block Mueller from taking an action in an ongoing criminal investigation when you do not know all the facts and were speculating about Mueller's legal theory?
- b. Is it appropriate for you to flatly urge Special Counsel Mueller's supervisor that "Mueller should not be permitted to demand that the President submit to interrogation about alleged obstruction" when there are numerous potential obstruction theories besides 18 U.S.C. 1512 that Special Counsel Mueller may want to question the President about?
- c. Is it still your view that "Mueller should not be permitted to demand that the President submit to interrogation about alleged obstruction"?
- d. In your January 14 letter to Chairman Graham, you said of your memo that "my purpose was not to influence public opinion on the issue, but rather to make sure that all of the lawyers involved carefully considered the potential implications of the theory." You noted in your January 14 letter that you shared the memo with the several of the President's defense attorneys. Did you also forward the memo to the Special Counsel's Office so they could consider your views the potential implications of the theory? If not, why not?

- e. Did any of the President’s attorneys whom you sent your memo tell you that they agreed with your view that “Mueller should not be permitted to demand that the President submit to interrogation about alleged obstruction”?
- f. Did any of the President’s attorneys whom you sent your memo tell you that they used your memo to argue that “Mueller should not be permitted to demand that the President submit to interrogation about alleged obstruction”?

RESPONSE: As I stated in my June 8, 2018 memorandum and explained in my January 14, 2019 letter to Chairman Graham and my January 10, 2019 letter to Ranking Member Feinstein, my memorandum was narrow in scope. It was premised on an assumption based on public accounts – which the memorandum acknowledged may be incorrect – that the Special Counsel’s basis for questioning the President was that the firing of former FBI Director Comey constituted obstruction under a specific statute – namely, 18 U.S.C. § 1512(c). In other words, the memorandum assumed, for purposes of analysis, that the Special Counsel’s sole predicate for interviewing the President was the single obstruction theory that it was addressing. The memorandum did not address whether the President could be questioned under any of the other possible obstruction theories that have been publicly discussed in connection with the Special Counsel’s investigation, or any other theories of liability the Special Counsel may be pursuing.

After drafting the memorandum, I provided copies to several officials at the Department of Justice who I thought would be in a position to assess whether it was actually relevant to the Special Counsel’s work, including Deputy Attorney General Rosenstein, who by law at the time was charged with overseeing the Special Counsel. In addition to sharing my views with the Department, I thought they also might be of interest to other lawyers working on the matter. As I have stated, I sent a copy to the President’s lawyers and spoke with them to explain my views. I do not know what impressions they had regarding my views or what, if anything, they did with my memorandum after receiving it.

As I stated during my hearing before the Committee, I remain in the dark regarding the specific facts and legal theories currently at issue in the Special Counsel’s investigation. If confirmed, I will approach the investigation with an open mind as to all issues and will make any decisions based on the relevant law and the facts at the time.

- 2. Because your June 8, 2018 memo expresses stark views about what you feel should and should not be permitted as part of the Special Counsel’s ongoing criminal investigation, and because you sent your memo to Special Counsel Mueller’s supervisor and to members of President Trump’s defense team without informing the Special Counsel’s Office of your memo, a reasonable person could conclude that you would not be impartial if issues arise as part of the Special Counsel investigation that require the Attorney General to make decisions regarding obstruction of justice, including decisions about what information about obstruction of justice should be included in reports to the Committee and the public.

Therefore you should, at minimum, seek the advice of career Department ethics officials regarding recusing yourself from such decisions, pursuant to 5 CFR 2635.502(a)(2), given the legitimate questions that your memo and your use of it have raised about your impartiality.

- a. Will you commit, if confirmed, to seek the advice of DOJ career ethics officials on this recusal question?

RESPONSE: If confirmed, I will consult with the Department’s career ethics officials, review the facts, and make a decision regarding my recusal from any matter in good faith based on the facts and applicable law and rules.

- b. If so, will you commit to promptly inform the Committee what advice the DOJ career ethics officials gave and whether you will follow it?

RESPONSE: Though I am not familiar with the Department’s policies regarding the disclosure to Congress of ethics advice or recusal decisions, my goal is to be as transparent as possible while following the Department’s established policies and practices, applicable rules and regulations, and recognized Executive Branch confidentiality interests.

3. At your hearing you said that you would decline to follow the advice of career DOJ ethics officials “if I disagree with them.” When you previously worked in the Justice Department, did you ever decline to follow the advice of career DOJ ethics officials? If so, please discuss when you did so and why.

RESPONSE: While I do not recall specific recusal decisions I made for myself at that time, I have no recollection of declining to follow ethics advice I received about any recusals.

4. At your hearing, Professor Neil Kinkopf said: “It is clear that Barr takes the DOJ regulations to mean that he should release not the Mueller report, but rather his own report. Second, he reads DOJ regulations and policy and practice to forbid any discussion of decisions declining to indict declination decisions. In combination with the DOJ view that a sitting president may not be indicted, this suggests that Barr will take the position that any discussion or release of the Mueller report relating to the President, who, again, cannot be indicted, would be improper and prohibited by DOJ policy and regulations.”

- a. Do you take DOJ regulations to mean that you should release not the Mueller report, but rather your own report?

RESPONSE: The applicable regulations provide that the Special Counsel will make a “confidential report” to the Attorney General “explaining the prosecution or declination decisions reached by the Special Counsel.” See 28 C.F.R. § 600.8. The commentary to these regulations, which were issued by the Clinton Administration Department of Justice, explains that the Special

Counsel's report is to be "handled as a confidential document, as are internal documents relating to any federal criminal investigation. The interests of the public in being informed of and understanding the reasons for the actions of the Special Counsel will be addressed" through the Attorney General's reporting requirements. *See* 64 Fed. Reg. 37038, 37040-41. Under the regulations, the Attorney General must "notify the Chairman and Ranking member of the Judiciary Committees of each House of Congress . . . Upon conclusion of the Special Counsel's investigation." 28 C.F.R. § 600.9(a)(3). The regulations further provide that the Attorney General may publicly release the Attorney General's notification if he or she concludes that doing so "would be in the public interest, to the extent that release would comply with applicable legal restrictions." *Id.* § 600.9(c).

I believe it is very important that the public and Congress be informed of the results of the Special Counsel's work. For that reason, if confirmed, my goal will be to provide as much transparency as I can consistent with the law, including the regulations discussed above, and the Department's longstanding practices and policies. Where judgments are to be made by me, I will make those judgments based solely on the law and Department policy, and will let no personal, political, or other improper interests influence my decision. As I stated during the hearing, if confirmed, I intend to consult with Special Counsel Mueller and Deputy Attorney General Rosenstein regarding any report that is being prepared and any disclosures or notifications that I make under applicable regulations as Attorney General.

- b. Do you read DOJ regulations and policy and practice to forbid any discussion of decisions declining to indict?

RESPONSE: The regulations governing public discussion of a Special Counsel's declination decisions are discussed above in my response to Question 4(a). In addition, the Justice Manual, § 9-27.760, cautions prosecutors to be sensitive to the privacy and reputational interests of uncharged third parties. It is also my understanding that it is Department policy and practice not to criticize individuals for conduct that does not warrant prosecution.

- c. Do you believe it would be improper and/or prohibited by DOJ policy or regulations to provide Congress or the public with any discussion or release of parts of Mueller's report relating to the President?

RESPONSE: Please see my responses to Questions 4(a) and 4(b) above.

- d. 28 CFR 600.9(c) provides that "The Attorney General may determine that public release of these reports would be in the public interest, to the extent that release would comply with applicable legal restrictions" (emphasis added). Do you read the term "these reports" to include the report issued by the Special Counsel to the Attorney General pursuant to 28 CFR 600.8(c)?

RESPONSE: Please see my response to Question 4(a) above.

- e. 28 CFR 600.9(c) also provides that “All other releases of information by any Department of Justice employee, including the Special Counsel and staff, concerning matters handled by Special Counsels shall be governed by the generally applicable Departmental guidelines concerning public comment with respect to any criminal investigation, and relevant law.” Is it your view that this sentence governs the release of information concerning matters handled by Special Counsels to Congress, as opposed to public release?

RESPONSE: Please see my response to Question 4(a) above.

- f. Do you adhere to OLC’s view, stated in its October 16, 2000 opinion “A Sitting President’s Amenability to Indictment and Criminal Prosecution,” that “a sitting President is immune from indictment as well as from further criminal process” and that the Constitution provides the Legislative Branch the only authority to bring charges of criminal misconduct against a president through the impeachment process?

RESPONSE: Although I have not studied this issue in detail, my understanding is that the October 16, 2000 opinion by the Office of Legal Counsel remains operative at the Department.

- g. If you believe the answer to (f) is yes, then shouldn’t Congress be given access to the Special Counsel’s full investigative findings so that Congress can best evaluate whether or not to hold a President accountable for potential criminal misconduct through the impeachment process?

RESPONSE: I believe it is very important that the public and Congress be informed of the results of the Special Counsel’s work. For that reason, if confirmed, my goal will be to provide as much transparency as I can consistent with the law, including the regulations discussed above, and the Department’s longstanding practices and policies. Where judgments are to be made by me, I will make those judgments based solely on the law and Department policy, and will let no personal, political, or other improper interests influence my decision. As I stated during the hearing, if confirmed, I intend to consult with Special Counsel Mueller and Deputy Attorney General Rosenstein regarding any report that is being prepared and any disclosures or notifications that I make under applicable regulations as Attorney General.

5

Non-Responsive Record

**QUESTIONS FOR THE RECORD
WILLIAM P. BARR
NOMINEE TO BE UNITED STATES ATTORNEY GENERAL**

QUESTIONS FROM SENATOR WHITEHOUSE

Protecting the Independence of the DOJ and Mueller Investigation

1.

Non-Responsive Record



2. Non-Responsive Record

3.

4. Referring to former FBI Director Comey's conduct in the lead-up to the 2016 election, you testified that "if you are not going to indict someone, then you do not stand up there and unload negative information about the person. That is not the way the Department of Justice does business." As I told you during our private meeting, when it comes to ordinary prosecutorial decisions, I wholeheartedly agree. How does that general principle apply to the required report of the Special Counsel?
 - a. Is it your view that DOJ regulations, policy, and practice forbid public discussion of wrongdoing whenever the Department of Justice has declined to seek indictments related to such wrongdoing? Are there any differences in how those regulations, policies, and practice govern a Special Counsel report?
 - b. Is it your view that DOJ regulations, policy, and practice also forbid the indictment of a sitting president? If so, how can the policy obtain Article III review so that a court may "say what the law is"? Should OLC be the final arbiter of this controversial question?
 - c. What if there are grounds to indict and the sole reason for declination is the current DOJ policy against indicting a sitting president?
 - d. Should derogatory information against an uncharged president or other official subject to impeachment be provided to Congress? How is Congress to exercise its constitutional rights and carry out its constitutional obligations if such information is shielded?
 - e. Should we interpret your statements at the hearing that (1) derogatory information against an uncharged individual should not be disclosed and (2) a sitting president cannot be indicted to mean that you would not release to Congress any contents of the Mueller report that contain negative information about President Trump? If we should not, why not?
 - f. If the Mueller investigation uncovers evidence of criminality by the President, but DOJ declines to prosecute solely on the basis of the OLC memo prohibiting indictment of a sitting president, and DOJ policy meanwhile prohibits the disclosure of derogatory information about an uncharged individual, will you keep from Congress and the American people evidence that the President may have committed criminal acts?
 - g. With respect to OLC's conclusion that the president cannot be indicted under any circumstances while in office, is there any other person in the country who similarly cannot be indicted under any circumstances?
 - h. Do the public and Congress have a significant interest in facts indicating criminal wrongdoing by the President of the United States while in office?

- i. Do you agree that Congress has a constitutional responsibility to investigate and prosecute a President for high crimes and misdemeanors when warranted?
- j. Do you agree that, in order to carry out its constitutional responsibilities, Congress should be made aware by the executive branch of conduct potentially constituting high crimes and misdemeanors?

RESPONSE: The applicable regulations provide that the Special Counsel will make a “confidential report” to the Attorney General “explaining the prosecution or declination decisions reached by the Special Counsel.” *See* 28 C.F.R. § 600.8. The commentary to these regulations, which were issued by the Clinton Administration Department of Justice, explains that the Special Counsel’s report is to be “handled as a confidential document, as are internal documents relating to any federal criminal investigation. The interests of the public in being informed of and understanding the reasons for the actions of the Special Counsel will be addressed” through the Attorney General’s reporting requirements. *See* 64 Fed. Reg. 37038, 37040-41. Under the regulations, the Attorney General must “notify the Chairman and Ranking member of the Judiciary Committees of each House of Congress . . . Upon conclusion of the Special Counsel’s investigation.” 28 C.F.R. § 600.9(a)(3). The regulations further provide that the Attorney General may publicly release the Attorney General’s notification if he or she concludes that doing so “would be in the public interest, to the extent that release would comply with applicable legal restrictions.” *Id.* § 600.9(c).

In addition, the Justice Manual, § 9-27.760, cautions prosecutors to be sensitive to the privacy and reputational interests of uncharged third parties. It is also my understanding that it is Department policy and practice not to criticize individuals for conduct that does not warrant prosecution.

An opinion issued by the Office of Legal Counsel held that an indictment or criminal prosecution of a sitting President would unconstitutionally undermine the capacity of the executive branch to perform its constitutionally assigned functions. To the best of my understanding, the OLC opinion remains operative.

Congress can and does conduct its own investigations, and its right to do so is not precluded by the Department’s decision not to provide certain information about an uncharged individual gathered during the course of a criminal investigation.

As I testified before the Committee, I believe that it is very important that the public and Congress be informed of the results of the Special Counsel’s work. My goal will be to provide as much transparency as I can consistent with the law, including the regulations discussed above, and the Department’s longstanding practices and policies.

The Constitution grants the legislative branch the power to impeach for, and convict of, treason, bribery, or other high crimes and misdemeanors. I am not in a position to opine or speculate on the manner in which the Congress determines what constitutes a high crime or misdemeanor, or how the Congress gathers evidence in support of or in contradiction to that conclusion.

5

Non-Responsive Record

6

7

Rabbitt, Brian (OAG)

From: Rabbitt, Brian (OAG)
Sent: Tuesday, April 16, 2019 1:28 PM
To: Moran, John (OAG)
Subject: FW: Draft Cover Memo
Attachments: 2019.04.11 SC Cover Memo DRAFT 4.15.docx

From: Engel, Steven A. (OLC) (b)(6) per OLC
Sent: Monday, April 15, 2019 7:10 PM
To: Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>
Cc: Gannon, Curtis E. (OLC) (b)(6) per OLC
Subject: Draft Cover Memo

Attached is the latest draft of the cover memo, which we have revised in an effort to reflect this morning's discussion. Best, Steve

Steven A. Engel
Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Office: (b)(6) per OLC
(b)(6) per OLC

Kupec, Kerri (OPA)

From: Kupec, Kerri (OPA)
Sent: Thursday, April 18, 2019 2:08 PM
To: Moran, John (OAG)
Subject: Transcript

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Kerri Kupec
Director
Office of Public Affairs
U.S. Department of Justice
kerri.kupec@usdoj.gov

(b) (6) [Redacted]

Kupec, Kerri (OPA)

From: Kupec, Kerri (OPA)
Sent: Monday, April 22, 2019 5:27 PM
To: (b)(6): AG Barr Alias OAG
Subject: Wanted to make sure you saw this - WaPo piece on OLC opinion/Mueller report from weekend

https://www.washingtonpost.com/world/national-security/how-a-legal-dispute-between-mueller-and-barr-drove-the-end-of-the-trump-probe/2019/04/19/1781807e-623e-11e9-9ff2-abc984dc9eec_story.html?utm_term=.e120922cda10

How a legal dispute between Mueller and Barr drove the end of the special counsel's probe



Attorney General William P. Barr and special counsel Robert S. Mueller III. (Bill O'Leary/The Washington Post; Charles Dharapak/AP/AP)

By Devin Barrett and



Devin Barrett

Reporter focusing on national security and law enforcement

[Email Bio Follow](#)

Matt Zepotosky



Matt Zepotosky

National security reporter covering the Justice Department

[Email Bio Follow](#)

April 20

For nearly two years, the public, Congress and the White House waited to learn if special counsel Robert S. Mueller III would find that President Trump had committed crimes. When the answer was finally revealed, it turned out Mueller didn't think that was his job at all.

The special counsel ended his investigation last month, pointedly choosing not to reach a conclusion about whether the president had obstructed justice.

In a report of its findings, Mueller's team said that choice was driven in large part by a long-standing legal opinion at the Justice Department's Office of Legal Counsel (OLC) that a sitting president should not be indicted, even if the charges remained sealed.

Mueller's team concluded that also meant they could not accuse the president of a crime, even in secret internal documents, the report said.

That move surprised everyone, including Attorney General William P. Barr and his senior advisers, according to current and former Justice Department officials. When Mueller presented his findings without reaching a decision about the president, Barr reviewed the evidence and decided that Trump had not obstructed justice.

The unusual ending to the investigation stems from a key legal disagreement between Mueller's team and Barr — opening the door to further political fights over presidential power, Justice Department policies and decision-making inside the Trump administration.

Jonathan Turley, a law professor at George Washington University, said Mueller's choice not to make a decision on obstruction was "one of the biggest surprises of the report," and he was still struggling to understand the special

counsel's thought process.

“It doesn't make any sense, because on collusion, he seemed to be perfectly empowered to reach a conclusion on whether the president committed a crime,” Turley said. “The other problem is that his mandate clearly allowed him to make a decision, and [Justice Department headquarters] had clearly indicated he could make a decision.”

Spokesmen for the Justice Department and the special counsel's office declined to comment.

The redacted Mueller report released Thursday makes clear that he and his prosecutors viewed the OLC opinion to mean they also could not come to a conclusion about whether the president had committed a crime because it would violate Justice Department standards of fairness to make such an accusation — even secretly — without giving the person a chance to fight the accusation.

Barr disagreed.

In releasing the report Thursday, the attorney general told reporters that Justice Department officials asked Mueller “about the OLC opinion and whether or not he was taking the position that he would have found a crime but for the existence of the OLC opinion.”

“He made it very clear, several times, that he was not taking a position — he was not saying but for the OLC opinion he would have found a crime,” Barr said.

Mueller's approach to the question of whether the president tried to obstruct justice has created tension inside the Justice Department, according to current and former officials. Privately, some senior officials at the Justice Department have been unhappy that Mueller did not reach a conclusion about whether Trump's conduct rose to the level of a crime, said the officials, who like others spoke on the condition of anonymity because of ongoing sensitivity surrounding the probe.

Barr, according to officials, first learned at a meeting with Mueller on March 5 that the special counsel would not make a decision about whether the president had committed a crime. Deputy Attorney General Rod J. Rosenstein, who tapped

Mueller to take the job nearly two years ago and has overseen it since, has told others that he, too, was surprised by Mueller's comments in early March, according to people familiar with the discussions.

The Mueller report suggests that the OLC opinion weighed heavily on his team's thinking, and said the special counsel's office "conducted a thorough investigation in order to preserve the evidence when memories were fresh and documentary materials were available," suggesting that perhaps another prosecutor could file a charge against Trump after he leaves office.

At other points the report implies — but never says outright — that Congress should assume the role of making prosecutorial decisions when it comes to the president.

"The 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," Mueller's team wrote.

Legal analysts said they were hopeful Mueller would clarify why he left open the question of whether he believed Trump obstructed justice — perhaps during congressional testimony next month.

Barr was attorney general in the George H.W. Bush administration, when Mueller headed the Justice Department's criminal division, and Barr has said he considers the special counsel a friend. It is unclear to what extent, if any, they have discussed recent events. Barr said at his news conference that he had not spoken with Mueller directly about the decision that Trump did not obstruct justice, but he understood it was his "prerogative" to make the call.

Mueller, Barr said Thursday, "did not indicate that his purpose was to leave the decision to Congress," and added: "I hope that was not his view, since we don't convene grand juries and conduct criminal investigations for that purpose."

Analysts noted that lawmakers, in effect, gave Barr authority over Mueller when they let the independent counsel law expire in 1999. That law created a prosecutor position with even more autonomy than Mueller, who was appointed under more restrictive special counsel regulations.

respective special counsel regulations.

“There has to be a final decision-maker. And this is not an independent counsel case, which means it is the attorney general,” said Jacob Frenkel, a white-collar defense attorney who used to work in the independent counsel’s office. “If Congress does not like the decision, because it was made by the attorney general, Congress only has itself to blame for not renewing the independent counsel statute.”

Former independent counsel Robert W. Ray said that Mueller might have felt hamstrung because he was weighing not only factual and legal concerns, but also Justice Department policy. Policy concerns, Ray said, are generally in the purview of the attorney general, and Mueller might have felt he couldn’t by himself work around the OLC opinion barring such a criminal charge.

“He doesn’t set department policy. He has no say in that,” Ray said. “You got to be careful about playing God here. That’s one of the things about being independent counsel and investigating presidents. All you can do is your job.”

But Ray said he suspected another reason for Mueller’s punt: He did not want to put Barr in a position of having to overrule him.

“I do think it’s a component of the special counsel’s thinking that if he had gone that direction, he was well aware of the fact that the Department of Justice’s view would be and the attorney general’s decision would be to overrule it, and that is not a desirable place for the country to be,” Ray said. “I’m sure the attorney general didn’t appreciate the fact that he was put in the position of having to resolve the matter either, but given those two choices, I think it was better to have left it unresolved and have the attorney general take it from there.”

Ray said he was sympathetic to Barr’s predicament: “My view is that if I had been in that position, and I were the attorney general, I step in and I resolve it, because that’s your job.”

After reviewing Mueller’s report privately last month, Barr announced that he and Rosenstein had concluded that the president did not violate the law. Some members of the special counsel team have been frustrated by Barr’s characterizations of their work, these officials said.

On Thursday, Barr publicly acknowledged some disagreements with Mueller, the

former FBI director brought back into government service at a time of crisis nearly two years ago to investigate the president.

Barr said Thursday that he and Rosenstein “disagreed with some of the special counsel’s legal theories and felt that some of the episodes did not amount to obstruction as a matter of law” but that they accepted the special counsel’s “legal framework” as they analyzed the case.

And in a letter to Congress the same day, Barr emphasized what he views as the core role of a prosecutor — to reach a conclusion about criminal conduct.

“The Attorney General has ultimate responsibility for all criminal investigations conducted by the Department. The very function of a federal prosecutor conducting a criminal investigation is to determine whether an offense has been committed, and if so, whether there is sufficient evidence to overcome the presumption of innocence that attaches to every person,” Barr wrote.

That wasn’t the only disagreement between the attorney general and the special counsel — Mueller’s report features a lengthy pushback against a legal theory of obstruction advocated by Barr.

As a lawyer in private practice last year, Barr wrote a scathing memo critical of what he viewed as Mueller’s overly broad interpretation of a part of the federal law against obstruction, saying it was meant to be limited to very specific acts such as destruction of documents.

“It is inconceivable to me that the department could accept Mueller’s interpretation,” Barr wrote. “It is untenable as a matter of law and cannot provide a legitimate basis for interrogating the president.”

At the time, Mueller’s team was pressing for an interview with the president, and Barr’s memo argued forcefully that no interview was justified because of what he viewed as Mueller’s erroneous, overly broad view of the obstruction law.

In what is arguably the most technical and dense section of the report, Mueller’s team pushes back hard against such arguments, saying the law in question is broad and “captures corrupt conduct, other than document destruction, that has the natural tendency to obstruct contemplated as well as pending proceedings.”

In the same section describing the Mueller team's view of obstruction law, they again suggested that Congress could make such a determination.

"Congress can validly regulate the President's exercise of official duties to prohibit actions motivated by a corrupt intent to obstruct justice," the report said.

Barr plans to testify to Congress in two weeks, setting the stage for more questions about his disagreements with Mueller.

Kupec, Kerri (OPA)

From: Kupec, Kerri (OPA)
Sent: Wednesday, May 1, 2019 4:11 PM
To: Boyd, Stephen E. (OLA); Rabbitt, Brian (OAG); Moran, John (OAG); Burnham, James (OAG)
Subject: Fwd: Transcript: AG Barr Hearing at Senate Judiciary (5.1)
Attachments: AG Barr Senate Judiciary Committee Hearing transcript.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Sutton, Sarah E. (OPA)" <sesutton@jmd.usdoj.gov>
Date: May 1, 2019 at 3:57:17 PM EDT
To: "Kupec, Kerri (OPA)" <kkupec@jmd.usdoj.gov>
Cc: "Laco, Kelly (OPA)" <klaco@jmd.usdoj.gov>
Subject: Transcript: AG Barr Hearing at Senate Judiciary (5.1)

Attached if you need it!

Sarah Sutton
Department of Justice
Office of Public Affairs

(b) (6)

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Lindsey Graham Opening Statement

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+10%3A04%3A57&market=m1&StationID=1115>

SEN. LINDSEY GRAHAM: The first order of business is to try to cool the room down. So we'll see if we can do that. The Attorney General will be testifying here in a bit about the Mueller Report. I want to thank him for coming to the committee and giving us an explanation as to the actions he took and why he took them regarding the Mueller report. Here's the good news. Here's the Mueller report. You can read it for yourself. It's about 400 and something pages. I can't say I've read it all but I've read most of it. There's an unredacted version over in the classified section of the Senate, a room where you can go look at the unredacted version, and I did that and I found it not to change anything in terms of an outcome. But a bit about the Mueller report. Who is Mueller? For those who may not know, I don't know where you've been, but you may want to know that Bob Mueller has a reputation in this town and throughout the country as being an outstanding lawyer and a man of the law, who was the FBI Director, who was the Deputy Attorney General, who was in charge of the Criminal Division at the Department of Justice, was a United States Marine and he has served his country in a variety of circumstances long and for those who took time to read the report, I think it was well written, very thorough.

Let me tell you what went into this report. There were 19 lawyers employed, approximately 40 FBI Agents, intel analysts, forensic accountants and other staff, 2800 subpoenas issued, 500 witnesses interviewed. 500 search warrants executed, more than 230 orders for communication, records so the records could be obtained. 13 requests to foreign governments for evidence, over \$25 million spent over two years.

We may not agree on much, but I hope we can agree that he had ample resources, took a lot of time and talked to a lot of people. And you can read for yourself what he found. The Attorney General will tell us a bit about what his opinion of the report is. In terms of interacting with the White House, the White House turned over to Mr. Mueller 1.4 million documents and records, never asserted executive privilege one time, over 20 White House staffers including eight from the White House counsel's office were interviewed voluntarily. Don McGahn, chief counsel for the White House, was interviewed for over 30 hours. Everybody that they wanted to talk to from the Trump campaign on the ground, they were able to talk to. The President submitted himself to written so to the American people, Mr. Mueller was the right guy to do this job. I always believe that Attorney General Sessions was conflicted out because he was part of the campaign. He was the right guy with ample resources and the cooperation he needed to find out what happened was given, in my view. But there were two campaigns in 2016 and we'll talk about the second one in a minute.

So what have we learned from this report? After all this time and all this money, Mr. Mueller and his team concluded there was no collusion. I didn't know, like many of you here, on the Republican side, we all agreed that Mr. Mueller should be allowed to do his job without

interference. I joined with some colleagues on the other side to introduce legislation to protect the Special Counsel that he could only be removed for cause. He was never removed. He was allowed to do his job.

So no collusion, no coordination, no conspiracy between the Trump campaign and the Russian government regarding the 2016 election. As to obstruction of justice, Mr. Mueller left it to Mr. Barr to decide after two years and all this time, he said, Mr. Barr, you decide. Mr. Barr did. There are a bunch of lawyers on this committee and I will tell you the following. You have to have specific intent to obstruct justice. The President never did anything to stop Mueller from doing his job. So I guess theory goes now okay, he didn't collude with the Russians and he didn't specifically do anything to stop Mueller, but attempts obstruction of justice of a crime that never occurred. I guess is sort of the new standard around here. We'll see if that makes any sense. To me it doesn't.

There was another campaign. It was the Clinton campaign. What have we learned from this report? The Russians interfered in our election. So can some bipartisanship come out of this? I hope so. I intend to work with my colleagues on the other side to introduce the deter act and to introduce legislation to defend the integrity of the voting system. Senator Durbin and I have legislation that would deny anyone admittance into the United States a visa in the immigration system if they were involved in interfering in an American election. Working with Senators Whitehouse and Blumenthal to make sure if you hack into a state election system, even though it's not tied to the internet, that's a crime. I would like to do more to harden our infrastructure because the Russians did it. It wasn't some 400 pound guy sitting on a bed somewhere.

It was the Russians. And they're still doing it. It could be the Chinese, it could be somebody next. So my take-away from this report is that we've got a lot of work to do to defend democracy against the Russians and other bad actors. I promise the committee we will get on with that work, hopefully in a bipartisan fashion.

The other campaign. The other campaign was investigated not by Mr. Mueller, by people within the Department of Justice. The accusation against Secretary Clinton was that she private server up somewhere in her house and classified information was on it to avoid the disclosure requirements and transparency requirements required of being Secretary of State. So that was investigated. What do you know? We know that the person in charge of investigating hated Trump's guts. I don't know how Mr. Mueller felt about Trump, but I don't think anybody on our side believes that he had a personal animosity toward the President to the point that he couldn't do his job.

This is what Strzok said on February 12th, 2016. He's in charge of the e-mail investigation: Oh he's (Trump's) abysmal. I keep hoping the charade will end and people will just dump him.

February 12th, 2016: Page is the Department of Justice lawyer assigned to this case.

March 3rd, 2016: god Trump is a loathsome human being. Strzok: god Hillary should win.

Compare those two people to Mueller.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+10%3A13%3A53&market=m1&StationID=1115>

March 16, 2016: I cannot believe Trump is likely to be an actual serious candidate for President.

July 21, 2016, Trump is a disaster. I have no idea how destabilizing his presidency would be.

August 28th, 2016, three days before Strzok was made Deputy acting in charge of the counter intelligence division of the FBI: he's never going to become President, right? PAGE to Strzok: no, no, he won't. We'll stop him.

These are the people investigating the Clinton e-mail situation and start counter intelligence investigation of the Trump campaign. Compare them to Mueller.

August the 15th, 2016, Strzok: I want to believe the path you threw out for consideration in Andy's office that there's no way he gets elected, but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40.

August 26th, 2016: Just went to the southern Virginia Walmart. I could smell the Trump support.

October the 19th, 2016: Trump is a fucking idiot. He's unable to provide a coherent answer.

Sorry to the kids out there. These are the people that made a decision that Clinton didn't do anything wrong and that counter intelligence investigation of the Trump campaign was warranted. We're going to in a bipartisan way, I hope, deal with Russia. But when the Mueller report is put to bed and it soon will be, this committee is going to look long and hard at how this all started. We're going to look at the FISA warrant process. Did Russia provide Christopher Steel the information about Trump that was used to get a warrant on an American citizen and if so, how did the system fail. Was there a real effort between Papadopoulos and anybody in Russia to use the Clinton e-mails stolen by the Russians, or is that thought planted in his mind?

I don't know, but we're going to look. And I can tell you this, if you change the names, y'all would want to look too. Everything I just said, just substitute Clinton for Trump. See what these people with cameras would be saying out here about this. As to cooperation in the Clinton investigation, I told you what the Trump people did. Tell you a little bit about what the Clinton people did. There was a protective order for the server issued by the house and there was a request by the State Department to preserve all the information on the server. Paul Cambetta after having the protective order used a software program called bleach bit to wipe this e-mail server clean. Has anybody ever heard of Paul Cambetta? No. Under a protective order from the house to preserve the information, under a request from the State Department to preserve the information on the server, he used a bleach bit program to wipe it clean. What happened to him? Nothing. 18 devices possessed by Secretary Clinton she used to do business as secretary. How

many of them were turned over to the FBI? None. Two of them couldn't be turned off because Judith Casper took a hammer and destroyed two of them. What happened to her? Nothing. the bottom line is we're about to hear from Mr. Barr the results of a two-year investigation into the Trump campaign, all things Russia, the actions the President took before and after the campaign, \$25 million, 40 FBI AGents. I appreciate very much what Mr. Mueller did for the country. i have read most of the report. For me, it is over. Senator Feinstein.

AG Barr Senate Judiciary Committee Hearing (C-SPAN3) – Sen. Dianne Feinstein Opening Statement

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+10%3A19%3A05&market=m1&StationID=1115>

SEN. DIANNE FEINSTEIN: Thank you, Mr. Chairman. Welcome, Attorney General. On March 24th you sent a letter to Chairman Graham and the ranking member of this committee providing your summary of the principal conclusions set out in Special Counsel Mueller's report. This report was widely characterized as a win for the President and was confirming there was no collusion. Following this letter the White House put out a statement declaring, and I quote, “the Special Counsel did not find any collusion and did not find any obstruction”, end quote, and that the report, quote, “was a total and complete exoneration,” end quote, of the President. However, last night the Washington Post reported that Special Counsel Mueller sent you a letter in late March where he said your letter to Congress failed to, quote, fully capture the context, nature and substance of his office's work and conclusions, end quote. And that he spoke with you about the concern that the letter threatened to undermine the public confidence in the outcome of the investigations. That’s in quotes as well. Then on April 18th, you held a press conference where you announced repeatedly that the Mueller report found no collusion and no evidence of a crime. An hour later, a copy of the Mueller report was provided to the public and the Congress, and we saw why Mueller was concerned.

Contrary to the declarations of the total and complete exoneration, the Special Counsel's report contained substantial evidence of misconduct. First, Special Counsel Mueller's report confirms that the Russian government implemented a social media campaign to mislead millions of Americans and that Russian intelligence services hacked into the dnc and the dccc computers, stole e-mails and memos and systemically released them to imPACt the Presidential election. your march letter stated that there was no evidence that the Trump campaign, quote, conspired or coordinated with Russia, end quote. However, the report outlined substantial evidence that the Trump campaign welcomed, encourAGED and expected to benefit electorally from Russia's interference in the election. The Mueller report also details how time and time AGain the Trump campaign took steps to gain advantAGe from Russia's unlawful interference. For example, President Trump's campaign manAGER Paul Manafort passed internal campaign polling data, messAGING and strategy updates to Konstantin Kilimnik, a Russian national with ties to Russian intelligence.

The Mueller report explains how Paul Manafort briefed Kilimnik in early August of 2016 on, and I quote, “the state of the Trump campaign and Manafort's plan to win the election, quote, including the campaign's focus on the battleground states of Michigan, Wisconsin, Pennsylvania and Minnesota”. Next, the Mueller report documents the Trump campaign's communications regarding secretary Clinton's and the DNC's stolen e-mails, specifically the report states, and I quote, within approximately five hours of President Trump calling on Russia to find secretary Clinton's e-mails, Russian intelligence Agency officers, quote, “targeted for the first time Clinton's personal office,” end quote. The Mueller report also revealed that President Trump repeatedly asked individuals affiliated with his campaign, including Michael Flynn, quote, to “find the deleted Clinton e-mails”, end quote. These efforts included suggestions to contact foreign intelligence services, Russian hackers and individuals on the dark web. The report confirms that Trump knew of WikiLeaks releases of the stolen e-mails and received status updates about upcoming releases while his campaign promoted coverage of the leaks. Donald Trump Jr. communicated directly with WikiLeaks and at its request publicly tweeted a link to e-mails stolen from Clinton's campaign manager.

Second, in your March letter to Congress you concluded, and I quote, that the evidence is not sufficient to establish that the President committed an obstruction of justice offense, end quote. However, Special Counsel Mueller methodically outlined ten episodes, some continuing multiple actions by the President to mislead the American people and interfere with the investigations into Russian interference and obstruction. In one example the President repeatedly called White House counsel Don McGahn at home and directed him to fire Mueller saying, quote, Mueller has to go, call me back when you do it. Then later the President repeatedly orders McGahn to release a press statement and write a letter saying the President did in the order Mueller fired. The Mueller report also outlines efforts by President Trump to influence witness Democrat and deter cooperation with law enforcement. For example, the President's team communicated to witnesses that pardons would be available if they, quote, stayed on message, end quote and remained, quote, on the team, end quote. In one case, the President sent messages through his personal lawyers to Paul Manafort that he would be taken care of and just, quote, sit tight, end quote.

The President then publicly affirmed this communication by stating that Manafort was, quote, a brave man, end quote, for refusing to break. Similarly, the Mueller report stated the President used inducements in the form of positive messages in an effort to get Michael Cohen not to cooperate and then turned to attacks and intimidation to deter the provision of information or undermine Cohen's credibility. Finally, while the letter to Congress and the April press conference left the impression there were no remaining questions to examine, this report notes several limitations Mueller faced while gathering the facts that Congress needed to examine. More than once the report documents that legal conclusions were not drawn because witnesses refused to answer questions or failed to recall the events. In addition, numerous witnesses including but not limited to Jared Kushner, Sarah Sanders, Rudy Giuliani, Michael Flynn, Steve Bannon and John Kelly all stated they could not recall events. The President himself said more than 30 times that he could not recall or remember enough to be able to answer written questions from the Special Counsel. The Special Counsel also recounted that, quote, some associated with the Trump campaign deleted relevant communications or communicated during the relevant period using applications that featured encryption or do not provide for long-term retention of data, end quote.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+10%3A28%3A50&market=m1&StationID=1115>

Based on these gaps the Mueller report concluded, and I quote AGain, the office cannot rule out the possibility that the unavailable information would have shed additional light on or cast a new light on events described in the report, end quote. and contrary to the conclusion that the Special Counsel's report did not find evidence of communication or coordination between the Trump campaign and Russia, the Mueller report explicitly states, and I quote, a statement that the investigation did not establish particular facts does not mean there was no evidence of those facts. Volume 2, pAGe 2.

Let me conclude with this. Congress has both the constitutional duty and the authority to investigate the serious findings contained in the Mueller report. I strongly believe that this committee need to hear directly from Special Counsel Mueller about his views on the report in his March letter. I also believe Senators should have the opportunity to ask him about these subjects in questions directly. I have requested this to our Chairman to authorize a hearing with Special Counsel Mueller and I hope that will happen soon. Thank you, Mr. Chairman.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Attorney General William Barr Opening Statement

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+10%3A29%3A41&market=m1&StationID=1115>

SEN. LINDSEY GRAHAM: Thank you. Before we receive your testimony, Mr. Barr, we have the letter that Mr. Mueller sent to you on March 27th, 2019. I'll put that in the report now. The floor is yours.

Got to swear you in. Sorry. Do you solemnly swear the testimony you're about to give this committee is the truth, the whole truth and nothing but the truth so help you god?

ATTORNEY GENERAL WILLIAM BARR: yes.

SEN. GRAHAM: sorry about that.

AG BARR: thank you, Mr. Chairman and Ranking Member Feinstein, members of the committee. During my confirmation process, there were two concerns that dominated, as I think you will all agree. The first was whether I would in any way impede or curtail Special Counsel Mueller's investigation and the second, whether I would make public his final report. As you see, Bob Mueller was allowed to complete his work as he saw fit. and as to the report, even though the applicable regulations require that the report is to be made to the AG and is to remain confidential and not be made public, I told this committee that I intended to exercise whatever discretion I had to make as much of the report available to the public and to Congressional leaders as I could consistent with the law. This has been done. I arrived at the department on February 14th and shortly thereafter I asked it to be communicated to Bob Mueller's team that in preparing the report we requested that they make it so we could ready identify 6e material so we could quickly process the report.

SEN. GRAHAM: could you tell the public what 6e is?

AG BARR: 6e is grand jury material that cannot be made public. It's prohibited by statute. I wanted that identified so we could redact that material and prepare the report for public release as quickly as we could. When I arrived at the department I found and was eventually briefed in on the investigation. I found that the Deputy Attorney General and his Principal Associate Deputy at had discussions about the timing of the report and the nature of the report. On March 5th, I met with Bob at the suggestion of the Deputy and the Principal Associate Deputy. I met with Bob Mueller to get a read-out on what his conclusions would be. On March 25th -- and at that meeting I reiterated to Special Counsel Mueller that in order to have the shortest possible time before I was in a position to release the report, I asked that they identify 6e material. When I received the report on March 22nd and we were hoping to have that easily identified, the 6e material, unfortunately it did not come in that form. It quickly became apparent that it would take about three or four weeks to identify that material and other material that had to be redacted. So there was necessarily going to be a gap between the receipt of the report and getting the full report out publicly. The Deputy and I identified four categories of information that we believe require redaction. I think you all know of them, but they were the grand jury material, information that the intelligence community advised would reveal sensitive sources and methods, information that if revealed at this stage would impinge on the investigation or prosecution of related cases and information that would unfairly affect the privacy and reputational interests of peripheral third parties.

We went about redacting this material in concert with the Special Counsel's office. We needed their assistance to identify the 6e material in particular. The redactions were all carried out by DOJ lawyers with Special Counsel lawyers in consultation with intelligence community. the report contained a substantial amount of material over which the President could have asserted executive privilege but the President made the decision not to assert executive privilege and

make public as much of the report as we could, subject to the redactions we thought required. Now, as you see, the report has been lightly redacted. The public version has been estimated to have only 10% redactions. The vast bulk of those redactions are in volume one which is the volume that deals with collusion and it relates to existing ongoing cases. Volume two had only about 2% redactions for the public version. So 98% of volume two dealing with obstruction is available to the public. We have made a version of the report available to Congressional leaders that only contains redactions of grand jury material. For this version, overall redactions are less than 2% for the whole report and for volume two dealing with obstruction they are less than .1 of 1%. Given the limited nature of redactions I believe that the publicly released report will allow every American to understand the results of the Special Counsel's work. By now everyone is familiar with the Special Counsel's bottom line conclusions about the Russian attempts to interfere in the election. In volume one the Special Counsel found that the Russians engaged in two distinct schemes.

First the internet research agency, a Russian entity with close ties to the Russian government conducted disinformation and social media operation to sow discord amongst Americans. Second the GRU, Russian military intelligence, hacked into computers and stole e-mails from individuals affiliated with the Democratic Party and Hillary Clinton's campaign. The Special Counsel investigated whether anyone affiliated with President Trump's campaign conspired or coordinated with these criminal schemes. They concluded that there was not sufficient evidence to establish that there had been any conspIRAcY or coordination with the Russian government or the I.R.A. as you know volume two of his report dealt with obstruction and the Special Counsel considered whether certain actions of the President could amount to obstruction. He decided not to reach a conclusion. Instead the report recounts ten episodes and discusses potential legal theories for connecting the President's actions to elements of obstruction offenses. now, we first heard that the Special Counsel's decision not to decide the obstruction issue at the march 5th meeting when he came over to the department and we were frankly surprised that they were not going to reach a decision on obstruction. And we asked them a lot about the reasoning behind this and the basis for this. Special Counsel Mueller stated three times to us in that meeting in response to our questioning that he emphatically was not saying that but for the olp opinion he would have found obstruction. He said that in the future the facts of a case AGainst a President might be such that a Special Counsel would recommend abandoning the OLC opinion but this is not such a case. We did not understand exactly why the Special Counsel was not reaching a decision. And when we pressed him on it, he said that his team was still formulating the explanation.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+10%3A38%3A37&market=m1&StationID=1115>

Once we heard that the Special Counsel was not reaching a conclusion on obstruction, the Deputy and I discussed and agreed that the department had reach a decision. We had the responsibility to assess the evidence as set forth in the report and to make the judgment. I say this

because the Special Counsel was appointed to carry out the investigative and prosecutorial functions of the department and to do it as part of the Department of Justice. The powers he was using including the power of using a grand jury and using compulsory process exist for that purpose, the function of the Department of Justice in this arena, which is to determine whether or not there has been criminal conduct. It's a binary decision. Is there enough evidence to show a crime and do we believe a crime has been committed? We don't conduct criminal investigations just to collect information and put it out to the public. We do so to make a decision, and here we thought there was an additional reason, which was this was a very public investigation and we had made clear that the results of the investigation were going to be made public and the Deputy and I felt that the evidence developed by the Special Counsel was not sufficient to establish that the President committed a crime and therefore it would be irresponsible and unfair for the department to release a report without stating the department's conclusions and thus leave it hanging as to whether the department considered there had been criminal conduct. So the Deputy Attorney General and I conducted a careful review of the report with our staffs and legal advisors.

And while we disagreed with some of the legal theories and felt that many of the episodes discussed in the report would not constitute obstruction as a matter of law, we didn't rest our decision on that. We took each of the ten episodes and we assessed them against the analytical framework that had been set forth by the Special Counsel and we concluded that the evidence developed during the Special Counsel's investigation was not sufficient to establish that the President committed an obstruction of justice offense. Let me take a little bit about this March 24th letter and Bob Mueller's letter which I received on the 28th. when I report came in on the 22nd and we saw it was going to take a great deal of time to get it out to the public, I made the determination that we had to put out some information about the bottom line. The body politic was in a high state of agitation. This was massive interest in learning what the bottom line results of Bob Mueller's investigation was, particularly as to collusion. Former government officials were confidently predicting that the President and members of his family were going to be indicted. There were people suggesting that if it took any time to turn around the report and get it out, it would mean that the President was in legal jeopardy. so I didn't feel that it was in the public interest to allow this to go on for several weeks without saying anything so I decided to simply state what the bottom line conclusions were, which is what the department normally does, make a binary determination is there a crime or isn't there a crime. We prepared the letter for that purpose to state the bottom line conclusions. We used the language from the report to state those bottom line conclusions.

I analogize it to announcing after an extended trial what the verdict of the trial is pending release of the full transcript. That's what we were trying to do, notify the people as to the bottom line conclusion. We were not trying to summarize the 410-page report. So I offered Bob Mueller the chance to review that letter before it went out and he declined. On Thursday morning I received - - probably it was received at the department Wednesday night or evening. But on Thursday morning I received a letter from Bob, the letter that's just been put into the record. And I called Bob and said, you know, what's the issue here? And I asked him if he was suggesting that the March 24th letter was inaccurate and he said no, but that the press reporting had been inaccurate and that the press was reading too much into it. I asked him specifically what his concern was. And he said that his concern focused on his explanation of why he did not reach a conclusion on

obstruction. And he wanted more put out on that issue. He argued for putting out summaries of each volume, the executive summaries that had been written by his office. And if not that, then other material that focused on the issue of why he didn't reach the obstruction question but he was very clear with me that he was not suggesting that we had misrepresented his report. I told Bob that I was not interested in putting out summaries and I wasn't going to put out the report piecemeal. I wanted to get the whole report out and I thought summaries by very definition regardless of who prepared them would be under inclusive and we'd have a series of different debates and public discord over each launch of information that went out and I wanted to get everything out at once and we should start working on that. so the following day I put out a letter explaining the process we were following and stressing that the march 24th letter was not a summary of the report but a statement of the principal conclusions and that people would be able to see Bob Mueller's entire thinking when the report was made public. I'll end my statement there, Mr. Chairman. glad to take any questions.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Lindsey Graham Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+10%3A45%3A18&market=m1&StationID=1115>

SEN. LIDSEY GRAHAM: thank you very much. As to the actual report itself, was there ever an occasion where something was redacted from the report that Mr. Mueller objected to?

AG WILLIAM BARR: I wouldn't say objected to. His understanding is the categories were defined by me and the Deputy. I don't believe-

SEN. GRAHAM: did you work with him to redact the report?

AG BARR: right. Those categories were executed by DOJ lawyers working with his lawyers. I think there were maybe a few judgment calls, very few, as to whether or not as a prudential matter should be treated as a reputational interest or something. So there may have been some occasions of that.

SEN. GRAHAM: as i understand it you did not want it to hurt somebody's reputation unless it affected the outcome.

AG BARR: right.

SEN. GRAHAM: was there any disagreement about 6e material?

AG BARR: not that I'm aware of.

SEN. GRAHAM: any disagreement about classified information?

AG BARR: not that I'm aware of.

SEN. GRAHAM: so the conclusions in your four-page summary you think accurately reflect his bottom line on collusion, is that correct?

AG BARR: yes.

SEN. GRAHAM: you can read it for yourself if you've got any doubt. As to obstruction of justice, were you surprised he was going to let you decide?

AG BARR: yes, i was surprised. i think the function he was carrying out, the investigative and procesecutive function --

SEN. GRAHAM: how many people did he actually indict?

AG BARR: i can't remember off the top of my head.

SEN. GRAHAM: it was a lot. so he has the ability to indict if he wants to, he used that power during the investigation, is that correct?

AG BARR: that is correct. the other thing that was confusing to me was that the investigation carried out for a while as additional episodes were looked into, episodes involving the President. so my question is or was why were those investigated if at the end of the day you weren't going to reach a decision on them?

SEN. GRAHAM: so did you consult Deputy Attorney General Rosenstein about the obstruction matter?

AG BARR: constantly.

SEN. GRAHAM: was he in agreement with your decision not to proceed forward?

AG BARR: yes. I'm sorry, the agreement what?

SEN. GRAHAM: not to proceed forward with the obstruction.

AG BARR: right.

SEN. GRAHAM: so very quickly give us your reasoning why you think it would be inappropriate to proceed forward on obstruction of justice in this case.

AG BARR: well, generally speaking an obstruction case typically has two aspects to it. one, there's usually an underlying criminality.

SEN. GRAHAM: let's stop right there. was there an underlying crime here?

AG BARR: no.

SEN. GRAHAM: so usually there is?

AG BARR: usually. but it's not necessary. but sort of the paradigmatic case is there's an underlying crime and the person or people implicated are concerned about that criminality being discovered, take an inherently malignant act as the supreme court has said to obstruct that investigation such as destroying documents.

SEN. GRAHAM: people were worried about that he fired Comey to stop the Russia investigation. that's one of the concerns people had. let me tell you a little bit about Comey. i do not have confidence in him, Comey, any longer. That was chuck schumer, November 2nd, 2016. i think he, Comey, should take a hard look at what he has done and i think it would not be a bad thing for the American people if he did step down, Bernie Sanders, January 15th, 2017. the President ought to fire Comey immediately. and he ought to initiate an investigation. that is Congressman Nadler, November 14th, 2016. did you have a problem with the way comey handled the Clinton e-mail investigation?

AG BARR: yes. i said so at the time.

SEN. GRAHAM: okay. so given the fact that a lot of people thought Comey should be fired, did you find that to be a persuasive act of obstructing justice?

AG BARR: no. i think even the report at the end of the day came to the conclusion if you read the analysis that a reason that loomed large there for his termination was his refusal to tell the public what he was privately telling the President, which was that the President was not under investigation.

SEN. GRAHAM: as to how go forward, would you recommend that this committee and every committee in Congress do our best to harden our interests against future Russian attacks?

AG BARR: yes.

SEN. GRAHAM: do you think they're still up to it?

AG BARR: yes.

SEN. GRAHAM: do you think other countries will be involved in getting involved in our election in 2020?

AG BARR: yes.

SEN. GRAHAM: is that a take away from the Mueller report?

AG BARR: yes.

SEN. GRAHAM: do you share my concerns about the FISA warrant process?

AG BARR: yes.

SEN. GRAHAM: do you share my concerns about the investigation how and why it was opened?

AG BARR: yes

SEN. GRAHAM: do you share my concerns that the lack of professionalism in the e-mail investigation is something we should look at?

AG BARR: yes.

SEN. GRAHAM: do you expect to change your mind about the bottom line conclusions of the Mueller report?

AG BARR: no.

SEN. GRAHAM: do you know Bob Mueller?

AG BARR: yes.

SEN. GRAHAM: do you trust him?

AG BARR: yes.

SEN. GRAHAM: how long have you known him?

AG BARR: 30 years, roughly.

SEN. GRAHAM: do you think he had the time and money he needed?

AG BARR: yes.

SEN. GRAHAM: the resources he needed?

AG BARR: yes.

SEN. GRAHAM: do you think he did a thorough job?

AG BARR: yes, and i think he feels he did a thorough job and had adequate evidence to make the calls.

SEN GRAHAM: do you think the President's campaign in 2016 was thoroughly looked at as to whether or not they colluded with the Russians?

AG BARR: yes.

SEN. GRAHAM: and the answer is no according to Bob Mueller?

AG BARR: that's right.

SEN. GRAHAM: he could not decide about obstruction and you did, is that right?

AG BARR: yes.

SEN. GRAHAM: do you feel good about your decision?

AG BARR: absolutely.

SEN. GRAHAM: thank you very much.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Dianne Feinstein Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+10%3A52%3A18&market=m1&StationID=1115>

SEN. DIANNE FEINSTEIN: Chairman, Mr. Attorney General, the Special Counsel's report describes how the President directs Don McGahn to fire Special Counsel Mueller and later told McGahn to write a letter for our record stating that the President had not ordered him to fire Mueller. It also recounts how the President made repeated efforts to get McGahn to change his story, knowing that the President believes McGahn's recollection of the results were false, that the President tried to change McGahn's account to prevent further scrutiny of the President forward the investigation. Special Counsel also found that McGahn is an incredible witness that can lie and exaggerate given the position he had in the White House. Does existing law prohibit efforts to get a witness to lie, to say something the witness believes is false?

ATTORNEY GENERAL WILLIAM BARR: yes. Lie to the government, yes.

SEN. FEINSTEIN: and what law is that?

AG BARR: the obstruction statutes.

SEN. FEINSTEIN: the obstruction statutes. i assume you don't have it before you?

AG BARR: it was probably 1512 c 2.

SEN. FEINSTEIN: so these things in effect constitute obstruction.

AG BARR: you're talking in general terms.

SEN. FEINSTEIN: what I'm talking about specifically, yes, you're correct in a sense that it is the Special Counsel in his report found substantial evidence that the President tried to change McGahn's account in order to prevent further scrutiny of the President forward the investigation. And they found that McGahn was a credible witness with no motive to lie or exaggerate.

AG BARR: we felt with that episode the government would not be able to establish obstruction. if you look at the episode where McGahn -- the President gave McGahn an instruction, McGahn's version of that is quite clear in each time that he gave it and that was that the instruction said go to Rosenstein. Raise the interest of conflict of interest, and Mueller has to go because of his conflict of interest. So there is no debate that, that whatever instruction was given to McGahn had to do with Mueller's conflict of interest. The President later said that what he meant is that the conflict of interest should be raised with Rosenstein, but the decision should be left with Rosenstein. on the other end of the spectrum, McGahn felt it was more directed and the President was saying push Rosenstein to invoke a conflict of interest to push Mueller out. Wherever it fell on that spectrum of interest, the New York Times story was very difficult. The New York Times story said the President directed the firing of Mueller, told McGahn Mueller. There is something very different between firing a Special Counsel outright, which suggests ending the investigation, and having a Special Counsel removed for conflict that suggests you're going to have another Special Counsel. so the fact is that even under McGahn's -- and the report says and recognizes there is evidence that the President truly felt that the time's article was

inaccurate and he wanted McGahn to correct it. we believe it's impossible for the government to establish beyond a reasonable doubt that the President understood that he was instructing McGahn to say something false because it wasn't necessarily false. Moreover, McGahn had, weeks before, given testimony to the Special Counsel and the President was aware of that. and as the report indicates, it could be the case that he was primarily concerned about press reports and making it clear that he never outright directed the firing of Mueller. so in terms of -- so in terms of the request to ask McGahn to memorialize that fact, we do not think, in this case, that the government could show corrupt intent beyond a reasonable doubt.

SEN. FEINSTEIN: just to finish this you have a situation where a President essentially tries to change the lawyer's account in order to prevent further criticism of himself.

AG BARR: well that's not a crime.

SEN. FEINSTEIN: so you can, in this situation instruct someone to lie?

AG BARR: no, it has to be. to be obstruction of justice, to be obstruction of justice it has to be a lie for a particular proceeding. McGahn had already given his and i think it would be plausible that the purpose of McGahn memorializing what he was asking is to make a record that he was never fired. there is a distinction between go fire Mueller and have him removed based on conflict.

SEN. FEINSTEIN: what would that conflict be?

AG BARR: the difference between them is if you remove someone for a conflict of interest, then there would be another presumably person appointed.

SEN. FEINSTEIN: yeah, but wouldn't you have to have an identifiable conflict that made sense or else doesn't it just become a fabrication?

AG BARR: now we're shifting from the issue of writing the memo or somehow putting out later on and the issue of the direction to McGahn. there was a number of different levels to it. first as a matter of law, i think the department's position would be that the President can direct determination for the replacement of a Special Counsel. as a matter of law, the obstruction statute does not reach that conduct. putting that aside, the next question would be if it reached the conduct, could you hear establish corrupt intent beyond a reasonable doubt. when you take away there is no criminal conduct, no maligned act that the President was carrying out his constitutional duties, the question is what is the imPACt of taking away the underlying crime? and it is not, the report suggests that one imPACt is that we have to find another reason that the President would obstruct the investigation, but if the President is being falsely accused, but the President suggests the accusations against him were false, and he knew they were false, and he felt this investigation was unfair, propelled by his political opponents, and was hampering his ability to govern, that is not a corrupt motive for replacing an independent council. that is another reason we would say that we would have difficulty proving this beyond a reasonable doubt.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Chuck Grassley Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+11%3A01%3A26&market=m1&StationID=1115>

SEN. CHUCK GRASSLEY: Senator Johnson and i wrote you about text messages between Peter Strok, that they may have used the communications as evidence gathering. i hope you will provide the requested briefing. that is my question.

AG BARR: yes, Senator.

SEN. GRASSLEY: have you already tasked any staff to look into whether or not spying was properly predicated and can Congress expect a formal report on your findings?

AG BARR: yes, i have people in the department helping me review the activities over the summer of 2016.

SEN. GRASSLEY: i suppose it depends on what conclusions you come to, but is there any reason that Congress would not be briefed on your conclusions.

AG BARR: it is a little early for me to commit completely, but i expect a report at this.

SEN. GRASSLEY: the Democratic national campaign hired fusion GPS to do opposition research against candidate Trump. then they hired Christopher Steel to compile what we know as the steel dossier. the steel dossier was essential to the now debunked collusion narrative. the Mueller report spent millions investigating and found no collusion between Trump campaign and Russia, but the Democrats paid for a document created by a foreign national with reported foreign government sources. not Trump, but the detectives. the Mueller report failed to analyze whether or not the dossier was filled with misinformation. my question, in order for a full accounting of Russian interference attempts, shouldn't the Special Counsel have considered on whether or not the steel dossier was part of a Russian disinformation and interference campaign?

AG BARR: Special Counsel Mueller has gone through the full scope of the investigation to determine whether or not he addressed looked into those issues. one of the things that I'm doing in my review is to try to establish all of the information out there about it. also to see what the Special Counsel looked into. so i can't say what he actually looked into.

SEN. GRASSLEY: but you think, in other words if you looked at all of that information right now you're telling me you could not tell me yes or no to that question sdplp.

AG BARR: if i looked at it.

SEN. GRASSLEY: and you're going to try to find some of this information. similarly shouldn't the Special Counsel have looked into the origins between the Trump campaign and Russia.

AG BARR: the origins of that narrative?

SEN. GRASSLEY: yes.

AG BARR: i don't know if he viewed his charter that broadly. that is something that I'm reviewing and i i look at whatever the Special Counsel found on that.

SEN. GRASSLEY: the Special Counsel laid out 200 or so pages relating to a potential obstruction analysis and then dumped that on your desk. You said you asked the Special Counsel whether or not he would have made a charging decision or recommended charges on obstruction, but for the office of legal counsel's decision, and that the Special Counsel made clear that was not the case. So Mr. Barr, is that an accurate description?

AG BARR: yes, he reiterated several times in the group meeting that he was not saying that butt for the OLC opinion heave found obstruction.

SEN. GRASSLEY: if they found facts sufficient for obstruction of justice, would he have stated that finding?

AG BARR: I think so, yes.

SEN. GRASSLEY: was it Special Counsel Mueller's responsibility to make a finding?

AG BARR: i think the Deputy Attorney General and I thought it was, but not just charging, but to determine whether or not the conduct was criminal. The President could not be charged as long as he informs office.

SEN. GRASSLEY: do you agree that the reasons for him not making a decision in volume two of the report and why or why not?

AG BARR: I'm not really sure of his reasoning. i could not recapitulate his analysis, which is one of the reasons in my march 24th letter i stated that he did not reach a conclusion and i did not

put words in his mouth. i think if he felt that he should not go down the path of making a traditional prosecutive decision.

SEN. GRASSLEY: there has been a number of leaks, during the department's investigation of Hillary Clinton for mishandling sensitive information, there was a culture of unauthorized speaking. Further leaking to Congress's questions to the department go unanswered is unacceptable. why, what are you doing to investigate unauthorized media contacts.

AG BARR: we have multiple criminal leak investigations under way.

SEN. GRASSLEY: thank you.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Patrick Leahy Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+11%3A09%3A19&market=m1&StationID=1115>

SEN. PATRICK LEAHY: Attorney General, I'm somewhat troubled by your testimony here and in the other body. you appeared before the house appropriations on April 9th. you were asked about a media report that the Special Counsel's team is frustrated that your march 24th letter did not adequately portray the report's findings. you testified in response "no, i don't." you then said you suspected they would have preferred more information be released with the letter. now we know that contrary to what you said on April 9th, that on march the 27th, Robert Mueller wrote to you and expressed very specific concerns that your march 24th letter failed to capture, to quote Mr. Mueller, the context, substance, and nature of his report. and what Strzok me is he wrote that your letter threatened to undermine the Special Counsel. and assuring full public confidence in the outcome of the investigation. why did you testify on April 9th that you did not know the concerns expressed by Mueller's team but if you heard those directly before Mr. Mueller two weeks before?

ATTORNEY GENERAL WILLIAM BARR: as i said, i talked directly to Bob Mueller about his letter to mane specifically asked him what imPACt will are your concerns? are you concerned that the march 24th letter was misleading or inaccurate? and he said that he was not.

SEN. LEAHY: that wasn't my question.

AG BARR: I'm getting to the question which is the question from Chris, which was reports have emerged recently, press reports, that members of the Special Counsel's team are frustrated at some level with information included in your letter and they don't portray the counsel's findings.

SEN. LEAHY: you seem to have learned the filibuster rules better than Senators. why did you say you're not aware of concerns when weeks before your testimony Mr. Mueller expressed concerns to you. that is fairly simple.

AG BARR: the question was relating to unidentified members expressing frustration over the accuracy relating to findings. i don't know what that refers to at all. i talked directly to Bob Mueller, not members of his team. and even though i did not know what was being referred to, and Mueller never told me that the expression of the findings as inaccurate, but i did then volunteer that i thought they were talking about the desire to have more information put out, but it was not my purpose to put out more information.

SEN. LEAHY: i feel your answer is purposely misleading. and i think others do too. let me ask you another question. you said that the President is fully cooperating with the investigation, but his attorney told a defendant that he would be taken care of if he didn't cooperate, is there is a conflict in that?

AG BARR: can you repeat that?

SEN. LEAHY: they were told they would be taken care of if they did not cooperate. is there a conflict there? yes or no.

AG BARR: no. you think is fully cooperating to tell a former aide to rescue himself, shut down the investigation, and declare the President did nothing wrong? i don't think -- well obviously since i didn't find obstruction, i felt the evidence could not support --

SEN. LEAHY: I'm asking if that is fully cooperating. I'm not asking if that is obstruction, is that fully cooperating?

AG BARR: he fully cooperated.

SEN. LEAHY: so by instructing a former aide to rescuse himself, shut down the investigation, and that is not a crime?

AG BARR: why? where is that in the report?

SEN. LEAHY: volume two. The investigation was impaired to the extent and the President had done nothing wrong.

AG BARR: well, firstly asking Sessions to unrecuse himself we did not feel was wrong.

SEN. LEAHY: i don't know if that declares he did nothing wrong, but collusion -- is that fully cooperating? to say that?

AG BARR: well, i don't see any conflict wean that and fully cooperating with the investigation.

SEN. LEAHY: the President, of course, declared many times publicly in tweets and campaign rallies that he would testify, but he never did, did he?

AG BARR: not as far as i know.

SEN. LEAHY: i think you know whether or not he testified or not. As far as i know he didn't. And Mueller found his answers to be inaccurate, is that correct?

AG BARR: i think he wants additional but he never sought it.

SEN. LEAHY: and the President never testified?

AG BARR: the President never testified. Does the fact that Mr. Mueller found the Trump campaign receptive with offers of assistance from Russia, and they never reported it to the FBI.

AG BARR: what would they report to the FBI.

SEN. LEAHY: that they were receptive to offers of help from Russia.

AG BARR: the report says that they were expecting to benefit from whatever --

SEN. LEAHY: page 173, volume one, the investigation had multiple links between the Trump campaign officials and individuals tied to the Russian government. those links included Russian offers of assistance to the campaign, and the campaign was receptive to the offer and others were not.

AG BARR: i have to understand what that doesn't bother you at all. that refers to.

SEN. LEAHY: i have to give you a page from the report. i know my time is up. I'm making the Chairman nervous.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. John Cornyn Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+11%3A17%3A10&market=m1&StationID=1115>

SEN. JOHN CORNYN: the Chairman pointed out that after the Hillary Clinton e-mail investigation there was a number of -- and Mr. Comey's press come presence, -- conference, there was a number of members of the Senate that said that Comey should resign. or be fired. i believe you said that you concluded as a matter of law that the President has the right to fire executive branch employees, is that correct?

AG BARR: that's right.

SEN. CORNYN: in this place the President was relying, at least in part, by a recommendation by Rod Rosenstein arising out of the re critique of Mr. Comey's press conference. releasing information about secretary Clinton, and announcing that no reasonable prosecutor would bring charges against her, is that right?

AG BARR: that's right.

SEN. CORNYN: you started your career, i believe, in the negligence community and then moved on to the Department of Justice. and thank you for agreeing to serve again as Attorney General to help restore the department as an impartial arbiter of the law. i think that is very, very important that you and Director ray continue your efforts in that regard. I'm grateful to you for that. but i believe that we need to ask the question why didn't the Obama administration do more as early as 2014 in investigating Russian efforts to prepare to undermine and sew dissension in the 2016 election? Mr. Mueller's report does accumulate that the Russian government through the intelligence Agencies and their internet research, or IRA i think it is called, began as early as 2014. Began their efforts to do so, and we know they met with some success. is it any surprise to you based on your experience that the Russians would try to do everything they can to sow dis dissension in American political life?

AG BARR: no, i think the internet creates a lot more opportunities to have a, you know, to have that kind of covert effect. it is getting more and more dangerous. But the Russians have been at

this for a long anytime various different ways, but the point that you made about Bob Mueller's efforts on IRA, that is one of the things that Strzok me about the report. i think it is very impressive work they did in moving quickly to get into the IRA, and also the GRU folks, and i was thinking to myself, if that had been done in the beginning of 2016, we would have been a lot further along.

SEN. CORNYN: for example, we heard lot about the steel dossier, Mr. steel of course a former British intelligence officer hired to do opposition research by the Hillary Clinton campaign on her political add her adversaries including President Trump, or candidate Trump, at that time. how do we know that the steel dossier is not, et cetera, evidence of Russian disinformation campaign. knowing what we know now that the allegations are unverified? can we state with confidence that the steel dossier was not part of the Russian disinformation campaign?

AG BARR: no, i can't state that with confidence and that is one of the areas that I'm reviewing. I'm concerned about it, and i don't think it is entirely speculative.

SEN. CORNYN: we know that from published reports that the head of the CIA, Mr. Brennan, went to President Obama and brought his concerns about initial indications with Russian involvement in the campaign as early as late July 2016, and instead of doing more during the Obama administration to look into that to deter Russian activities that threatened the validity of our campaign in 2016, it appears to me that the Obama administration, the Justice Department, and the FBI decided to place their bets on Hillary Clinton and focus their efforts on investigating the Donald Trump campaign. as you have pointed out thanks to the Special Counsel, we now have confidence that no Americans colluded with the Russians in their efforts to undermine the person people. we now need to know I'm glad to hear what you're telling us about your inquiries, research, and investigation. we need to know what steps Obama, the FBI, the Department of Justice, what steps they took to undermine the political process and put a thumb on the scale in favor of one political candidate over the other, and that would be before and after the 2016 election. what is a defensive briefing that in a counter intelligence investigation?

AG BARR: you could have definite kinds of briefings. if you learn that somebody is being targeted by a hostile intelligence service, than one form of defensive briefing is to go and alert that person to the risks.

SEN. CORNYN: i think Attorney General Lynch said it is routine in counter intelligence investigations, would you agree with her?

AG BARR: yes.

SEN. CORNYN: do you know whether or not a defensive briefing was ever given to the Trump campaign by the FBI based on their counter-intelligence investigation. did they tell the President before January 2017 what the Russians were trying to do and advise him to tell people affiliated with his campaign to be on their guard and vigilant about Russian efforts to undermine public confidence in the election.

AG BARR: my understanding is that didn't happen.

SEN. CORNYN: that failure to provide a defensive briefing to the Trump campaign would be an extraordinary or notable failure, would you agree many.

AG BARR: i think one of the things that i can't fathom why it did not happen, if you're concerned about interference in the election, and you substantial people involved in the campaign, that were former US Attorneys, you had former US Attorneys there in the campaign, i don't understand why the Bureau would not have done and given a defensive briefing.

SEN. CORNYN: Thank you.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Dick Durbin Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+11%3A25%3A12&market=m1&StationID=1115>

SEN. DICK DURBIN: thank you, Mr. Chairman and General Barr. I have been listening carefully to my Republican colleagues, and it seems they're going to coordinate a lock her up defense. This is not about the Mueller investigation, the Russian involvement, the Trump campaign and so forth, it is really about Hillary Clinton's e-mails. Finally question get down to the bottom line. Hillary Clinton's e-mails, questions have to be asked about Benghazi along the

way, travelgate, white swatwater, a lot of material they should be going through for this nap is unresponsive to the reality that the American people want to know. They paid \$25 million for the report. I respect Mr. Mueller and believe he came up with a sound report. I don't agree with all of it, but I find general Barr that some of the things you engaged in really leave me wondering what you believe your role is when it comes to something like this. listen to what, since it is in the record, let me read it and listen to what you received in a letter on march 27th from Bob Mueller, the letter did not fully capture the context, nature, and substance of the officer's work and conclusions. There is now public confusion about critical aspects about the results of our investigation. This threatens to undermine the essential purpose for which the department was appointed the Special Counsel. I cannot imagine that you got that letter and could not answer a Congressman directly about whether or not there was concerns on t the representations and findings, you said no, I don't know, what am I missing?

ATTORNEY GENERAL WILLIAM BARR: as I explained to Senator Leahy-

SEN. DURBIN: attorneys don't put anything in writing unless he really means it. You could not recall that when Congressman Chris asked you that a few months later.

AG BARR: the March 24th letter stated that Bob Mueller did not reach a conclusion on obstruction. And it had language about not exonerating the President. My view of events is that there was a lot of criticism of the Special Counsel for the ensuing few days, and on Thursday, I got this letter. And when I talked to the Special Counsel about the letter, my understanding was that his concern was not the accuracy of the statement of the findings in my letter, but that he wanted more out there to provide additional context to explain his reasoning and why he didn't reach a decision on obstruction.

SEN. DURBIN: I will just say this, Mr. Barr, if you got a letter from Mr. Mueller a few days after his letter it was clear he had some concerns. After a month's trial, they say well the verdict doesn't really capture my full cay or work. This doesn't capture everything, I'm not trying to capture everything, you're using the word summarize. The office of legal counsel's decision, you had some strong feelings about that and they were reflected in your Trump defense team.

AG BARR: did I discuss that?

SEN. DURBIN: you certainly discussed whether or not a President should cooperate with an investigation. You said at one point, in sum summarizing the findings that the President fully cooperated. And you said the President never submitted himself to a vital interview, a sit down interview under oath, not once, and that the questions, they were answered some 30 times his memory failed him. So to say the White House fully cooperated is generous. Whether or not he was restricted and what he could conclude because of the outstanding office of legal counsel opinion on the liability of a sitting President. You dismissed that. How do you explain on the first page of volume two, you said there was a lot to do with it. He could not reach a conclusion on obstruction of justice.

AG BARR: it was a reason, one of the backdrop factors that he cited as influencing his prudential judgement that he should not reach a decision which is different than citing the OLC saying that but for the OLC opinion, I would indict.

SEN. DURBIN: I'm going to stand by what he has written. The last point they want to make as well as is about don McGahn. If you read this section here on his experience, the President wanted him to date public they he was not asked to fire him. And if you are suggesting this was a dance with Rod Rosenstein, I think the President made it clear. He told Lester Holt that the reason to get rid of Comey is the Russian investigation. Over and over again this President was very explicit. and expository in style, let me ask you this in conclusion, my time is up, do you have any objections, can you think of an objection to why don McGahn should not come testify?

AG BARR: he is a close advisor to the President.

SEN. DURBIN: [MISSING TRANSCRIPT]

AG BARR: we have not waived the executive privilege?

SEN. DURBIN: are you saying, what about Bob Mueller, should he be allowed to publicly testify?

AG BARR: i already said i don't see a problem with Robert Mueller.

SEN. DURBIN: what about don McGahn.

AG BARR: I think he would be testifying on privileged matters.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Mike Lee Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+11%3A34%3A00&market=m1&StationID=1115>

SEN. MIKE LEE: in classic decent, Justice Scalia remarked that nothing is so politically effective as the ability to charge that one's opponent and his associates are crooks. Nothing so effectively gives an appearance of validity to those charges as a Justice Department investigation. That observation has, I think, been born out time and time again in the past two years. Time and time again the President's political adversaries have exploited the Mueller probe. It's mere existence to spread baseless innuendo in an effort to undermine the legitimacy of the 2016 election, and the effectiveness of this administration. For example on January 25th 2019, speaker Nancy Pelosi asked what does Putin have on the President, politically, personally, or financially. Mr. Attorney General is there any evidence to suggest that Vladimir Putin "has something" on President Trump?

AG BARR: not that I'm aware of.

SEN. LEE: in 2019, former FBI Deputy Director Andrew McCabe said on national television, to the entire nation, that he think it's is possible that Donald Trump is a Russian Agent. Mr. Attorney General, is there any evidence that you're aware of suggesting even remotely that President Trump is a Russian agent?

AG BARR: not that I'm aware of.

SEN. LEE: Eric Swalwell said that he routinely acts on Russia's behalf, do you anything to back that up?

AG BARR: not that I'm aware of

SEN. LEE: we have heard that over and over again. In the media, we heard about the President's alleged collusion with Russia. But what we have heard is as baseless as any conspiracy theory that we have seen in politics. Anything that I can think of, but the purveyors of this conspiracy theory were members of the opposition party. That is concerning. From the beginning there was indications that the investigation was not always productive with the impartiality. Especially given the track record of excellence. The investigation into the Trump campaign began on July 31st 2016 after a foreign government contacted the FBI about comments made by George Papadopoulos. Is that accurate or was there other events that helped lead to this?

AG BARR: that is the account that has been given in the past as to how it got going.

SEN. LEE: you previously said that you think it is possible that the Trump investigation improperly spied on the Trump investigation. Is that what you in mind? Or are there other circumstances you in mind there?

AG BARR: many people seem to assume that the only intelligence collection that occurred a single confidential informant and a FISA warrant. I would like to know that is true, that seems fairly anemic if that was a counter intelligence effort.

SEN. LEE: was carter page under surveillance while he was working with the Trump administration?

AG BARR: I don't know.

SEN. LEE: was any other Trump campaign official under surveillance that time period to your knowledge?

AG BARR: these are the things that I need to look at. and I have to say that as I said before, you know the extent that there was any overreach, I believe, it was a few people in the upper echelons of the Bureau and the department, but those people are no longer there, and I'm working closely with Chris who I think has done a superb job at the Bureau, and we're working together on trying to reconstruct exactly what went down. One thing that people should know that the Bureau itself has been handicapped looking back because of the OIG investigation.

SEN. LEE: as we know, the FISA warrant for carter page was based largely on the so called steel dossier. In particular on a trip to Moscow to deliver a speech. first according to the warrant, he had a secret meeting, does the Mueller report confirm that Page met with him?

AG BARR: with me or?

SEN. LEE: General Sessions.

AG BARR: I want to say away from the FISA issue.

SEN. LEE: the warrant also says that page met with egor in order to discuss what is referred to as complaint against Hillary Clinton. Does the Mueller report confirm that?

AG BARR: I don't think so.

SEN. LEE: does it say that anyone spoke with him about Hillary Clinton?

AG BARR: I don't think so.

SEN. LEE: since the Mueller report is the gold standard of what we're discussing here, I'm glad you're looking into it, I encourage you to look into why the FBI used this false information. The public has a right to know what happened here. The US Department of Justice, the federal Bureau of investigation have a long history of success. The outcome of an investigation can depend on the whims of who might be assigned to it. They have a right not to believe that a particular investigation might be Strzok, might not be influenced by a political consideration, politically or otherwise.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Sheldon Whitehouse Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+11%3A40%3A59&market=m1&StationID=1115>

SEN. SHELDON WHITEHOUSE: thank you, Chairman, you had Chairman Graham, and you used the words hardening our electoral infrastructure against foreign election interference. Is anonymous election funding an avenue new possible foreign election influence and interference?

ATTORNEY GENERAL WILLIAM BARR: yes.

SEN. WHITEHOUSE: let's turn to the march 27th later that you received and read March 28th, correct?

AG BARR: yes.

SEN. WHITEHOUSE: when did you have the conversation with Bob Mueller about that later that you have referenced?

AG BARR: i think on the 28th?

SEN. WHITEHOUSE: the same day you read it? When did you read the New York Times stories that made this evident?

AG BARR: i think it would have been yesterday, but I'm not sure.

SEN. WHITEHOUSE: when they asked you to ask for comment?

AG BARR: they didn't contact me.

SEN. WHITEHOUSE: contacted DOJ for comment?

AG BARR: I can't remember how it came up but someone mentioned it.

SEN. WHITEHOUSE: so you knew the letter would become public and that was probably yesterday?

AG BARR: I think so.

SEN. WHITEHOUSE: when did you decide to make that letter available to us in Congress?

AG BARR: this morning.

SEN. WHITEHOUSE: could you concede that you had an opportunity to make this letter public on April 4th when Rep. Crist asked you a very related question?

AG BARR: i don't know what you mean by related, I think it is a very different question.

SEN. WHITEHOUSE: the letter references enclosed documents and enclosed materials, right? are those the same as what you called the executive summaries that Mueller provided you? With this letter?

AG BARR: yes.

SEN. WHITEHOUSE: it is all the same document? When you talk about the executive summaries that Mueller provided you, they were the enclosed documents with that letter with which we have not been provided?

AG BARR: I think they were. You have been provided them. They're in the report. They're the summaries in the report.

SEN. WHITEHOUSE: it's the language of the report in the report. There is nothing else that he provided you there?

AG BARR: i think that's what he provided.

SEN. WHITEHOUSE: if there is anything else will you provide it to us, it is odd to be given a letter with no attachments that says it has attachments. Can we get that?

AG BARR: sure.

SEN. WHITEHOUSE: you agree it was not grand jury 6e or presented a risk to intelligence sources or methods or would interference ongoing investigations or were affected by executive privilege.

AG BARR: there was redactions in the executive summaries.

SEN. WHITEHOUSE: this is another hair splitting event.

AG BARR: I wasn't interested in summarizing the whole report, I wanted to state the bottom line conclusions. Describe the report meaning volume one --

SEN. WHITEHOUSE: you had four pages for a 400 page report.

AG BARR: I state in the letter that I'm stating it is principal conclusions. Let me also say that Bob Mueller is the equivalent of a US Attorney. He was exercising the powers of the Attorney General subsequent to the supervision of the Attorney General. His work concluded when he sent his report to the Attorney General. At that point it was my baby, and I was making a decision as to whether or not to make it public. And I effectively overRode the regulations, used discretion, to mean as far forward as I could to make that public and it was my decision how and when to make it public, not Bob Mueller's.

SEN. WHITEHOUSE: with respect to the OLC opinion that informed Bob Mueller's decision, do you agree that is merely an executive opinion and this under our constitution the decision of what the law is made by the judicial branch of the United States government.

AG BARR: I'm sorry could you --

SEN. WHITEHOUSE: with respect to the OLC's opinion, and the decision not to make a recommendation on obstruction, do you see that the law gets decided by the judicial branch of government?

AG BARR: yes.

SEN. WHITEHOUSE: is there any way for the OLC decision to be tested to see if it is correct or not.

AG BARR: none that comes to mind.

SEN. WHITEHOUSE: it could be wrong, could it not?

AG BARR: hypothetically it could be wrong. There are Rep. legal minds that disagree with that. Excuse me?

SEN. WHITEHOUSE: there are expert legal commentators and lawyers that disagree with that.

AG BARR: it is hard to find lawyers that will agree with anything.

SEN. WHITEHOUSE: because of the OLC opinion we have to give the President an extra benefit of the doubt because he is denied his day in court where he could himself. That seems like fallacy to me. If you are the President of the United States, you can either waive or readily override the OLC opinion and say I'm ready to go to trial. I want to exonerate myself, let's go.

AG BARR: how is this relevant to my diagnoses?

SEN. WHITEHOUSE: decisions?

AG BARR: it is relevant -- I assumed there was no OLC decision.

SEN. WHITEHOUSE: we have a report in front of us that says it influencing the outcome, and that it influenced the outcome because it deprived the President of his ability to have his day in court and my point to you is that he could easily have his day in court by waiving or overriding this OLC opinion that has no judicial basis. Correct?

AG BARR: well I don't think that there was anything to have a day in court on. i think that the government did not have a prosecutable case.

SEN. WHITEHOUSE: but part of -- Mueller didn't agree because he left that up to you. He said that he could neither confirm nor deny that there was a prosecutable case here. He left that to you and you said that you agree that the OLC opinion bears on it and it would unfair to put the President on the process of being indicted without prosecution.

AG BARR: you're not characterizing his thought process, it's in the report.

SEN. WHITEHOUSE: can I have a minute, I just want to nail down, you used the word spying about authorized DOJ investigative opportunities.

AG BARR: are you talking about my testimony in front of the house appropriations?

SEN. WHITEHOUSE: yes. In your entire care have you ever referred to authorized department investigative activities, officially or publicly, as spying? I'm not asking for private conversations.

AG BARR: I'm not going to change the use of the word spying. I don't think has any connotation at all. to me the question is always whether or not it is authorized and adequately predicated, spying, and I think spying is a good English word that in fact doesn't have synonyms because it is the broadest word to incorporate all forms of covert intelligence collections. I will not back off of the word spying, but I'm not suggesting -- I use it frequently as does the media.

SEN. WHITEHOUSE: when did you decide to use it? Did you use it off of the cuff, or did you go into the hearing intending to use it?

AG BARR: When the Congressman asked, do you want to change your language, I was actually thinking, like, what's the issue? I don't consider it a pejorative. Frankly, we went back and looked at press usage. Up until all the outrage a couple weeks ago, it's commonly used in the press to refer to authorized activities, such as referring to --

SEN. WHITEHOUSE: but it is not commonly used by the department. My time is up.

AG BARR: commonly used by me.

SEN. LINDSEY GRAHAM: thank you very much. We'll come back at ten till 1:00. Thank you.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. John Kennedy

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+12%3A57%3A38&market=m1&StationID=1115>

SEN. LINDSEY GRAHAM: Senator Feinstein, I've been told, is on the way. We'll go ahead and start, I think. The next questioner is a Republican, Senator Kennedy. Oh, yeah, is there something you wanted to say, Mr. Attorney General, about one of your statements?

AG BARR: just briefly, Mr. Chairman. Senator Cornyn asked me about defensive briefings before, and as I said, there were different kinds of them, and I was referring to the kind where you are told of a specific target. And I have been told at the break that a lesser kind of briefing, a security briefing that generally discusses, you know, general threats apparently was given to the campaign in August.

SEN. LINDSEY GRAHAM: Senator Kennedy.

SEN. KENNEDY: thank you, Mr. Chairman, and thanks to my colleagues for letting me go out of order. I promise to be as brief as possible. Mr. Chairman, Attorney General, thanks for coming today. Humans have a universal need, I think, to be listened to, to be understood and to be validated. I think we all share that. I have listened to the Mueller team, I validate them, but I want to be sure I understand them. Has Mr. Mueller or his team changed their conclusions?

AG BARR: you mean during the course of the investigation?

SEN. KENNEDY: no. today. It's clear, at least according to the press reports -- excuse me, general -- that at one point the Mueller team was unhappy. I think it had to do with letter. What matters to me, and I'll get to this in a moment, I want to know first, has the Mueller team changed its mind on its conclusions?

AG BARR: its conclusions as to what?

SEN. KENNEDY: as to the conclusion of conspirAcY.

AG BARR: not that I'm aware of.

SEN. KENNEDY: so the decision not to bring an indictment against the President for collusion conspirAcY with Russia has not changed?

AG BARR: no, it hasn't.

SEN. KENNEDY: and the conclusion not to bring an indictment against the President for obstruction of justice has not changed?

AG BARR: no.

SEN. KENNEDY: I take it from your testimony that the Mueller team was unhappy when you received the letter from Mr. Mueller.

AG BARR: I can't speak to the team as a whole --

SEN. KENNEDY: Mr. Mueller, then.

AG BARR: when I talked to Bob Mueller, he indicated he was concerned about the press coverage that had gone on the previous few days, and he felt that was to be remedied by putting out more information.

SEN. KENNEDY: okay. I understood you to say -- these are my words, not yours -- the first concern Mr. Mueller had, he felt like your letter wasn't nuanced enough.

AG BARR: correct.

SEN. KENNEDY: that problem has been solved, has it not?

AG BARR: it was sort of solved by putting out the whole report.

SEN KENNEDY: exactly.

AG BARR: that's why I think this whole thing is sort of mind-bendingly bizarre, because I made clear from the beginning that I was putting out the report, as much of the report as I could, and it was clear it was going to take three weeks or so, maybe four, to do that, and the question is what's the placeholder? And the place holder, in my judgment, was the simple statement of what the bottom line conclusions were. And I wasn't going to be in the business of feeding out more and more information as time went on to adjust to what the press was saying.

SEN. KENNEDY: and that's your call as Attorney General.

AG BARR: absolutely.

SEN. KENNEDY: that wouldn't be the call of a US attorney or a Special Counsel?

AG BARR: no, not at all.

SEN. KENNEDY: okay. Now, the second reason, I mentioned the nuance concern. The second reason that Mr. Mueller was concerned -- I don't want to say unhappy because I'm not trying to be pejorative -- I say concerned. He was concerned about press coverage.

AG BARR: he indicated -- he felt that what was inaccurate was the press coverage and what they were interpreting the March 24th letter to say.

SEN. KENNEDY: and what were you supposed to do about that?

AG: BARR: he wanted to put out the full executive summaries that are incorporated in the report, and I said to him I wasn't -- and by the way, those summaries, even when he sent them, apparently, they actually required later more redaction because of the intelligence community. So the fact is, we didn't have readily available summaries that had been fully vetted. But I made it clear to him that I was not in the business of putting out periodic summaries because a summary

would start a whole public debate. It's by definition underinclusive, and I thought what we should do is focus on getting the full report out as quickly as possible, which we did.

SEN. KENNEDY: and that's your call as Attorney General.

AG BARR: of course.

SEN. KENNEDY: okay. And the news coverage issue -- well, none of us can control what the news publishes or prints, except the media. But to the extent that an argument was made they didn't have the full report, that's a moot issue, too, now, isn't it?

AG BARR: yes.

SEN. KENNEDY: can you briefly go over with me one more time, I find it curious that the Mueller team spent all this time investigating obstruction of justice and then reached no conclusion. Tell me again briefly why Mr. Mueller told you reached no conclusion, or he couldn't make up his mind or whatever -- I'm not trying to put words in your mouth.

AG BARR: I really couldn't recapitulate it. We first discussed it March 5th. Edward Callaghan, the associate deputy, was with me, and we didn't really get a clear understanding of the reasoning. The report, I'm not sure exactly what the full line of reasoning is, and that's one of the reasons I didn't want to try to put words in Bob Mueller's mouth.

SEN. KENNEDY: but he did not choose to bring an indictment despite the reason?

AG BARR: right.

SEN. KENNEDY: I want to repeat what we talked about the last time you were here. This is one person's opinion. As I told you before, I think the FBI is the premier law enforcement agency in all of human history, and I believe that. I do think there were a handful of people, maybe some are still there, who decided in 2016 to act on their political beliefs. There were two investigations here. One was an investigation of Donald Trump. There was another investigation of Hillary Clinton. I'd like to know how that one started, too. And it would seem to me that we all have a duty, if not to the American people, to the FBI, to find out why these investigations were started, who started them and the evidence on which they were started. I would hope you will do that and get back to us. And there's another short way home here as well. All you got to do is release, the President can, release all the documents that the FBI and the Justice Department has pertaining to the 2016 election. Just release them instead of us going through this spin and innuendo and rumors. Let's just let the American people see them. And the final point I'll make, when you're investigating leaks at the Department of Justice and the FBI, I hope you will include the Mueller team as well. Thank you, Mr. Chairman.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Ben Sasse Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A16%3A50&market=m1&StationID=1115>

SEN. BEN SASSE: I would like to go back to your opening statement at your confirmation, laying out what military intelligence had done in terms of hacking. I would also like to look at some oligarchs so close to Putin. Volume 2, pages 129 to 144, is largely about Alipaska. Can you tell me who he is and what his motives are?

AG BARR: I would rather not get into that in a public setting.

SEN. SASSE: Oligarch Alipaska possesses Russian diplomatic passport, he is an aluminum and metals billionaire and he's been investigated by the government and other allies for money laundering, he's been accused of threatening his business allies, he's been in bribery schemes, and he has many links to Russia organized crime. We can, in an open setting, at least agree that he's a bad dude. This is a bottom-feeding scum sucker, and he has absolutely no -- I'll take your laugh as agreement -- he has absolutely no alignment with the interests of the US people and our public. So the section of volume 1 that deals with nominally Paul Manafort but is really Alipaska, I would like you to help us have an American public 101 understanding of what is and isn't allowed. So Paul Manafort is hired by Alipaska ostensibly for things in Ukraine. But he is on the payroll of a Russian oligarch that has interests in line with the American government and the American people and interests of NATO. He's on the payroll. Is it permissible for someone to be

paid by someone who is basically an enemy of the United States, and then could that individual just volunteer and start to donate their time and talent and expertise to a campaign in the US? and one of the things painfully tragic about a hearing like this, I think the vast majority of the American people will tune it out, and those who take attention will think all you need to know is a bunch of people were pro-Trump before he became President and they stayed pro-Trump, and a bunch of people were anti-Trump. I think these 444 pages say a lot about the United States and our government and our public trust. I think it's not just about 2016. There are important questions about 2016. Chairman Graham summarized at the beginning how much money and time was available to the Special Counsel and his team to do their work, so there are a bunch of factual matters about 2016 that matter, but if one of the most important things we take away from this needs to be that we're going to be under attack again in 2020 and it isn't just going to be Russia who is pretty dang clunky about this stuff, but it more than likely will be China that is more sophisticated about this stuff. Can you tell us what is legal and illegal about foreign services being involved in American elections, and what should operatives know what's proper to take as help from foreign intelligence agencies?

AG BARR: that's a very broad topic, what is legal and illegal. Could you refine it a little bit? Are you talking about what kind of propaganda, that kind of thing, coming into the country?

SEN. SASSE: make up a country.

AG BARR: you can't put foreign money, obviously, into a campaign.

SEN. SASSE: could you -- could Russia-China, I'm making up a country, decide to come to the United States, make a database, by the way, the opioid hack of 2014 tells us they can make databases against American citizens. More than 20 people are already in the database of the communist party of China. Could they come in and build a database of all campaign operatives in the US and some foreign entity just decided to hire all of them and say, why don't you go ask volunteer for this campaign and you go and volunteer for that campaign? Can we have foreign agencies just volunteering on campaigns going forward? Is that legal?

AG BARR: if their time is paid for the purpose of participating in a campaign, I wouldn't think it's legal.

SEN. SASSE: But given how sleazy so much of this city is and so many people live on retainers of \$20, \$30 and \$40 a month, some Russian oligarch just decides to put American campaign personnel on payments and say, we may need you to lobby about something in the future. They've got views about pipe lines and national gas pipe pipelines, and by the way, you're someone who likes to advocate for certain campaigns and parties, go ahead and do what you want. Is that allowed under US law today?

AG BARR: it depends on the specific circumstances, the nature agreement, who the person is representing, are they representing the interests of a foreign government? Are they a foreign agent? Are they registered? You know, I mean, we could -- it's a slippery area and we could sit here all day and without specifics --

SEN. SASSE: I only have seven minutes. I don't get all day, but you're the chief law enforcement officer of the United States government, and I think it would be helpful for us to have a shared understanding as we head toward the 2020 election of what campaign operatives should well understand is beyond the pale. So if the Chinese government decides to hack into 2020 campaigns, I would hope there is clarity from the Department of Justice about whether or not Democratic Presidential campaigns and whether or not the Trump reelection campaign are allowed to say, hey, we're interested in this hacked material going forward. I think we need to have clarity about a question like that and someone on the judiciary committee, I think there are a bunch of counterintelligence investigations happening right now in the United States where campaigns don't really understand what the laws are, and I think we need a lot more clarity about it, because I'm nearly out of time. Let me give it to you in this version as a precise question. Under the Presidential transitions act, once you have a Democratic nominee for President and a Republican nominee for President, one of the things we do is we start to brief them in the event you would become the President-elect, you will need to know where we are in different national security issues. Should we be adding to the Presidential transition act counterintelligence briefings for campaigns as they become the nominee in a much more detailed way than the response you had about the Bureau's efforts when Senator Cornyn asked if defensive briefings were given? Should we, the Congress, be thinking very intentionally about authorizing the ability of the Bureau in a shared broader IC context but with the Bureau of security probably being the interface entity? Should nominees for the highest office in the land in 2020 be receiving regular counterintelligence briefings about the fact that intelligence agencies will be surrounding the people with the government, should they win?

AG BARR: absolutely, I think the danger from China, Russia and so forth is far more insidious than it has been in the past because of non-traditional collectors that they have operating in the United States. I think most people are unaware of how pervasive it is and what the risk level is, and I think it actually should go far beyond even campaigns. More people involved in government have to be educated on this.

SEN. SASSE: thank you. I'm at time, but I would love to work with you and the broader intelligence community on that more. I think there are a number of members of the intelligence committee who know what you're saying particularly about the Chinese government and their intent to encircle lots of people who are going to have influence in the future, and i think we, not just as a whole of government effort but a whole of society effort, have to become much more sophisticated about what intelligence agencies are planning for the future.

AG BARR: the pattern is whenever there is an election, foreign governments and their operatives frequently descend on the people they think could have a shot at winning. It's common and the most typical scenario is they do try to make contacts and so forth.

SEN. SASSE: and in a digital cyber era, you don't need a hooker anymore, bar and a hooker, and we need up to our game. Thank you very much.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Amy Klobuchar Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A05%3A55&market=m1&StationID=1115>

SEN. AMY KLOBUCHAR: thank you, Mr. Chairman. Mr. Attorney General, I'm going to take us out of the weeds here because I think the American people deserve to know what happened in the election for the highest office of the land. And I'll just give my views very quickly and not ask you about these topics. I think your four-page letter was clearly a summary and that's why Director Mueller called it a summary. I think when Senator Van Holland and Rep. Crist asked you if the Special Counsel agreed with you under oath, you had to go out of your way not to at least mention the fact that he had sent you this letter, that you didn't mention it. And then finally I would say that we must hear from Director Mueller, because in response to some of my colleagues' questions, you have said that you didn't know what he meant or why he said it, and I believe we need to hear from him. I want to start first with Russia. Special Counsel Mueller's report found that the Russian government interfered in the 2016 Presidential election in a sweeping and systematic fashion. Later Director Wray has informed us that 2013 was a dress rehearsal for the big show in 2020. Director Coates, the President's intelligence adviser, has told us that the Russians are getting bolder. Yet for the last two years, Senator Langford and I, and a bipartisan bill with support for the ranking intelligence committee, have been trying to get the secure elections act passed. This would require backup paper ballots. If anyone gets federal

funding for an election, it would require audits, and it would require better cooperation. Yet the White House, just as we were on the verge of getting a markup in the rules committee getting it to the floor where I think we would get the vast majority of Senators, the White House made calls to stop this. Were you aware of that?

ATTORNEY GENERAL WILLIAM BARR: no.

SEN. KLOBUCHAR: okay, well, that happened. What I would like to know from you as our nation's chief law enforcement officer if you will work with Senator Langford and I to get this bill done. Otherwise we will not have any clout to get backup paper ballots if something goes wrong in this election.

AG BARR: I will work with you to enhance the security of our election, and I'll take a look at what you're proposing. I'm not familiar with it.

SEN. KLOBUCHAR: okay, well, it is the bipartisan bill. It has Senator Burr and Senator Warner, support from Senator Graham was on the bill, and the leads are Langford and myself. And it had significant support in the house as well. The GRU, the Russian intelligence agency, targeted the state and local agencies along with private firms that are responsible for electronic polling and voter registration. The GRU accessed voter information and installed malware on a voter technology's network. I understand they will brief Senator DeSantis to gain access to Florida election data. Will you commit to the FBI providing a briefing to all Senators on this?

AG BARR: just on the Florida situation?

SEN. KLOBUCHAR: on the entire Russia situation. Including the Florida-

AG BARR: sure. Situation. Sure.

SEN. KLOBUCHAR: that will be helpful. Again, Senator Langford and I are trying to get our bill passed. And I think if everyone hears about this, it may help. Also according to the report, the IRA purchased over 3500 ads on Facebook to undermine our democracy. as the Chairman has point out, contrary to what we heard from a high ranking fi not just a few Facebook ads. I am pleased that the Chairman will vote for the honest ads act. Will you help us try to at least change our election laws so we can show where the money is coming from and who is paying for these ads so people have access to these ads?

AG BARR: in concept, yes.

SEN. KLOBUCHAR: very good. Thank you. We need that support. Now let's go to something i noted in the opening. You talked about how the two major concerns at your nomination hearing were about the report and about making the report public. There was a third concern, and it was something i raised, and that was your views on obstruction. I asked you if a President or any person convincing a witness to change testimony would be obstruction of justice, and you said yes. The report found that Michael Cohen's testimony to the house before it that the President repeatedly implied that Cohen's family members had committed crimes. Do you consider that evidence to be an attempt to convince a witness to change testimony?

AG BARR: no. I don't think that that could pass muster. Those public statements he was making could pass muster as subordination of perjury.

SEN. KLOBUCHAR: but this is a man in the highest office, in the most powerful job in our country, and he is basically -- I'm trying to think how someone would react, any of my colleagues here, if the President of the United States is implying getting out there that your family members have committed a crime. So you don't consider that any attempt to change testimony?

AG BARR: well, you have two different things. You have the question of whether it's an obstructive act, and then also whether or not it is a corrupt intent. I don't think general public statements like that have -- we could show that they would have sufficiently probable effect to constitution --

SEN. KLOBUCHAR: let's go to some private statements. The report found that the President's personal counsel told Paul Manafort that he would be, quote, taken care of. This is in volume 2 at pages 122 to 124. That you don't consider obstruction of justice?

AG BARR: no, not standing alone. On both the same reasons, no.

SEN. KLOBUCHAR: I think that is my point here.

AG BARR: what?

SEN. KLOBUCHAR: you look at the totality of the evidence, that's what I learned when I was in law school. You look at the totality of the evidence and the pattern here. Look at this. The report found that the President's personal counsel told Michael Cohen that if he stayed on message about the Trump Tower Moscow project, the President had his back. That's volume 2, page 140.

AG BARR: right, but I think the counsel acknowledged that it's unclear whether he was reflecting the President's statements on that.

SEN. KLOBUCHAR: the report found that after Manafort was convicted, the President himself called him a brave man for refusing to break.

AG BARR: yes. and that is not obstruction because the President's -- the evidence -- I think what the President's lawyers would say if this were ever actually joined, is that the President's statements about flipping are quite clear and expressed and uniformly the same, which is by flipping, he meant succumbing to pressure on unrelated cases to lie and compose in order to get lenient treatment on other cases. That is not -- it's a discouraging flipping in that sense is not obstruction.

SEN. KLOBUCHAR: look at the pattern here. The report found that after Cohen's residence and office were searched by the FBI, the President told Cohen to hang in there and stay strong. The

court found that after national security adviser Michael Flynn resigned, the President made public positive comments about him, and then when he cooperated, he changed his tune. During your confirmation hearing, I asked you whether a President deliberately impairing the integrity or availability of evidence would be obstruction, and you responded yes. And this is a different take on Senator Feinstein's question. Would causing McGahn, the White House counsel, to create a false record when the President asked -- ordered him to -- when McGahn, he told him to deny reports, right? He tells McGahn, deny reports that the President ordered him to have the counsel fired. If you don't see that as obstruction in directing him to change testimony, do you think that would create a false record to impair the integrity of evidence?

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A14%3A26&market=m1&StationID=1115>

AG BARR: the evidence would not be sufficient to establish any of the three elements there. First, it's not sufficient to show an obstructive act because it is unclear whether the President knew that to be false. In fact, the President's focus on the fact that I never told you to fire McGahn -- did I ever say "fire"? I never told you to fire McGahn.

SEN. KLOBUCHAR: I'm getting to something that it's about impairing the evidence. I see it as different.

AG BARR: it's hard to establish the nexus to the proceeding, because he already had testified to the Special Counsel. He had given his evidence. As the report itself says, there is evidence that the President actually thought and believed that "the times" article was wrong. That's evidence on the President's side of the ledger that he actually thought it was wrong and was asking for its correction. It is also possible, the report says, that the President's intent was directed at the publicity and the press. The government has to prove things beyond a reasonable doubt, and as the report shows, there is ample evidence on the other side of the ledger that would prevent the government from establishing that.

SEN. KLOBUCHAR: again, I look at the totality of the evidence, and when you look at it, it is a pattern, and that is different than having one incident. Thank you, Mr. Chairman.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Chris Coons Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A25%3A31&market=m1&StationID=1115>

SEN. CHRIS COONS: thank you, Mr. Chairman. The Special Counsel was appointed first to investigate Russia's attack on our 20 election and potential coordination with the Trump campaign, and I'm glad the Chairman started this hearing by recognizing we needed to focus on that demonstrable assault on our democracy to and to protect our government going forward, and I look forward to working with you on the bills, but we need to work with you, Mr. Attorney General, and the President to make sure there is not hacking into our 2020 election. What I think is unacceptable action on the part of the President is trying to fire the Special Counsel without cause. I think a bill protecting the Special Counsel is something worth doing for future Special Counsels. We were told by our colleagues there was nothing to worry about because the President wasn't going to fire the Special Counsel, but I was particularly Strzok by some reports in the second volume that the President attempted to do exactly that. and I frankly, Mr. Attorney General, have concerns that your march 24 letter obscured that conduct, and as a result worked to protect the President for several weeks rather than give the full truth to the American people as I now believe Special Counsel Mueller was urging you to do as reflected in the letter we just received today. So I'm going to ask you some questions about the report, but the bottom line is I think we need to hear more about the Special Counsel's work from the Special Counsel. According to Special Counsel Mueller's report, in June of 2017, President Trump called White House counsel McGahn and directed him to have the Special Counsel removed. And I quote, and this is about page 85, 86. McGahn called the President at home twice and on both occasions directed him to call Rosenstein and say that Mueller had conflicts and could no longer serve as Special Counsel. There were no credible conflicts. McGahn testified that he had shared that these conflicts were silly, were not real and Chris Christy advised that there was no good basis to fire the Special Counsel. In one call the President said, call Rod. Tell Rod there are conflicts with the Special Counsel. Quote, Mueller has to go. And I assume he didn't mean go to Cleveland or go to Seattle, he meant go, be fired. Call me back when you do it. I think the President's demands to fire Mueller without cause are alarming and unacceptable. And Mr. Attorney General, not one bit of what i just described was in your March 24th letter to this committee, was it?

ATTORNEY GENERAL WILLIAM BARR: no.

SEN. COONS: but it was in the summaries that were offered to you by Special Counsel Mueller and his team which you chose not to release, is that correct?

AG BARR: they were in complete form in the final report which i was striving to make public and which I did make public.

SEN. COONS: which I respect and appreciate. But a critical three weeks passed between when you delivered the letter with the focus on the principal conclusions and when we ultimately got the redacted report. And what I take from the letter to you --

AG BARR: why are they critical?

SEN. COONS: I would think the volume 2 summary would have revealed to the general public a whole range of inappropriate actions of the President and his core team. I'll go to a second episode that I think is important. On February 5 of 2018, after a week when the story broke publicly, the Special Counsel investigating the President, the President demand that McGahn create a false record saying the President never elected to fire the Special Counsel. The President wasn't looking for a press statement here, he wasn't looking to correct the record, and he wanted a fraudulent record for White House records, a letter that wasn't true. McGahn refused to do it. Again, there is nothing about the President's request to create a false record in your March 24th letter, is there?

AG BARR: well, that's your characterization of it, and I've been through it a couple of times. i think it would be difficult for the government to prove that beyond reasonable doubt. i think there are very plausible alternative explanations. But what I was trying to get out was the final report and have one issuance of the complete report. I made it clear in the March 24th letter that Bob Mueller didn't make a decision but that he felt he couldn't exonerate the President.

SEN. COONS: that's right.

AG BARR: I wasn't hiding that Mueller was presenting both sides of all the evidence, but he was not making a call but he felt he could not exonerate the President. Then I briefly described the process we went through to make a judgment internal and to the Department of Justice. As I say, from the public interest standpoint, I felt there should be only one thing issued and it should be the complete report, as complete as it could be.

SEN. COONS: and I know we differ in our conclusions about what that meant, but my concern is that that gave President Trump and his folks more than three weeks of an open field to say, I

was completely exonerated, when had you released the summaries of the first and second volume, we would have been more motivated than ever based on the first volume to work cooperatively to protect our next election and more concerned than ever about misdeeds, about inappropriate actions by the President and by some of his core team as a result of the summary of the second volume. And at the end of the day, you've had a number of exchanges with colleagues where you've said, I can't tell you why Mueller chose not to charge. I want to hear that from Bob Mueller. I think we should hear from Special Counsel Mueller. Let me move on to a point that Senator Sasse was just asking but what I think is worth revisiting, about the intelligence role in our elections. Russians had dirt on Hillary Clinton, the Russians had a direct contact to Donald Trump Jr. and offered to give dirt about his father's opponent. Donald Trump Jr. said, I love it, and invited the campaign Chairman and the President's son-in-law campaign Chairman to get it.

AG BARR: who did you say offered it?

SEN. COONS: in the second instance Russians made an offer to Donald Trump. I have 30 seconds. Let me get to a question if I could. Going forward, what if a foreign adversary, let's now say North Korea, offers a Presidential candidate dirt on a competitor in 2020? Do you agree with me the campaign should immediately contact the FBI? If a foreign intelligence service, a Rep. of a foreign government says we have dirt on your opponent, should they say, I love it, let's meet or contact the FBI?

AG BARR: if a foreign intelligence service does, yes.

SEN. COONS: here's my core concern. The President ordered the White House counsel to have Special Counsel Mueller fired. He fabricated evidence to cover it up. And whether or not you could make a criminal charge of this, it is unacceptable. And everyone who said we didn't have to worry about President Trump firing the Special Counsel was flat out wrong. The Russians offered the Trump campaign dirt on Hillary Clinton and the Trump campaign never reported that to the FBI. Instead they tried to conceal the meeting and misled the American people. I think we have to work on a bipartisan basis going forward to protect our elections from a repeat on this and we need leadership from our President. You announced you had cleared the President 25 days before the public could read the Mueller report for themselves. I think it's no wonder Special Counsel Mueller thought your four-page letter created public confusion about critical aspects of the results of the investigation and that that threatened to undermine the central purpose for which he was appointed. I think we need to hear from Special Counsel Mueller, I think we need to hear from Bob McGahn, and I think we need to figure out why you are supervising cases that have come from the Mueller investigation and why you have been

referred. This body has a central role in oversight that I believe we need to exercise given your recent record. Thank you, Mr. Chairman.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Josh Hawley Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A34%3A50&market=m1&StationID=1115>

SEN. JOSH HAWLEY: thank you, Mr. Chairman. I appreciate your candor calling what happened in 2016 what it is, which is spying on the Trump campaign and spying on the President of the United States. Let's talk a little more about spying. Counterintelligence investigations like the one we now know the FBI launched against candidate Trump and President Trump, those are designed to thwart spying and sabotage, is that correct?

AG BARR: that's correct.

SEN. HAWLEY: to your knowledge has the FBI ever launch aid counterintelligence investigation of another President that you're aware of?

AG BARR: not to my knowledge.

SEN. HAWLEY: so it's safe to say that to your knowledge this move was completely unprecedented?

AG BARR: to my knowledge.

SEN. HAWLEY: would it be unusual in your experience and to your knowledge for FBI agents to hide the existence and results of an investigation, such an investigation, from their superiors?

AG BARR: did you say, would it be typical?

SEN. HAWLEY: no, would it be unusual?

AG BARR: very unusual.

SEN. HAWLEY: and that indeed what press reports suggest happened here. When FBI officials hide investigations from superiors, is there anybody to hold them accountable? What happens in that instance?

AG BARR: there is no accountability.

SEN. HAWLEY: have you looked into the decision by the FBI to why have they launched a counterintelligence investigation?

AG BARR: I am looking into it and I have looked into it.

SEN. HAWLEY: and you will -- will you commit to telling us what you find as a result of your own review and investigation?

AG BARR: well, at the end of the day when I form conclusions, I intend to share it.

SEN. HAWLEY: I'll take that as a yes. Let me ask you about the 25th amendment, if I might, for just a moment. We know that former acting Director of the FBI, Andy McCabe, he publicly confirmed that he contemplated forcing the President from office using the 25th amendment. To your knowledge have FBI officials ever contemplated forcing any other President from office against their will using that provision?

AG BARR: not to my knowledge.

SEN. HAWLEY: the 25th amendment contemplates the Vice President taking over for the President when the President is unable to act. Would you agree that that text contemplates physical ailments like incaPACitations?

AG BARR: yes.

SEN. HAWLEY: would you agree that discussions within the FBI of forcing the President out of office for political reasons gives the public at best reason to question what the FBI is doing and to fear that there may be abuses of power in that organization?

AG BARR: I think it gives reason to be concerned about those particular individuals that were involved. I don't attribute it to the organization.

SEN. HAWLEY: speaking of particular individuals who were involved, I have to say I've listened to this testimony all day today, and to me maybe the most shocking thing I've heard is this. The Chairman read it earlier. August 26, 2016 -- this is a text message from Peter Strzok, a top counterintelligence investigator, who we know started this against the President of the United States. Peter Strzok said, I just went to a southern Virginia Walmart. I could smell the Trump support. In my view, do you want to know what's really going on here? Do you want to know why the counterintelligence investigation really happened? Do you want to know why we're all sitting here today? that's why, right there's because an unelected bureaucrat, an unelected official in this government who clearly has open disdain, if not outright hatred for Trump voters like the people of my state, for instance. I could smell the Trump support? Then tried to overturn the results of a Democratic election. That's what's really gone on here. That's the story. That's why we're here today. I cannot believe that a top official of this government with the kind of power that these people had would try to exercise their own prejudices, and that's what this is, it's open, blatant prejudice, would try to use that in order to overturn a Democratic election. And to my mind, that's the real crisis here, and it is a crisis. If there is not accountability, if this can go on in the United States of America, my goodness, we don't have a democracy anymore. i look forward to hearing the results of your investigation and I look forward to this committee continuing its constitutional responsibility to find out what is going on here and making sure the will of the people is vindicated and established. Thank you, Mr. Chairman.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Joni Ernst Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A50%3A00&market=m1&StationID=1115>

SEN. JONI ERNST: thank you, Mr. Chairman, and thank you, Attorney General Barr for being here today and visiting with all of us. The Special Counsel's investigation and all of the ripples that came from the 2016 Presidential election have really permeated the country. There is great interest in this. As I'm touring the 99 counties of Iowa, I am asked about this at town halls and other interactions with my constituents just as much as any other issue at hand. And I'm sure many of the other Senators here have had this same experience. I'd like to start today by visiting with you about the actions of Russia during the 2016 Presidential election. I think that's where a lot of us would like to see the focus go. We need to focus on what happened in the 2016 election. And then look ahead and make sure we are safeguarding our practices. I think it is natural to think of acts of aggression by a foreign state in terms of bullets, in terms of bombs, that's what we typically thought of, as acts of aggression. After all, up until just recent day, acts of aggression, or warfare has been a symmetrical operation by a foreign adversary. In the past, it has been practiced by boots on the ground or various bombing campaigns. But that's not what we are facing today. And I do believe what we saw from Russia was an act of aggression. Other adversarial foreign states, not just Russia, but I think a number of colleagues have mentioned China as well, perhaps North Korea, Iran, we could go on and on, and not only do they practice direct hostile military action, just as Russia did in Ukraine, with its illegal annexation of Crimea, but as was detailed in the Special Counsel's report, they seek to influence the elections of our free states through cyber means. And it is an objective thought that Russia attempted to influence our election. We know that, folks. All of us admit to that. We see the evidence that Russia tried to influence our election. The hacks, the disinformation, and social media cyber-attacks by Russia were done with the intent to sow discord among the American people. Russia will show no hesitation. They haven't in the past and they won't in the future in using these types of acts of aggression in an attempt to undermine our elections process and our way of life, and it doesn't matter if the attack is coming from the end of a barrel of a gun or the click of a mouse. We have to get to the bottom of it. And so General Barr, the past two years, we've been talking about this investigation, in terms of what happened, and now, we have the opportunity to decide how to do better. So the Special Counsel's report is the end of the road, I think many have stated that, the end of the road, when it comes to the question of the Trump administration's intent, but it is just the beginning of the conversation on how we counter Russia and other foreign adversaries, in their attempts to undermine our republic. So if we can talk about that 2016 Presidential election, do you see vulnerabilities or weaknesses that existed at that time that left us open to foreign aggression, foreign influence, in the election system, and then how do we move forward through the Department of Justice, in making sure we're shoring up some of those avenues of approach of our foreign adversaries?

AG BARR: yes, the FBI has a very robust program, the foreign influence task force, which is focused on this problem. And is working to counter-act and prepare for the kinds of interference that we saw, have seen. And it is a very dynamic program. I've been briefed on it by Chris Wray and I'm very impressed with what they're up to. I think that the way I view this general problem is there has always been efforts by Russia and other hostile countries to influence American elections and public opinion, but it was more easily detectable and it was sort of a cruder operation in the past, and what we have now is with technology and the Democratization of information, the danger is far more insidious. and it enables not only them getting into effectively our whole communications system here in the United States, and I'm just, I mean just the way we communicate with each other, and to our business systems and our infrastructure, but it also allows them to do exactly what we've seen, which is, because of our robust first amendment freedoms, they're able to come in, and pretend they're Americans, and affect the dialogue and the social dynamics in the United States in a way that they've never been able to do before. And it's a huge challenge to deal with it. But I think the intelligence community is responding to the challenge and the threat. I think, I had this discussion with Bob Mueller on March 5, when he was briefing me on his work, and discussing lessons learned, what he has seen in and dismantling the threats that he was able to detect and how we can start using that approach across the board.

SEN. ERNST: so I see we've accomplished a lot through our federal agencies and through the Department of Justice then. Are we able to work with different social media giants, other private organizations to help counter some of this? do you see that they're actually stepping up to this challenge, taking this on, and that they are pushing back as well against what they might determine as a foreign adversary?

AG BARR: yes, I think the private companies are stepping up their game, and being more responsible in addressing it.

SEN. ERNST: I think that's important. I'm sorry, go ahead, please. I think it's important that we really focus on why we're here today and that is because we did see Russian influence in our 2016 Presidential election. What we need to make sure is many of your other colleagues have noted is that this doesn't happen to us again. And that we are aware. and as a public, we are aware of what has been happening, not just in our own elections process here in the United States, but to many of our allies around the globe as well, in making sure that we are adequately pushing back against that, and even overmatching in making sure that we keep that type of influence out of our election cycle. So I appreciate your time today. Thank you very much, General Barr.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Richard Blumenthal Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A38%3A54&market=m1&StationID=1115>

SEN. RICHARD BLUMENTHAL: thank you, Mr. Chairman. Thank you, Attorney General Barr for being here today. You've been very adroit and agile in your response to questions here, but I think history will judge you harshly and maybe a bit unfairly because you seem to have been the designated fall guy for this report. And think that conclusion is inescapable in light of the four-page summary and the press conference you did on the day it was released knowing that you had in hand a letter from the Special Counsel saying that he felt that you mischaracterized his report. and you were asked by one of my colleagues, Senator Van Holland, whether you know -- whether you knew that Bob Mueller supported your conclusion, and you said, I don't know whether Bob Mueller supported my conclusion. You were asked by Rep. Crist --

ATTORNEY GENERAL WILLIAM BARR: excuse me, Senator. That conclusion was not related to my description of the findings in the March 24th letter. That conclusion refers to my conclusion on the obstruction cases. So it's a different conclusion.

SEN. BLUMENTHAL: it was exactly the same word, conclusions, that was used by Special Counsel Mueller. on the obstruction issue, on page 8 and 182 of the report, I don't know if you have it in front of you, the Special Counsel specifically said, at the same time, I'm quoting, if we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice we would so state. He said it again at page 182, and yet in your summary and in the press conference that you did, you, in effect, cleared the President on both so-called collusion --

AG BARR: the difference is I used the proper standard. That statement you just read is actually a very strange statement for a prosecutor --

SEN. BLUMENTHAL: for four of the specific obstruction episodes, Robert Mueller concluded that there was substantial evidence on the three necessary elements of obstruction, on --

AG BARR: you're a prosecutor --

SEN. BLUMENTHAL: I have to finish my question.

AG BARR: you haven't let me finish my answer.

SEN. BLUMENTHAL: well, let me just finish the question.

SEN. LINDSEY GRAHAM: we can do both.

SEN. BLUMENTHAL: you ignored in that press conference and in the summary that Robert Mueller found substantial evidence, and it's in the report, and we have a chart that shows the element of that crime. Intent, interference with an ongoing investigation, and the obstructive act. so i think that your credibility is undermined within the department, in this committee, and with the American people, and I want to ask you whether on those remaining investigations, the 12 to 14 investigations, whether you have had any communication with anyone in the White House.

AG BARR: no.

SEN. BLUMENTHAL: and will you give us an ironclad commitment that you will in no way --

AG BARR: I'm not sure of the laundry list of investigations, but I certainly haven't talked the substance or been directed to do anything on any of the cases.

SEN. BLUMENTHAL: well, let me give you an opportunity to clarify. Have you had any conversations with anyone in the White House about those ongoing investigations that were spawned or spun off by --?

AG BARR: I don't recall having any substantive discussion on the investigation.

SEN. BLUMENTHAL: have you had any non-substantive discussion?

AG BARR: it's possible a name of a case was mentioned.

SEN. BLUMENTHAL: and have you provided information about any of those ongoing investigations? Any information whatsoever.

AG BARR: I don't recall, no.

SEN. BLUMENTHAL: you don't recall?

AG BARR: I don't recall providing any.

SEN. BLUMENTHAL: wouldn't you recall whether you gave information to somebody in the White House about an ongoing criminal investigation in the Southern District of New York or the Eastern District of New York or the Eastern District of Virginia or the Department of Justice?

AG BARR: I just don't recall giving substance of a case.

SEN. BLUMENTHAL: is there anything that would refresh your recollection?

AG BARR: possibly looking over a list of cases.

SEN. BLUMENTHAL: you know what those discussions are. We discussed them at your confirmation hearing, correct?

AG BARR: I think there were 12 or 18 cases, right?

SEN. BLUMENTHAL: you don't know what those investigations are?

AG BARR: I do generally, but I can't remember each --

SEN. BLUMENTHAL: let me ask you one last time. You can't recall whether you have discussed those cases with anyone in the White House, including the President of the United States.

AG BARR: my recollection is I have not discussed those.

SEN. BLUMENTHAL: but you don't know for sure.

AG BARR: very sure that I did not discuss the substance of any.

SEN. BLUMENTHAL: have you recused yourself from those investigations?

AG BARR: no.

SEN. BLUMENTHAL: let me ask you about a couple of quotes from the President. since a number of my colleagues have raised the Russia investigation, and these are from the report, untruths recited by the report from the President in December of 2016 when President Trump was asked about the intelligence community's conclusion that Russia interfered in our election to boost Trump's chances. He said he had, quote, no idea if it's Russia, China or somebody. It could be somebody sitting in a bed someplace.

SEN. GRAHAM: a 400-pound person.

SEN. BLUMENTHAL: Mr. Chairman?

SEN. GRAHAM: a 400-pound person sitting on a bed.

SEN. BLUMENTHAL: that isn't what the President said. He referred to it as somebody. He also, at helsinki, denied Russian attacks in 2016 on our election. Another lie. Two days after Trump was elected, the Russian officials told the press that the Russian government had maintained contacts with Trump's, quote, immediate entourage, end quote, during the campaign. When President Trump was asked about it, he said, quote, there was no communication between the campaign and any foreign entity during the campaign. That's at page 21 of volume 2. The first quote i gave you was from page 21 of volume 2. The President initially denied playing any role in shaping his son's statement to the press about the now-infamous June 9 meeting. The Mueller report established that the President dictated a misleading statement about that meeting through his communications Director, hope hicks. That's at page 101 and 102 of volume 2. After news organizations reported that the President ordered McGahn, Mr. McGahn, to have the Special Counsel removed, the President publicly disputed these accounts. The Mueller report establishes that, quote, substantial evidence supports the conclusion that the President, in fact, directed McGahn to call Rosenstein to have the Special Counsel removed. That's at volume 2, page 88. In your view did President Trump on those occasions and others recite is in the report, lie to the American people?

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A47%3A39&market=m1&StationID=1115>

AG BARR: I'm not in the business of determining when lies are told to the American people. I'm in the business of determining whether a crime has been committed.

SEN. BLUMENTHAL: so he may have lied, --

AG BARR: but I'd like an opportunity to answer some of these questions, okay? You started by citing this thing in volume 2 about how the report says that they could not be sure that they could clearly say that he did not violate the law. As you know, that's not the standard we use in the criminal justice system. It's presumed that someone is innocent and the government has to prove that they clearly violated the law. We're not in the business of exoneration, we're not in the business of proving they didn't violate the law.

SEN. BLUMENTHAL: I found that whole thing that you exonerated him in your press conference and in the four-page summary.

AG BARR: how did that start? I didn't hear the beginning of that question.

SEN. BLUMENTHAL: you in effect exonerated or cleared the President --

AG BARR: no, I didn't exonerate. I said we did not believe there was sufficient evidence to establish an obstruction, a defense which is the job of the Justice Department. And the job of the Justice Department is now over. That determines whether or not there is a crime. The report is now in the hands of the American people. Everyone can decide for themselves. There is an election in 18 months. That's a very Democratic process. But we're out of it. We have to stop using the criminal justice process as a political weapon.

SEN. BLUMENTHAL: my time has expired. I apologize, Mr. Chairman, but I would just say that the four-page letter and the press conference that you did left the clear impression, and it's been repeated again and again, that you cleared the President.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Mazie Hirono Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+13%3A57%3A00&market=m1&StationID=1115>

SEN. MAZIE HIRONO: thank you, Mr. Chairman. Mr. Barr, the American people know you are no different from Rudy Giuliani or Kellyanne Conway, or any of the other people who sacrifice their once decent reputation for the liar who sits in the oval office. You once turned down a job offer from Donald Trump to represent him as his private attorney. At your confirmation hearing you told Senator Feinstein, quote, the job of Attorney General is not the same as representing quote the President so you know the difference but you've chosen to be the President's lawyer and side with him over the interest of the American people.

To start with, you should never have been involved in supervising the Robert Mueller investigation. You wrote a 19-page unsolicited memo, which you admit was not based on any fact, attacking the premise of half of the investigation. And you also should have Deputy Attorney General Rod Rosenstein recuse himself. He was not just a witness to some of the President's obstructive behavior, we now know he was in frequent personal contact of the President, a subject of the investigation. You should have left it to then, once the report was career officials. Delivered by the Special Counsel, you delayed its release for more than two weeks and let the President's personal lawyers look at it before you agreed to let public or the Congress see it. During the time you substituted your own political judgment for the Special Counsel's legal conclusions in a four page letter to Congress and now we know thanks to a free press that Mr. Mueller wrote your letter, objecting to your so-called summary. When you called Mueller to discuss his letter, the reports are that he thought your summary was giving the press, Congress, and the public a misleading impression of his work. He asked you to release the report summaries to correct the misimpression you created but you refused. When you finally did decide to release the report over a Congressional recess and on the eve of two major religious holidays, you called a press conference, to once again try to clear Donald Trump before anyone had a chance to read the Special Counsel's report, and come to their own conclusions. But when we read the report, we knew Robert Mueller's concerns were valid. And that your version of events was false.

You used every advantage of your office to create the impression that the President was cleared of misconduct. You selectively quoted fragments from the Special Counsel's report, taking some of the most important statements out of context, and ignoring the rest. You put the power and authority of the office of the Attorney General and the Department of Justice, behind a public relations effort to help Donald Trump protect himself. Finally, you lied to Congress. You told Representative Charlie Crist that you didn't know what objectives Mueller's team might be the March so-called summary. You told Senator Chris Van Holland that you didn't know if Senator Mueller supported your conclusions but you knew you lied and now, we know. A lot of respect to nonpartisan legal experts and elected officials were surprised by your efforts to protect the President. But I wasn't surprised. You did exactly what I thought you'd do, that's why I voted

against your confirmation. I expected you would try to protect the President. And indeed, you did. In 1989, this isn't something you hadn't done before. In 1989, when you refused to show Congress an OLC opinion that led to the arrest of Manuel Anothera, in 1993, when you recommended pardons for the subjects of the Iran-contra scandal and last year when you wrote the 19-page memo saying Donald Trump, as President, can't be guilty of obstruction of justice, and then didn't recuse yourself from the matter. From the beginning, you're addressing an audience of one. That person being Donald Trump. That's why before the bombshell news of yesterday evening, 11 of my Senate colleagues and I called on the Department of Justice inspector general, and office of professional responsibility, to investigate the way you have handled the Mueller report. I wanted them to determine whether your actions complied with the department's policies and practices, and whether you have demonstrated sufficient impartiality to continue to oversee the 14 other criminal matters that the Special Counsel referred to in other part, to other parts of the Department of Justice. But now, we know more about your deep involvement in trying to cover up for Donald Trump. Being Attorney General of the United States is a sacred trust. You have betrayed that trust. America deserves better. So I have some questions for you. Is the White House exerts any influence on your decision, whether to allow Special Counsel Mueller to testify in Congress and when?

ATTORNEY GENERAL WILLIAM BARR: no.

SEN. HIRONO: now, you've been clear today that you don't think that any of the ten episodes of possible obstruction that the Special Counsel outlined is a crime. I disagree. But you seem to think that if it's not a crime, then there's no problem. Nothing to see here. Nothing to worry about. So with apologies to Adam Schiff, do you think all of the things that President Trump did are okay? Are they what the President of the United States should be doing? For example, do you think it's okay for a President to fire an FBI director to stop him from investigating links between his campaign and Russia? It may not be a crime, but do you think it's okay?

AG BARR: well, I think the report is clear, that --

SEN. HIRONO: no I'm not talking about the report.

AG BARR: well I'm talking about --

SEN. HIRONO: I'm asking you. This is not a crime. But do you think it is okay for the President to do what he did, to fire the Special Counsel -- if you think it's okay --

AG BARR: I don't think the evidence supports the proposition.

SEN. HIRONO: so I guess you think it's okay.

AG BARR: to stop the investigation.

SEN. HIRONO: do you think it is okay for a President to ask his White House counsel to lie?

AG BARR: well, I'm willing to talk about what's criminal.

SEN. HIRONO: no, we've already acknowledged that you think it was not a crime. I'm just asking whether you think it is okay. Even if it is not a crime, do you think it's okay for the President to ask his White House counsel to lie?

AG BARR: which --

SEN. HIRONO: if you're going to go back to -- you're telling me it is okay. Let me ask you the last question that I have in 17 seconds. Do you think it is okay for a President to offer pardons to people who don't testify against him, to threaten the family of someone who does? Is that okay?

AG BARR: when did he, well, pardon --

SEN. HIRONO: I think you know what I'm talking about. Please, please, Mr. Attorney General, you know, give us some credit for knowing what the hell is going on around here with you.

SEN. LINDSEY GRAHAM: not really. To this line of questioning. Listen, you've slandered this man.

AG BARR: what I sort of want to know, how did we get to this point?

SEN. HIRONO: I do not think that I'm slandering anyone. All I can say, Mr. Chairman, I am done, thank you very much.

SEN. GRAHAM: and you slandered this man, from top to bottom, so if you want more of this, you're not going to get it, if you want to ask him questions, you can.

SEN. HIRONO: you certainly have your opinion and I have mine.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Cory Booker Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+14%3A12%3A30&market=m1&StationID=1115>

SEN. CORY BOOKER: thank you, Mr. Chairman. Mr. Barr, as I take a step back at this, I just really think we're at a very sobering moment in American history, that there is a considerable amount going on when you actually take time and read this whole report, that shows that we're sort of at a crossroad, and I fear that we're descend nag a new normal that is dangerous for our democracy on a number of levels. and I fear unfortunately and I hope we have a chance to discuss this, that you have not only put your own credibility into question, but seem to be giving sanction to behavior through the language you used in that press conference you held, the language you used in your summary that stimulated Mueller to write such a strong rebuking letter, i fear that you are adding normalcy to a point where we should be sounding alarms, as opposed to saying that there is nothing to see here. and so one, this 448-page report that has a deep litany of lies and deceit and misconduct, of the President of the United States instructing

people to lie around to be deceitful, evidence of people trying to cover up behavior that on its face is morally wrong, whatever the legal standard is, I found it, number one, to, by saying that this kind of obstructive conduct was acceptable, not only acceptable but your sentence literally saying that the American people should be grateful for it, that is the beginning of normalization that I want to explore. But the second thing I want to explore, we'll explore this, but I want to make my two statements at the top. One that is problematic. and general, the second problem I have is you seem to be excusing a campaign that literally had hundreds of contacts with a foreign adversary that I think there's a conclusion amongst on a bipartisan conclusion, that there was a failure to even report those contacts, that we engaged in behaviors that folks knew that were wrong, that they tried to actively hide, they seem to capitalize, seemed to capitalize on this foreign interference, I mean in our country, we know it is illegal for a campaign and wrong for a campaign to share polling data with an American super-PAC, but we have here documented a level of coordination with a foreign adversary sharing polling data. And we're seeming to be, and your conduct seems to be trying to normalize that behavior and that's why I think we're in such a serious moment that is eroding the cultures of this democracy, and the security of this democracy, so let's just get into some of this specifically. You said, quote, we know that the Russian operatives who perpetrated these schemes did not have the cooperation of President Trump or the Trump campaign. That is something that all Americans can and should be grateful to have confirmed. The things I just mentioned, a willingness to meet with Russian operatives in order to capitalize on information, I don't think that is something that should be grateful. I find your choice of words alarming. I think it calls into question your objectivity. When you look at the actual context of the report. And so should the American people really be grateful that a candidate for President sought to benefit from material and information that was stolen by a foreign power in an effort to influence an election?

ATTORNEY GENERAL WILLIAM BARR: well, I'm not sure what you mean by seek to benefit. There's no indication that they engaged in either the conspiracy to act, or that they engaged in any action with respect to the dissemination that was criminal.

SEN. BOOKER: well, again, sir, you're using the word conspiracy which is a legal term, and at the press conference, you used President Trump's word obstruction, over and over again --

AG BARR: what is a legal term--

SEN. BOOKER: you pulled into his words. And I'm asking you specifically, I'm sorry, collusion was the word I was looking for. You used the word no collusion over and over again. And you said the American people should be grateful that the President sought to benefit from material and information. But you know that he did seek to benefit from that material. Donald Trump Jr.

in his own email seemed to celebrate that he might have access to information from a foreign adversary. Is that correct? Is that something the American people should be grateful for?

AG BARR: apparently according to the report he was, yes, apparently, he was interested in seeing what this Russian woman had in the way of quote --

SEN. BOOKER: and did not report it as I think everything who is in politics knows it is something you should do. Should the American people be grateful in the face of an attack of our democracy by a foreign adversary that the President of the United States made several documented attempts to thwart an investigation into the links of his campaign and Russia? And you used that word grateful again. That the American people should be grateful. Is that something should be grateful for?

AG BARR: I'm not sure what you're talking about.

SEN. BOOKER: sir, I'm talking about the attempts this President made, that Mueller pointed to at least ten attempts to thwart an investigation into the links between his campaign and Russia. Be grateful for those ten well-documented attempts by Mueller?

AG BARR: you are talking about the obstruction part of the report?

SEN. BOOKER: I'm talking about the second volume. Let me continue, should the American people be grateful that Trump had more than 215 documented contacts between Russian-linked operatives and then lied about them and tried to hide them. Is that something the American people should be grateful for? Any President. This one or any down the road?

AG BARR: as I mentioned earlier, during a campaign, foreign governments make, and foreign citizens, frequently make a lot of attempts to contact different campaigns. If we were right now, to go and look at for example, Hillary Clinton's campaign during the same time frame --

SEN. BOOKER: sir, I did.

AG BARR: you would see a lot of foreign governments like the Chinese trying to establish --

SEN. BOOKER: and that's I guess what I'm trying to say to you, we right now have a new norm until our country. We have a document that shows over 200 attempts, connections between a Presidential campaign and a foreign adversary, sharing information that would be illegal if you did it with a super-PAC, we know that --

AG BARR: what information was shared?

SEN. BOOKER: polling data was shared here. It is in the report. I can cite you the page.

AG BARR: with who?

SEN. BOOKER: and I guess my point is your willingness to seem to brush over this and using words like the American people should be grateful with what is in the report, nobody should be grateful, misleading, inappropriate action after inappropriate action that is clear, and then on top of that, at a time we all recognize that we had a foreign power trying to undermine our election, you the chief law enforcement officer, not only undermines your own credibility as an independent actor, when there's ongoing investigations still, using the word, the President's own words, having been criticized by Mueller himself, but the challenge we now have is that we are going into an area where you can't even be willing to be in the least bit critical in your summarizations. I believe it calls into question your credibility and again, my time is up.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Marsha Blackburn Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+14%3A05%3A35&market=m1&StationID=1115>

SEN. MARSHA BLACKBURN: thank you, Mr. Chairman. And thank you, General Barr, for being here today. We really appreciate your time. I want to talk with you just a little bit about some of your bottom line conclusions because I think there's one that we need to kind of circle back to. A little bit. and as I've listened to a lot of the conversation here today, one of the things we've not discussed is what seems to be the culture at DOJ and the FBI, and I know there are a lot of good people that work there, and we're grateful for their service, but every organization has a culture, and whether it's a corporate culture, or a church, or a school, or whatever, and what seems to have happened, at the FBI, is there is a seedy cynical political culture within a group that developed. And these individuals collectively seem to think that they could work within the power of their joshes, and their roles, with the federal government, there was an elitism and an arrogance there, and it speaks to a very unhealthy work culture within that agency. And I will tell you this. When I talk to Tennesseans, they talk a lot about what they want to see with the Department of Justice and the FBI post all of this. And restoration of trust in the integrity. And accountability. And really in Tennessee, they will talk to me about four things. They talk a lot about health care, jobs in the economy, they are going to talk about getting federal judges confirmed, and about reigning in government and holding it accountable. And there has been a lot of hysteria. This is something that grew within the ranks of the FBI. What are you doing, and what is your plan for rebuilding that trust and integrity so that the American people can say, when the FBI does its job, when the DOJ does its job, we know that is a job done right?

AG BARR: I don't think there is a bad culture in the FBI, and i don't think the problems that manifested themselves during the 2016 election are endemic to the institution. i think the FBI is doing its job. I mean just this recent case out in California, where they interdicted this would-be bomber, they do great work and the country every day, and I agree with Senator Kennedy who said, you know, it's the premiere law enforcement institution in the world. I believe that, and I say to the extent there was overreach, I don't want to judge people's motives and come to a conclusion on that, but to the extent there was overreach, what we have to be concerned about is, you know, a few people at top, getting it into their heads that they know better than the American people.

SEN. BLACKBURN: and that is the problem. And that is what we hope that you are addressing. let's go back to, this because to repeat, to the report, to produce it, I think that Mr. Mueller assembled what would be called a dream team, 19 all-star lawyers, a Watergate prosecutor, a deputy solicitor general, a fluent Russian speaker, who clerked for two supreme court justices, former head of the Enron investigative task force, chief of the public corruption unit in the Manhattan US attorney's office, federal prosecutors who have taken down mob bosses, the mafia, and ISIS terrorists. Do you consider these lawyers to be the best and the brightest in the field?

AG BARR: not necessarily.

SEN. BLACKBURN: are they the warriors you would want on your side in the courtroom?

AG BARR: I mean, you know, there are a lot of great lawyers in the Department of Justice. He assembled a very competent team.

SEN. BLACKBURN: are they meticulous investigators? Who will hunt down every witness and every piece of evidence?

AG BARR: I think they are tenacious investigators.

SEN. BLACKBURN: are they devoted to finding the truth?

AG BARR: yes.

SEN. BLACKBURN: are they masters at taking down hardened criminals, foreign and domestic?

AG BARR: yes.

SEN. BLACKBURN: if there were evidence to warn a recommendation for collusion charges against the President, do you believe the Special Counsel team would have found it?

AG BARR: yes.

SEN. BLACKBURN: and if there were evidence to warrant your recommendation for obstruction of justice charges against the President, double the Mueller team, do you believe the Mueller team would have found it?

AG BARR: I think they had an exhausted, they canvassed the evidence exhaustively, they didn't reach a decision on it, but the question just been asking, raises a point I wanted to say when Senator Hirono was talking is how did we get to the point here where the evidence is now that the President was falsely accused of colluding with the Russians, and accused of being treasonist, and accused of being a Russian agent, and the evidence now that was without a basis, and two years of his administration have been dominated by the allegations that have now been proven false, and you know, to listen to some of the rhetoric, you would think that the Mueller report had found the opposite.

SEN. BLACKBURN: and you know, Mr. Attorney General, I will tell you that is what Tennesseans say, they say how did we get here? How is there this allowance, and acceptedness of saying that's okay? Because it's not. And people want to see government held accountable. They want agencies to act with accountability. To the American people. And they don't want to ever see this happen again. It doesn't matter if a candidate is a Democrat, a Republican, or an independent. They never want to see this happen again. Because they know that this was pointed at using the power that they had to try to tilt an election, or to achieve a different outcome, and the American people want equal justice, they want respect for the rule of law, and they want fairness from the system. i have one other question, dealing with social media. Tennessee Republican Party had a ten underscored GOP account set up by the Russians. I think as we look at social media, either they were willing to turn a blind eye and allow these accounts to go up, because they knew they were being paid in rubles, of these accounts, and/or there was just negligence. So my hope is that with all of the bad actor state, whether it is Russia or Iran or North Korea, or China, that you all have a game plan for dealing with these platforms in a way that you're willing to rein them in for the 2020 election. I yield back.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Tom Tillis Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+14%3A21%3A00&market=m1&StationID=1115>

SEN TOM TILLIS: thank you, Mr. Chairman. General Barr, thank you for being here. in the last sentence on page one of your four-page memo, it states that the Special Counsel issued more than 2800 subpoena, executed nearly 500 search warrants, obtained more than 230 orders for communication records, issued almost 50 orders authorizing the use of pen registers, made 13

requests of foreign ghosts for evidence, and interviewed approximately 500 people. That seems like a pretty extensive investigation to me. It took about 22 months, right?

AG BARR: right.

SEN. TILLIS: and it was summarized in a little over 400-page document, volume two was just under two 2 00 pages, as I recall, I have read volume two word for word and I've read most of volume one. the new normal that seems to be created here even after all of this investigation and you haven't found any conduct worthy of indictment, that you can just bounce back for political reasons and indictment somebody. That's a rhetorical statement, or question, not a statement. now, I want to go back to the other part that I find interesting here, the New York Times already issued a headline that says Mueller pushed in letter for Barr to release the report's summary. So now the narrative, because I've had a lot of people in the press coming out and the narrative is, well doesn't this undermine the Attorney General because Mueller wanted the executive summaries issued? Now, I want to go back to what you said in your opening statement. you said that, I believe, using your words, the body politic was, it was unrestful, you had gotten the report, you didn't get the 6 e information, you had to do the redacting, you into it would take time, it would have been helpful if you had gotten that when the report was transmitted to you and it took however long it took. Issued the summary, you used the analogy of announcing the verdict, and waiting for the transcript. Did you ever at any point say, you know what I really want to do is issue this letter and let the news media play with it for three or four weeks and then we'll get the redacted version out? Did that ever cross your mind?

AG BARR: no, we were pushing to --

SEN TILLIS: to get the report out as soon as possible.

AG BARR: as soon as possible.

SEN. TILLIS: at any point in time when the President had the opportunity to issue their own advice on redactions or assert executive privilege, over the course of the weeks that you were doing the review of the report, did you ever get advice from the President, or from anybody in the White House, to assert executive privilege, or to redact any portion of the document?

AG BARR: no.

SEN. TILLIS: none. And so the narrative between the letter and the redaction process was, we're going to get a report that's 80% redacted. Now, would you give me the numbers again, on the version that's available to the leadership of Congress, the numbers again? I think you said one-tenth of 1%. We're skipping over volume one and we're spending time on volume two. Did I hear you say that the legislative leaders have access to all but one-tenth of 1% of the entire report?

AG BARR: approximately, yes.

SEN. TILLIS: so guys, you can go out and spin this any way you want to but the data is there. There was no underlying crime. And there was insufficient evidence to indict the President on obstruction of justice. You said something else that's interesting to me in the report about that we found no evidence that was sufficient to indict. But then they went on to say nor can we exonerate him. When is the Special Counsel in the business of exonerating a subject in an investigation?

AG BARR: they're not.

SEN. TILLIS: why would somebody put that something like that in the report?

AG BARR: I don't know.

SEN. TILLIS: it would follow that that's uncommon, and you would have not have put that in the context of the report you produced. Is that a statement?

AG BARR: that's a fair statement but i did put in a sense about not exoneration.

SEN. TILLIS: I think the thing that frustrates me, number one I should have started by saying this the vast majority of people in the Justice Department and the FBI are extraordinary people. The chair is with, starting with Strzok and Page and everybody else leading up to the investigation, I hope they're being investigated. I have a question for you. The scope of the OIG, where does, do you understand or do you know what the scope of that report will be? Will it be purely on this investigation? Or would it extend also to other acts it may have in some way influenced this investigation?

AG BARR: well I don't want to be too specific. I talked to Mike Horowitz a few weeks ago about it and it is focused on the FISA and the basis of the FISA and the handling of the FISA applications, but by necessity it looks back a little bit earlier than that. The people I have helping me with my review will be working very closely with Mr. Horowitz.

SEN. TILLIS: now, I want to go back again, because we have other people talking, I'm sure it is going to come up again, I am clear in this report there was no underlying crime. Is that correct?

AG BARR: yes. I think that's the conclusion of the report.

SEN. TILLIS: and it was insufficient evidence, or insufficient evidence to assert that the President obstructed justice. And a lot of that evidence was in the public eye because we talked about tweets and public statements and a number of other things that were trying to use to assert as evidence for obstruction of justice. it seems odd to me that people on this committee that pound and pound over and over again that you're innocent until proven guilty, with the extent of this report, with the number of resource, nearly \$30 million, when the facts don't lead to the outcome that you want, the one that the marketing department wanted to use this as a political tool for the next 20 months, it seems odd to me that we go down the path of saying that, well, in spite of all of the work, we're going to indict him anyway, and if we can't indict him, then we're going to impugn your integrity and call you a liar. I find that behavior on this committee despicable. Thank you.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Mike Crapo Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+14%3A35%3A04&market=m1&StationID=1115>

SEN. MIKE CRAPO: thank you. Attorney General Barr, I know you've gone through almost everything that could have been asked so far today and I will go over a few things that you have already talked about but I appreciate your willingness to get into it with me. first I want to talk about the letter of march 27 that has been talked a lot about from Mr. Mueller, first, can you tell me, who released that letter to the public?

ATTORNEY GENERAL WILLIAM BARR: who released it to whom?

SEN. CRAPO: yes. How did it get released? Was that a decision you made to release that letter?

AG BARR: I think the department provided it this morning.

SEN. CRAPO: excuse me, I mean to the Washington Post how did the Washington Post get the letter?

AG BARR: I don't know.

SEN. CRAPO: that's what I thought. So let's talk about the letter for a moment. You indicated that --

AG BARR: I assume the Washington Post got it from the Department of Justice.

SEN. CRAPO: well, I think we needed that out. But we can get into that later. If you're not aware, then let's move on to other aspects of the issue. you indicated that, you did not feel you needed to release as much as Mr. Mueller thought you needed to release at the outset, you gave a sum riff the conclusions, and he apparently wanted to see a, the summaries of each session that he had put together released, correct?

AG BARR: yes.

SEN. CRAPO: could you go over again the reason why you responded to him when he asked you to release portions of the report, before you released it, in its entirety?

AG BARR: yes. this was on the conversation on Thursday, the day I got his letter, and I said that I didn't want to put out, it was already several days after we had received the report, and I had put out the four-page letter on Sunday, and I said I don't want to put out summaries of the report. That would trigger all kinds of frenzy about what was said in the summaries, and then when more information comes out, it would recalibrate to, that and I said I just want to put it out one time, everything together. And I told him that was the game plan. And I just think it is important-

-

SEN. CRAPO: all right. To point that out again. Because there has been a lot of spin about the letter and what it was that was being requested and what your response to that was.

AG BARR: right.

SEN. CRAPO: I think it was important to help that get out again and get clarified. The reason I ask who released the letter is because there have been a lot of releases of documents from the FBI that were basically leaks, and I was just curious as to whether that letter was a leak. I'm not asking you to --

AG BARR: I think what happened, I'll have my people jump me if I'm wrong on this, but I think the fact, I mean the information about Mueller's were leaked and I think some news organizations were starting to ask about that.

SEN. CRAPO: and so then the letter --

AG BARR: and in that context, I think the letter was provided. Is that accurate?

SEN. CRAPO: so there were leaks at least about the concerns, and the conversations that you had had?

AG BARR: yes.

SEN. CRAPO: that gets back to the broader question of leaks that I want to get into now and you have had a number of people, Senators have asked you about, the perceived bias of the FBI, and I heard your responses earlier, that you believe the culture at the FBI is strong and solid. And I agree with that. I do believe, however, that it's been pretty clearly shown in a number of different ways that there are some individuals at the FBI, at high levels, who, in the past few years, have not been holding up the standards of the FBI that the American people expect of them. I'm sure you're familiar with the report of the DOJ's inspector general, Michael Horowitz, where he looked at bias in the FBI. And in fact, he found it. And he indicated in a hearing in this room, before us, that he did in fact, find it. There was bias at the FBI. but he said that he wasn't able to prove that the bias affected the employees' work product, because, in questions that I asked him, he said I found that there was clearly bias, but in order to prove whether that affected the work output of those who were biased, I had to ask them whether it impacted it, and they of course said no, and I didn't have other evidence to prove otherwise. This gets back to a conversation you had earlier about whether the FBI's business, or whether his business was to prove a negative, or whether it was to find some actionable conduct. My reason in going through this with you is that I want to get at what we can do, well, first of all, whether you agree that there is a problem of bias in the FBI, in some parts, or in some individuals at the FBI, and whether you are undertaking activities to address that.

AG BARR: well, you know, I, you mean political bias?

SEN. CRAPO: yes. Whether there is political bias, which is resulting in biased conduct by FBI agents --

AG BARR: I haven't seen that since I've been there. I think that Chris Wray, the new director, has changed out the people who were there before, and brought in, not brought in from outside, but promoted, and developed new leadership team that I think is doing a great job, and I think

he's focused on ensuring that the bureau isn't biased and that any of the problems from before are addressed.

SEN. CRAPO: do you believe it is inappropriate conduct for an FBI employee to leak politically sensitive information to the public for purposes of impacting political --

AG BARR: yes.

SEN. CRAPO: -- discussion.

AG BARR: yes. And I think some leaks, some leaks are maybe for political purposes, i think probably more leaks are because people handling a case don't like what their superiors or supervisors are doing, and they leak it in order to control people up the chain.

SEN. CRAPO: and I understand you have type of conduct under way. Some investigations into that

AG BARR: yes.

SEN. CRAPO: just another couple of quick questions. when did the DOJ and the FBI, if you know, when did the DOJ and the FBI know that the democratic party paid for Christopher Steele's dossier, which then served as the foundation for the carter page FISA application?

AG BARR: i don't know the answer to that.

SEN. CRAPO: are you to determine that?

AG BARR: yes.

SEN. CRAPO: and then lastly, did the Department of Justice, the FBI, and other federal agencies engage in investigative activities before an official investigation was launched in July, 2016?

AG BARR: I don't know the answer to that, but that's one of the --

SEN. CRAPO: you're also investigating that?

AG BARR: yes.

SEN. CRAPO: all right, thank you very much, Attorney General.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Ted Cruz Questioning

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+14%3A42%3A35&market=m1&StationID=1115>

SEN. TED CRUZ: thank you Mr. Chairman. General Barr, thank you for your testimony. And let me start by just saying thank you. You've had an extraordinarily successful legal career, you didn't have to take this job. and you stepped forward and answered the call yet again, knowing full well that you would be subject to the kind of slanderous treatment, the Kavanaugh treatment that we have seen, of Senators impugning your integrity, and I for one am grateful that you answered that call, and are leading the Department of Justice, both with integrity and fidelity to the law, that is what the nation rightly expects of our Attorney General, and I believe you are performing that very ably. I think this hearing today has been quite revealing to anyone watching it. Although perhaps not for the reasons some of the democratic Senators intended. One thing that's revealed in in the discussion and questions that came up, a word that occurred almost none at all is the word Russia. For two and a half years we heard democratic Senators going on and on and on about Russia collusion, we heard journalists, going on and on and on about Russia collusion. Alleging among other things, some using extreme rhetoric, calling the President a traitor, we heard very little of that in this hearing today. Instead, the principal attack that the

democratic Senators have marshalled upon you, concerns this march 27th letter from Robert Mueller, and it's an attack that I want people to understand just how revealing it is. If this is their whole argument, they ain't got nothing. So their argument is as follows. Let me see if I understand it correctly. You initially, when you received the Mueller report, released to congress and the public a four-page summary of the conclusions. Then, on March 27, Mr. Mueller asked you to release an additional 19 pages. The introduction and summary that he had drafted. And indeed, in the letter, what he says is, quote, I am requesting that you provide these materials to congress, and authorize their public release at this time. And the reason he says is that it is to fully capture the context, nature and substance of the office's work and conclusion. So you did not release those 19 pages at that time. Instead, a couple of weeks later, you released 448 pages, the entire report, which includes those 19 pages, do I have that time line correct?

ATTORNEY GENERAL WILLIAM BARR: that's right.

SEN. CRUZ: so their entire argument is, general Barr, you suppressed the 19 pages that are entirely public, that we have, that we can read, that they know every word of it, and their complaint is it was delayed a few weeks. And that was because of your decision not to release the report piecemeal but rather to release those 19 pages, along with the entire 448 pages produced by the Special Counsel.

AG BARR: yes.

SEN. CRUZ: if that is their argument, I have to say that is an exceptionally weak argument. because if you're hiding something, I'll tell you right now, general Barr, you're doing a very lousy job of hiding, it because the thing they are suggesting you hid, you released to congress and the American people, and so if anyone wants to know what is in those 19 pages that are being so breathlessly, Bob Mueller said release the 19 pages, you did, you did it a couple of weeks later, but we can read every word of the 19 page, along with the full report. In your judgment, was the Mueller report thorough?

AG BARR: yes.

SEN. CRUZ: did they expand enormous time, energy, and resources, investigating and producing that report?

AG BARR: yes.

SEN. CRUZ: and the Mueller report concluded flat out, on the question of Russian collusion, the evidence does not support criminal charges.

AG BARR: that's --

[MISSING TRANSCRIPT]

SEN. CRUZ: and a half years have magically disappeared, instead the complaint is the 19 pages that we can all read that is entirely public could have been released a few weeks earlier, oh, the calamity. Let me shift to a different topic, a topic that has been addressed already quite a bit. I believe the Department of Justice, under the Obama administration, was profoundly politicized. And was weaponized to go after political opponents of the President. If that is the case, would you agree that politicizing the Department of Justice and weaponizing it to go after your political opponents is an abuse of power?

AG BARR: I think it is an abuse of power regardless of who does it.

SEN. CRUZ: of course.

AG BARR: yes.

SEN. CRUZ: to the best of your knowledge, when did surveillance of the Trump campaign begin?

AG BARR: the position today appears to be it began in July, but I do not know the answer to the question.

SEN. CRUZ: it is an unusual thing, is it not, for the Department of Justice to be investigating a candidate for President, particularly a candidate from the opposing party of the party in power?

AG BARR: yes.

SEN. CRUZ: do we know if the Obama administration investigated any other candidates running for President?

AG BARR: I don't know.

SEN. CRUZ: do we know if they wire tapped --

AG BARR: well, I guess they were investigating Hillary Clinton for the email, the email --

SEN. CRUZ: do we know if there were wiretaps?

AG BARR: I don't know.

SEN. CRUZ: do we know if there were efforts to send investigators in wearing a wire?

AG BARR: I don't know.

SEN. CRUZ: so general Barr, I would urge, you have had remarkable transparency, you promised this committee you would with regard to the Mueller report, you promised this committees and the American people you would release the Mueller report publicly, you have released it, anyone can read, it it's right there. I appreciate that transparency. I would ask you to bring that same transparency to this line of questioning about whether and the extent to which the previous administration politicized the Department of Justice, targeted their political rivals and used law enforcement and intelligence assets surveil them

SEN. LINDSEY GRAHAM: thank you. So that's the end of the first round. We have votes, I think, at 3:00. What I would like to do is just -- can you go for a few more minutes here? You're okay?

AG BARR: uh-huh.

SEN. GRAHAM: you're all right?

AG BARR: yes.

SEN. GRAHAM: good. Senator Leahy, you're next. We'll do three-minute second rounds.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Patrick Leahy Questioning (Round 2)

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+14%3A50%3A37&market=m1&StationID=1115>

SEN. PATRICK LEAHY: Senator Feinstein noted she felt the FBI would be derelict in duty if it did not investigate after hearing from Australia. Not the Trump administration, but Australia. The Trump campaign knew about the democratic e-mails before the victims do. and they were told the Russians could assist in a campaign with the stolen e-mails. The FBI was right to look into it. That resulted, of course, in 37 indictments. Let me ask you, Mr. Barr. In your letter, you claim that the lack of evidence of the underlying crime bears on whether the President had the

requisite intent to commit obstruction of justice. Well, there are numerous reasons. One, somebody might interfere with investigations. Most critically, an interference may prevent the discovery of an underlying crime. So interfering, you might not know if there is a crime. But the Special Counsel did uncover evidence of underlying crimes here, including one that directly implicated the President. didn't we learn, due to the Special Counsel's investigation, that Donald Trump is known as individual one in the Southern District of New York, directing hush payments as part of a criminal scheme to violate campaign finance laws? That matter was discovered by the Special Counsel, referred to the Southern District of New York, is that correct?

ATTORNEY GENERAL WILLIAM BARR: yes.

SEN. LEAHY: thank you. And we have the Mueller report referencing a dozen ongoing investigations stemming from the Special Counsel's investigation. Will you commit that you will not interfere with those investigations?

AG BARR: can you say --

SEN. LEAHY: will you commit that you will not interfere with the dozen ongoing investigations?

AG BARR: I will supervise those investigations as Attorney General.

SEN. LEAHY: will you let them reach natural conclusions without interference from the white house? Let me put it that way.

AG BARR: yes.

SEN. LEAHY: thank you.

AG BARR: as I said when I was up for confirmation, part of my responsibility is to make sure there is no political interference in cases.

SEN. LEAHY: well, and you identified a number of things. And that's why I'm double checking. In the appropriations committee I asked you whether Mr. Mueller expressed any expectation or interest in leaving the obstruction decision to congress. And you testified he didn't say that to you. Actually, you said he didn't say that to me.

AG BARR: right.

SEN. LEAHY: but then he has numerous references in his report to congress playing a role in deciding whether the President committed obstruction of justice. So I know you testified many times, but that --

AG BARR: well --

SEN. LEAHY: it was not correct.

AG BARR: that's not correct -- I think it is correct. I don't -- he has not said that he conducted the investigation in order to turn it over to congress. That would be very inappropriate. That's not what the Justice Department does.

SEN. LEAHY: he included numerous references with the report to playing a role in deciding whether the President committed obstruction of justice. So I know you testified many times, but that --

AG BARR: well --

SEN. LEAHY: it was not correct.

AG BARR: that's not correct -- I think it is correct. I don't -- he has not said that he conducted the investigation in order to turn it over to congress. That would be very inappropriate. That's not what the Justice Department does.

SEN. LEAHY: he included numerous references with the report to congress playing a role in it. Volume 2, page 8 includes congress may apply obstruction laws with the President's corrupt exercise of off office in accordance with our constitutional system of justice.

AG BARR: yeah, I don't think Bob Mueller was suggesting that the next step here was for him to turn this stuff over for -- to Congress to act upon. That's not why we conduct grand jury investigations.

SEN. LEAHY: and President Trump, am I correct, in my early statements, never allowed anybody to interview him directly under oath, is that correct?

AG BARR: I think that's correct.

SEN. LEAHY: even though he said he was ready to testify. Thank you.

AG BARR: well -- could I --

SEN. LINDSEY GRAHAM: sure.

AG BARR: a point you raised about the absence of an -- underlying crime. One point I was trying to make earlier is, the absence of an underlying crime doesn't necessarily mean that there would be other motives for obstruction. Although it gets a little bit harder to prove and more

speculative as to what those motives might be. but the point i was trying to make earlier is that in this situation of the President who has constitutional authority to supervise proceedings, if, in fact, a proceeding was not well-founded, if it was a groundless proceeding, if it was based on false allegations, the President does not have to sit there constitutionally and allow it to run its course. The President could terminate that proceeding and it would not be a corrupt intent, because he was being falsely accused. And he would be worried about the impact on his administration. That's important, because most of the obstruction claims that are being made here or episodes do involve the exercise of the President's constitutional authority. And we now know that he was being falsely accused.

SEN. LEAHY: i don't agree with that. but that's okay.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Dick Durbin Questioning (Round 2)

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+14%3A56%3A18&market=m1&StationID=1115>

SEN. DICK DURBIN: general Mueller, I have two questions. If you don't mind. The Mueller -- pardon me. General Barr. I have two questions. The Mueller report describes the reasons why the FBI opened a counterintelligence investigation in July 2016 into Russian election interference. There have been many references as to why they would do such a thing. but that date, the democratic national committee server had been hacked and Russians deemed responsible. Some of the stolen e-mails had been released by WikiLeaks. A foreign government, the Australian government, had told our FBI that Trump foreign policy aide George Papadopoulos said he had been contacted by a person on Russia's behalf by releasing information damaging to Hillary Clinton. That was all in the Mueller report. Do you believe that it was an appropriate predicate for opening a counterintelligence investigation to determine whether Russia had targeted people in the Trump campaign to offer hacked information that might impact a Presidential election?

ATTORNEY GENERAL WILLIAM BARR: I would have to see exactly what the report was from downer, the Australian downer, and exactly what he quoted Papadopoulos as saying. but from what you just read, I'm not sure what the correlation was between the Russians having dirt and jumping to the conclusion that that suggested foreknowledge of the hacking.

SEN. DURBIN: according to Mr. Mueller and his report, this involvement of Trump foreign policy aides George Papadopoulos had something to do with their conclusion. I'd like to ask you a separate issue. It's been reported that on April 16th, you received a waiver to participate in the investigation and litigation of the so-called 1mdb matter. This is an investigation into a Malaysian company for alleged money laundering. According to news reports as part of this investigation, US attorney's office for the Eastern District of New York is investigating whether a Malaysian national illegally donated to the Trump inaugural committee with money 1MDB. You sought a waiver to participate in this matter, even though your former law firm, Kirkland and Ellis, represents an entity involved in the investigation. Namely Goldman Sachs. How many waivers have you received to allow you to participate in matters or investigations involving Trump businesses, the Trump campaign or the Trump inaugural committee?

AG BARR: none.

SEN. DURBIN: you did seek a waiver in this case?

AG BARR: actually, the impetus, as I recall, and people should jump me if I'm wrong. But it didn't come from me. I was asked to seek a waiver in this case.

SEN. DURBIN: do you see the problem if the issue is whether or not a money laundering operation in Malaysia is sending money to the Trump inaugural committee. That as Attorney General of the United States, you may not want to involve yourself in this?

AG BARR: well, no, I don't. I don't. Because I was not involved with the inaugural --

SEN. DURBIN: why would you seek a waiver, then, to participate in this?

AG BARR: the waiver was -- I guess the conflict was not because of any relationship I had to the inaugural committee, which I didn't.

SEN. DURBIN: no, it's to Goldman Sachs. Your former client.

AG BARR: no, it's -- Kirkland Ellis, the law firm.

SEN. DURBIN: right. And their client, Goldman Sachs. I just don't understand why you would touch that hot stove.

AG BARR: well -- that's a good --

SEN. DURBIN: you sought the waiver. That's why I'm asking the question.

AG BARR: the criminal division actually asked me to get a waiver because of the importance of this investigation overall. I was requested by the criminal division. i didn't seek it -- the impetus did not come from me.

SEN. DURBIN: and who would that be that made that recommendation to you?

AG BARR: I am told it was the criminal division.

SEN. DURBIN: Mr. Bencowski?

AG BARR: right. Yeah. He was the head of the criminal division, but before -- apparently they discussed it with the career ethics official, and they made the recommendation.

SEN. DURBIN: thank you.

SEN. LINDSEY GRAHAM: Senator Whitehouse.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Sheldon Whitehouse Questioning (Round 2)

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+15%3A00%3A24&market=m1&StationID=1115>

SEN. SHELDON WHITEHOUSE: Mr. Chairman, Mr. Barr, a couple of timing questions. You said that on March 5th, Mr. Mueller came to you and said that he was going to not make a decision on obstruction, leave that to you.

ATTORNEY GENERAL WILLIAM BARR: he didn't say he was leaving it to me.

SEN. WHITEHOUSE: that he was not going to make an obstruction.

AG BARR: right.

SEN. WHITEHOUSE: on March 24th, you sent out a letter describing your decision. Somewhere between March 5th and March 24th, you made that decision. When was that?

AG BARR: we started talking about it on March 5th. And there had already been a lot of discussions prior to March 5th involving the deputy, the principle associate deputy and the office of legal counsel that had dealings with the Special Counsel's office. So they had knowledge of a number of the episodes and some of the thinking of the Special Counsel's office. So right after march 5th, we started discussing what the implications of this were, and how we would --

SEN. WHITEHOUSE: and you made the decision when?

AG BARR: probably on Sunday, the 24th.

SEN. WHITEHOUSE: that's the day the letter came out.

AG BARR: yes.

SEN. WHITEHOUSE: you didn't make the decision until the letter came out?

AG BARR: no.

SEN. WHITEHOUSE: you must have told somebody how to write the letter. You couldn't -- when did you actually decide that there was no obstruction?

AG BARR: the 24th.

SEN. WHITEHOUSE: okay. When did you get the first draft of the Mueller report?

AG BARR: the first -- it wasn't a draft. We got the final.

SEN. WHITEHOUSE: the first version of it that you saw.

AG BARR: well, the only version of it I saw.

SEN. WHITEHOUSE: okay, the only version.

AG BARR: the 22nd.

SEN. WHITEHOUSE: The 22nd. You told Senator Harris that you made your decision on the obstruction charge -- you and Rosenstein, based on the Mueller report. Do I correctly infer you made that decision then between the 22nd and the 24th?

AG BARR: well, we had had a lot of discussions about it before the 2nd, but the final decision was made on the 24th. We had

SEN. WHITEHOUSE: until the 22nd.

AG BARR: OLC had done a lot of thinking about these issues even before the -- we got the report. And even before March 5th. They had been in regular contact. The Department had been in regular contact with Mueller's people, and understood, you know --

SEN. WHITEHOUSE: the OLC was looking into the Mueller investigation while it was going on, and witting of the evidence that they were gathering on obstruction. Before you saw the Mueller --

AG BARR: my understanding -- I wasn't there. Okay? But my understanding is that the deputy and the -- what we call the principle associate deputy, were in regular contact with the Mueller's team. And were getting briefings on evidence and some of their thinking and some of the issues.

SEN. WHITEHOUSE: did they know enough to know --

AG BARR: OLC was brought into some of those discussions.

SEN. WHITEHOUSE: did they know enough to know it might need to be redacted before it they saw the 3/22 report?

AG BARR: no. the problem we had, we could not identify the 6e material when the report came over. We needed the help of Bob Mueller's

SEN. WHITEHOUSE: you have not yet said it was mentioned at this OLC --

AG BARR: I don't think -- well, it was not at the brown bag lunch, no.

SEN. WHITEHOUSE: my time is up.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Amy Klobuchar Questioning (Round 2)

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+15%3A05%3A09&market=m1&StationID=1115>

SEN. AMY KLOBUCHAR: thank you. Mr. Attorney General, on April 27th, President Trump stated, Mueller, I assume, for \$35 million, he checked my taxes and he checked my financials. Is that accurate? Did the Special Counsel review the President's taxes and the President Trump organization's financial statements?

ATTORNEY GENERAL WILLIAM BARR: I don't know.

SEN. KLOBUCHAR: can you find out if I ask later in a written question?

AG BARR: I -- yes. Or you could ask Bob Mueller when he comes here.

SEN. KLOBUCHAR: okay. Well, I'll do that too. But I think I'll also ask you. And then obviously we would want to see them as underlying information. During my earlier questions, we went through a number of actions by the President that the Special Counsel looked into. My point was that we should be looking into the totality of the evidence and the pattern that the report develops. On page 13 of volume 2, the Special Counsel instructs that we do something similar. The report says, and this is a quote, circumstantial evidence that illuminates intent may include a pattern of potentially obstructive acts. On this the report cites three US cases. US v Frankowser, do you agree that obstruction law allows for intent to be informed by a perp of potentially obstructive acts?

AG BARR: well, intent eventually has to be established by proof beyond a reasonable doubt. Some inferences can be drawn from circumstantial evidence that can contribute to an overall determination of proof beyond a reasonable doubt. That's one of the problems with this whole approach that's suggested in the Special Counsel's report, which is, it is trying to determine the subjective intent of a facially lawful act, and it permits a lot of selectivity on the part of the prosecutors and it's been shot down in a number of other contexts. So one of the reasons that we are very skeptical of this approach is that in --

SEN. KLOBUCHAR: you mean you and director Mueller or you -- the Justice Department?

AG BARR: the Justice Department. Is that -- in this kind of situation where you have a facially innocent act and, you know, it's authorized by the constitution --

SEN. KLOBUCHAR: okay. I just --

AG BARR: it's hard to establish beyond a reasonable doubt that it's corrupt.

SEN. KLOBUCHAR: okay. I just want to get in just a few more questions like Senator Whitehouse did. At your confirmation hearing, you testified that in the absence of a violation of a statute, the President would be accountable politically for abusing the pardon power. How do

you reconcile your suggestion that political accountability is available when the administration is refusing to comply with subpoenas and asserting executive privilege to stand in the way of that very accountability?

AG BARR: as to a pardon?

SEN. KLOBUCHAR: no. this was about in your confirmation hearing, you said, "in the absence of a violation of a statute, the President would be, quote, accountable politically, end quote, for abusing the pardon power if he did."

AG BARR: but your question really is abusing pot abusing not just the pardon power, is that what you're saying?

SEN. KLOBUCHAR: it's hard to evaluate.

AG BARR: Presidents have been held accountable before as have other office holders.

SEN. KLOBUCHAR: are the details consistent with his oath of office and the requirement in the constitution that he take care that the laws be faithful executed?

AG BARR: is what consistent with that?

SEN. KLOBUCHAR: I said, are the President's actions detailed in the report consistent with his oath of office and the requirement in the constitution that he take care that the laws be faithfully executed?

AG BARR: well, the evidence in the report is conflicting and there's different evidence. And they don't -- they don't come to a determination as to how they're coming down on it.

SEN. KLOBUCHAR: so you made that decision.

AG BARR: yes. And as you know --

SEN. LINDSEY GRAHAM: all right. We've got --

SEN. KLOBUCHAR: okay.

SEN. GRAHAM: two minutes left. Senator Blumenthal.

AG Barr Senate Judiciary Committee Hearing (CSPAN3) – Sen. Richard Blumenthal Questioning (Round 2)

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F01%2F2019+15%3A09%3A50&market=m1&StationID=1115>

SEN. RICHARD BLUMENTHAL: thank you, Mr. Chairman. Attorney General Barr, I wonder if you could tell us about the conversation between yourself and Bob Mueller shortly after your summary was issued. He called you?

ATTORNEY GENERAL WILLIAM BARR: no, I called him.

SEN. BLUMENTHAL: what prompted you to call him?

AG BARR: the letter.

SEN. BLUMENTHAL: your letter. Or his letter?

AG BARR: his letter.

SEN. BLUMENTHAL: his letter. So you called him.

AG BARR: yeah.

SEN. BLUMENTHAL: and how long did the conversation last?

AG BARR: I don't know. Maybe 10, 15 minutes. There were multiple witnesses in the room. It was on a speakerphone.

SEN. BLUMENTHAL: who was in the room?

AG BARR: among others, the Deputy Attorney General was in the room.

SEN. BLUMENTHAL: anyone else?

AG BARR: several other people who had been working on the project.

SEN. BLUMENTHAL: members of your staff?

AG BARR: yes. And the deputy staff.

SEN. BLUMENTHAL: and as best you can recall, in the language that was used, who -- who said what to whom?

AG BARR: I said, bob, what's with the letter? You know? Why don't you just pick up the phone and call me if there's an issue? And he said that they were concerned about the way the media was playing this. And felt that it was important to get out the summaries, which they felt would put their work in proper context. And avoid some of the confusion that was emerging. And I asked him if he felt that my letter was misleading or inaccurate. And he said no, that the press -- he felt that the press coverage was -- and it was -- and that a complete -- a more complete picture of his thoughts and the context and so forth would deal with that. And I suggested that I would rather just get the whole report out than just putting out stuff piecemeal. But I said I would think about it some more. and the next day I put out a letter that made it clear that no one should read the march 24th letter as a summary of the overall report, and that a full account of Bob Mueller's thinking was going to be in the report and everyone would have access to --

SEN. BLUMENTHAL: but there's nothing in Robert Mueller's letter to you about the press. His complaint to you is about your characterization of the report. Correct?

AG BARR: well, the letter speaks for itself.

SEN. BLUMENTHAL: it does. And, in fact, in response to your question, why not just pick up the phone -- this letter was an extraordinary act. A career prosecutor rebuking the Attorney General of the United States, memorialized in writing, right? I know of no other instance of that happening. Do you?

AG BARR: I don't consider bob at this stage a career prosecutor. He's had a career as a prosecutor.

SEN. BLUMENTHAL: well, he's a very eminent prosecutor.

AG BARR: he was the head of the FBI for 12 years.

SEN. BLUMENTHAL: he's a career -- he's a law enforcement professional.

AG BARR: right.

SEN. BLUMENTHAL: yep. I know of no other in answer instance --

AG BARR: but he was also political appointee with me at the Department of Justice. I don't -- you know, the letter is a bit snitty and I think it was probably written by one of his staff people.

SEN. BLUMENTHAL: did you make a memorandum of your conversation?

AG BARR: huh?

SEN. BLUMENTHAL: did you make a memorandum?

AG BARR: no, I didn't -- what?

SEN. BLUMENTHAL: did anyone, either you or anyone on your staff, memorialize your conversation with Robert Mueller?

AG BARR: yes.

SEN. BLUMENTHAL: who did that?

AG BARR: there were notes taken of the call.

SEN. BLUMENTHAL: may we have those notes?

AG BARR: no.

SEN. BLUMENTHAL: why not? Why should you have them?

SEN. LINDSEY GRAHAM: I'll tell you. We've got to end this. But I'm going to write a letter to Mr. Mueller, and I'm going to ask him, is there anything you said about that conversation he disagrees with. And if there is, he'll come and tell us.

AG BARR: right.

SEN. GRAHAM: so the hearing is now over. And -- Mr. Blumenthal, Mr. Mueller will have a chance to relay if the conversation is accurate. I'll give him a chance to correct anything you said that he finds misleading or inaccurate. And that will be it.

AG BARR: okay.

SEN. GRAHAM: five seconds.

SEN. MIKE LEE: Attorney General Barr, I just want to thank you for your service to our country and especially today I want to thank you for your civility and your composure. Amidst what has been a needlessly and unfairly hostile environment, your professionalism has been remarkable. I'm grateful. Thank you.

AG BARR: thank you.

SEN. GRAHAM: from my point of view, it's pretty interesting and it got off in a ditch effort now and then. But generally the committee did pretty good and this is what democracy is all about. Thank you for being our Attorney General.

AG BARR: thank you, Mr. Chairman.