

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Sixteenth Congress

April 4, 2019

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Barr:

I write to you regarding troubling press reports relating to your handling of Special Counsel Mueller's report, and to urge that you immediately release to the public any "summaries" contained in the report that may have been prepared by the Special Counsel.

The *New York Times* and the *Washington Post* both report that some in the Special Counsel's office have raised concerns about your March 24 letter summarizing the results of the Special Counsel's investigation. The *Post* wrote that "members of [Special Counsel] Mueller's team have complained to close associates that the evidence they gathered on obstruction was alarming and significant."¹

These reports suggest that the Special Counsel prepared his own summaries, intended for public consumption, which you chose to withhold in favor of your own: "Some members of the office were particularly disappointed that Barr did not release summary information the special counsel team had . . . prepared for different sections of the report, with a view that they could [be] made public."² In fact, one unnamed U.S. official is quoted as saying that "Mueller's team assumed the information was going to be made available to the public . . . 'and so they prepared their summaries to be shared in their own words—and not in the attorney general's summary of their work, as turned out to be the case.'"³

¹ Ellen Nakashima et al., *Limited information Barr has shared about Russia investigation frustrated some on Mueller's team*, WASH. POST, Apr. 4, 2019. See also Nicholas Fandos, *Some on Mueller's Team Say Report Was More Damaging than Barr Revealed*, N.Y. TIMES, Apr. 3, 2019.

² *Id.*

³ *Id.*

In your March 29 letter to the Chairmen of the Senate and House Judiciary Committees, you stated that the Special Counsel is “assisting” you in the process of making appropriate redactions before the report is released publicly.⁴ If these recent reports are accurate and the Special Counsel’s office prepared summaries “in a way that minimum redactions, if any, would have been necessary,”⁵ then those summaries should be publicly released as soon as possible.

This action is, of course, no substitute for providing to Congress the complete and unredacted report and underlying evidence, for all of the reasons set forth in our April 1 letter.⁶ Congress is entitled to the entire record. But we have a common obligation to share as much of that record with the public as we can. Additionally, if the Special Counsel’s summaries fit the summary you provided on March 24, that would alleviate substantial concerns that the House Judiciary Committee may wish to discuss when you appear to testify. If there is significant daylight between his account and yours, the American people should know that too.

It is notable that the Department’s press statement this morning does not deny the existence of these summaries. The Department merely indicated that “[e]very page of the ‘confidential report’ ... was marked ‘May Contain Material Protected under Fed. R. Crim. P. 6(e)’.” If these summaries were, in fact, produced for public consumption by experienced prosecutors, then a precautionary marking should not be an impediment to public production in a very short period of time.

In light of the reported disagreements between the Special Counsel’s office and yours, we also request that you produce to the Committee all communications between the Special Counsel’s office and the Department regarding the report, including those regarding the disclosure of the report to Congress, the disclosure of the report to the public, and those regarding your March 24 letter that purports to “summarize the principal conclusions reached by the Special Counsel and the results of his investigation.”⁷

Finally, in our phone conversation on March 27, you indicated that you would inform me when the Special Counsel’s office has completed its review of the report for materials covered by Rule 6(e) of the Federal Rules of Criminal Procedure. I ask that you inform the Committee whether that has occurred and, if not, to report when that review is complete.

⁴ Letter from Attorney General William Barr, U.S. Dept. of Justice, to Chairman Jerrold Nadler, H. Comm. on the Judiciary, and Chairman Lindsay Graham, S. Comm. on the Judiciary, Mar. 29, 2019.

⁵ Ellen Nakashima, et al., *Limited information Barr has shared about Russia investigation frustrated some on Mueller’s team*, Wash. Post, April 4, 2019.

⁶ Letter from Chairman Jerrold Nadler, H. Comm. on the Judiciary, et al., to Attorney General William Barr, U.S. Dept. of Justice, Apr. 1, 2019.

⁷ Letter from Attorney General William Barr, U.S. Dept. of Justice, to Chairman Jerrold Nadler, H. Comm. on the Judiciary, et al., Mar. 24, 2019.

The Department's press statement today noted that you "[do] not believe the report should be released in 'serial or piecemeal fashion.'" Unfortunately, that selective release has in effect already occurred. You have already provided an interpretation of the Special Counsel's conclusions in a fashion that appears to minimize the implications of the report as to the President. Releasing the summaries—without delay—would begin to allow the American people to judge the facts for themselves.

Sincerely,

A handwritten signature in cursive script, reading "Jerrold Nadler", is written over a horizontal line.

Jerrold Nadler

Chairman

House Committee on the Judiciary

cc: The Honorable Doug Collins
Ranking Member