[Press Release, Jerrold Nadler, Chairman, Committee on the Judiciary, United States House of Representatives, Chairman Nadler’s Statement On DOJ Asking the White House to Invoke Executive Privilege (May 7, 2019), *available at* https://judiciary.house.gov/news/press-releases/chairman-nadler-s-statement-doj-asking-white-house-invoke-executive-privilege (last visited May 8, 2019).]

***Wednesday: House Judiciary to Markup Contempt Report for AG Barr***

*Washington, D.C.*--House Judiciary Committee Chairman Jerrold Nadler (D-NY) released the following statement in response to the Department of Justice’s (DOJ) [letter](https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/Department%20response%20to%20Chairman%20Nadler_7%20May%202019%20%28004%29.pdf) declining the Committee’s counteroffer to view hidden sections of Special Counsel Mueller’s report.

“Tonight, in the middle of good faith negotiations with the Attorney General, the Department abruptly announced that it would instead ask President Trump to invoke executive privilege on *all* of the materials subject to our subpoena. This is, of course, not how executive privilege works. The White House waived these privileges long ago, and the Department seemed open to sharing these materials with us earlier today. The Department’s legal arguments are without credibility, merit, or legal or factual basis.

“Worse, this kind of obstruction is dangerous. The Department’s decision reflects President Trump’s blanket defiance of Congress’s constitutionally mandated duties. In the coming days, I expect that Congress will have no choice but to confront the behavior of this lawless Administration. The Committee will also take a hard look at the officials who are enabling this cover up. In the meantime, the Committee will proceed with consideration of the contempt citation as planned. I hope that the Department will think better of this last minute outburst and return to negotiations.”

The Department of Justice letter to Chairman Nadler asks the Committee to cancel the contempt markup, suspend enforcement of the subpoena and states that they will ask the White House to invoke privilege over the entire report.

**Background:**

On April 19, 2019, Chairman Nadler issued a [subpoena](https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/Mueller%20Report%20Subpoena%204.18.19.pdf) for the full Mueller report and key underlying evidence. Attorney General Barr had an obligation to provide those materials by May 1.

On April 19, 2019, Chairman Nadler and other top Senate and House Democrats sent a [letter](https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/4.19.2019%20Letter%20to%20Barr.pdf) to Attorney General Barr rejecting his limited [offer](https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/2019-4-18%20In%20Camera%20Review%20of%20Less-Redacted%20Special%20Counsel%20Report%20-%20Graham%20%2B%20Nadler.pdf) that would have only allowed twelve Members of Congress to view a less-redacted version of the report in person and would not permit them to discuss it with other Members of Congress who all have top security clearances.

On May 1, 2019, the Department missed the subpoena deadline. Attorney General Barr [sent a letter](https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/Response%20to%20Chairman%20Nadler%20subpoena_1%20May%202019.pdf) to Chairman Nadler instead.

On May 2, 2019, Attorney General Barr declined to appear for a scheduled hearing before the House Judiciary Committee.

On May 3, 2019, Chairman Nadler [wrote](https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/5.3.2019%20Letter%20to%20Barr.pdf) to the Attorney General, asking him to make a good faith effort to comply with the subpoena by Monday, May 6, at 9:00 a.m. Nadler requested that the Department reconsider its refusal to allow all Members of Congress and appropriate staff to view redacted portions of the report in a secure location, not including the grand jury material. Nadler asked that the Department work jointly with Congress to seek a court order to provide grand jury material. For the production of underlying documents, Nadler offered to prioritize those materials specifically cited in the report.

On May 6, 2019, the Committee noticed a markup of a contempt citation for the Attorney General. The markup is scheduled for Wednesday, May 8, at 10:00 a.m.

Later, on May 6, 2019, the Department [wrote back](https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/DOJ%20Response%20to%20Chairman%20Nadler%203%20May%202019%20letter.pdf) to the Committee—proposing a meeting to begin negotiation of “an acceptable accommodation” on access to the full report [on Wednesday afternoon](https://0.0.0.12/). Chairman Nadler has asked for this exact meeting five times over the past six weeks: in letters on March 25, April 1, April 11, April 19, and May 3.

During a congressional contempt proceeding, the contempt resolution and report will be debated and voted on by Committee Members. Should the Committee vote to accept the report and hold the Attorney General in contempt, the resolution and report will move to the floor for a full vote in the House to authorize legal proceedings.

A copy of the contempt resolution and report is available here.

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