


Transcript of Robert S. Mueller III's testimony before the House Judiciary Committee

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Former special counsel Robert S. Mueller III testifies before the House Judiciary Committee on Wednesday. (Salwan Georges/The Washington Post)

By Washington Post Staff

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HOUSE JUDICIARY COMMITTEE HEARING ON OVERSIGHT OF THE REPORT ON

THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016

PRESIDENTIAL ELECTION: FORMER SPECIAL COUNSEL ROBERT S.

MUELLER, III

This is a partial transcript that will be updated.

REP. JERROLD NADLER, D-N.Y., CHAIRMAN: The Judiciary Committee will come to order.

Without objection, the chair is authorized to declare recesses of the committee at any time.

We welcome everyone to today's hearing on oversight of the report on the investigation into Russian interference in the 2016 presidential election.

I will now recognize myself for a brief opening statement.

Director Mueller, thank you for being here.

I want to say just a few words about our themes today: responsibility, integrity and accountability. Your career, for example, is a model of responsibility. You are a decorated Marine officer. You were awarded a Purple Heart and the Bronze Star for Valor in Vietnam. You served in senior roles at the Department of Justice, and in the immediate aftermath of 9/11, you served as director of the FBI.

Two years ago you returned to public service to lead the investigation into Russian interference in the 2016 elections. You conducted that investigation with remarkable integrity.

For 22 months, you never commented in public about your work, even when you were subjected to repeated and grossly unfair personal attacks. Instead, your indictments spoke for you, and in astonishing detail.

Over the course of your investigation, you obtained criminal indictments against 37 people and entities. You secure the conviction of President Trump's campaign chairman, his deputy campaign manager, his national security adviser and his personal lawyer, among others. In the Paul Manafort case alone you recovered as much as \$42 million, so that the cost of your investigation to the taxpayers approaches zero.

And in your report you offer the country accountability, as well. In Volume 1 you find that the Russian government attacked our 2016 elections, quote, "in a sweeping and systematic fashion," and that the attacks were designed to benefit the Trump campaign.

Volume 2 walks us through 10 separate incidents of possible obstruction of justice where, in your words, President Trump attempted to exert undue influence over your investigation. The president's behavior included, and I quote from your report, quote, "public attacks on the investigation, nonpublic efforts to control it, and efforts in both public and private to encourage witnesses not to cooperate," close quote.

Among the most shocking of these incidents, President Trump ordered his White House counsel to have you fired, and then to — to lie and deny that it had happened, he ordered his former campaign manager to convince the recused attorney general to step in and limit your work, and he attempted to prevent witnesses from cooperating with your investigation.

NADLER: Although department policy barred you from indicting the president for this conduct, you made clear that he is not exonerated. Any other person who acted in this way would have been charged with crimes, and in this nation, not even the president is above the law.

Which brings me to this committee's work. Responsibility, integrity and accountability: These are the marks by which we who serve on this committee will be measured as well.

Director Mueller, we have a responsibility to address the evidence that you have uncovered. You recognize as much when you said, quote, "The Constitution requires a process other than the criminal justice system to formally accuse a sitting president of wrong doing," close quote.

That process begins with the work of this committee. We will follow your example, Director Mueller. We will act with integrity. We will follow the facts where they lead. We will consider all appropriate remedies. We will make our recommendation to the House when our work concludes. We will do this work because there must be accountability for the conduct described in your report especially as it relates to the president.

Thank you again, Director Mueller. We look forward to your testimony.

It is now my pleasure to recognize the ranking member of the Judiciary Committee, the gentleman from Georgia, Mr. Collins, for his opening statement.

COLLINS: Thank you, Mr. Chairman.

And thank you, Mr. Mueller, for being here.

For two years leading up to the release of the Mueller report and in the three months since Americans were first told what to expect and then what to believe. Collusion, we were told, was in plain sight even if the special counsel's team didn't find it.

When Mr. Mueller produced his report and Attorney General Barr provided to every American, we read, "No American conspired with Russia to interfere in our elections," but learned the depths of Russia's malice toward America.

We are here to ask serious questions about Mr. Mueller's work and we will do that.

After an extended, unhampered investigation, today marks an end to Mr. Mueller's involvement in an investigation that closed in April. The burden of proof for accusations that remain unproven is extremely high and especially in light of the special counsel's thoroughness.

We were told this investigation began as an inquiry into whether Russia meddled in our 2016 election. Mr. Mueller, you concluded they did. Russians accessed Democrat servers and disseminated sensitive information by tricking campaign insiders into revealing protected information.

The investigation also reviewed whether Donald Trump, the president, sought Russian assistance as a candidate to win the presidency. Mr. Mueller concluded he did not. His family or advisers did not. In fact, the report concludes no one in the president's campaign colluded, collaborated or conspired with the Russians.

The president watched the public narrative surrounding this investigation that assumes — (inaudible) assume his guilt while he knew the extent of his innocence. Volume 2 of Mr. Mueller's report details the president's reaction to a frustrating investigation where his innocence was established early on.

The president's attitude toward the investigation was understandably negative, yet the president did not use his authority to close the investigation. He asked his lawyer if Mr. Mueller had conflicts that disqualified Mr. Mueller from the job, but he did not shut down the investigation. The president knew he was innocent.

Those are the facts of the Mueller report. Russia meddled in the 2016 election, the president did not conspire with the Russians and nothing we hear here today will change those facts.

But one element of this story remains: the beginnings of the FBI investigation into the president. I look forward to Mr. Mueller's testimony about what he found during his review of the origins of the investigation.

COLLINS: In addition, the inspector general continues to review how baseless gossip can be used to launch an FBI investigation against a private citizen and eventually a president. Those results will be released and we will need to learn from them to ensure government intelligence and law enforcement powers are never again used and turned on a private citizen or a potential — or political candidate as a result of the political leanings of a handful of FBI agents.

The origins and conclusions of the Mueller investigation are the same things: what it means to be American. Every American has a voice in our democracy. We must protect the sanctity of their voice by combating election interference. Every American enjoys the presumption of innocence and guarantee of due process.

If we carry nothing — anything away today, it must be that we increase our vigilance against foreign election interference, while we ensure our government officials don't weaponize their power against the constitutional rights guaranteed to every U.S. citizen.

Finally, we must agree that the opportunity cost here is too high. The months we have spent investigating from this dais failed to end the border crisis or contribute to the growing job market. Instead, we have gotten stuck and it's paralyzed this committee and this House.

And as a side note, every week I leave my family and kids, the most important things to me, to come to this place because I believe this place is a place where we can actually do things and help people.

Six and a half years ago, I came here to work on behalf of the people of the 9th District and this country. And we accomplished a lot in those first six years on a bipartisan basis, with many of my friends across the aisle sitting on this dais with me today.

However, this year, because of the majority's dislike of this president and the endless hearings into a closed investigation have caused us to accomplish nothing except talk about the problems of our country while our border is on fire, in crisis, and everything else is stopped.

This hearing is long overdue. We've had the truth for months: No American conspired to throw our election. What we need today is to let that truth bring us confidence. And I hope, Mr. Chairman, closure.

With that, I yield back.

NADLER: Thank you, Mr. Collins.

I will now introduce today's witness.

Robert Mueller served as director of the FBI from 2001 to 2013, and he most recently served as special counsel in the Department of Justice, overseeing the investigation into Russian interference in the 2016 special election. He received his B.A. from Princeton University, an M.A. from New York University — in my district — and his J.D. from the University of Virginia.

Mr. Mueller is accompanied by his — by Counsel Aaron Zebley, who served as deputy special counsel on the investigation.

We welcome our distinguished witness and we thank you for participating in today's hearing. Now, if you would please rise, I will begin by swearing you in.

Would you raise your right hand, please? Left hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information and belief, so help you God?

Let the record show the witness answered in the affirmative.

Thank you, and please be seated.

Please note that your written statement will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in five minutes.

Director Mueller, you may begin.

MUELLER: Good morning, Chairman Nadler, the — and Ranking Member Collins, and the members of the committee.

As you know, in May 2017, the acting attorney general asked me to serve as special counsel. I undertook that role because I believe that it was of paramount interest to the nation to determine whether a foreign adversary had interfered in the presidential election.

As the acting attorney general said at the time, the appointment was necessary in order for the American people to have full confidence in the outcome.

My staff and I carried out this assignment with that critical objective in mind: to work quietly, thoroughly and with integrity so that the public would have full confidence in the outcome.

MUELLER: The order appointing me as special counsel directed our office to investigate Russian interference in the 2016 presidential election. This included investigating any links or coordination between the Russian government and individuals associated with the Trump campaign. It also included investigating efforts to interfere with or obstruct our investigation.

Throughout the investigation I continually stressed two things to the team that we had assembled.

First, we needed to do our work as thoroughly as possible and expeditiously as possible. It was in the public interest for our investigation to be complete, but not to last a day longer than was necessary.

Second, the investigation needed to be conducted fairly and with absolute integrity. Our team would not leak or take other actions that could compromise the integrity of our work. All decisions were made based on the facts and the law.

During the course of our investigation we charged more than 30 defendants with committing federal crimes, including 12 officers of the Russian military. Seven defendants have been convicted or plead guilty.

Certain of the charges we brought remain pending today. And for those matters I stress that the indictments contain allegations and every defendant is presumed innocent unless and until proven guilty.

In addition to the criminal charges we brought, as required by Justice Department regulations, we submitted a confidential report to the attorney general at the conclusion of our investigation. The report set forth the results of our work and the reasons for our charging and declination decisions. The attorney general later made the report largely public.

As you know, I made a few limited remarks -- limited remarks about our report when we closed the special counsel's office in May of this year. There are certain points that bear emphasis.

First, our investigation found that the Russian government interfered in our election in sweeping and systematic fashion.

Second, the investigation did not establish that members of the Trump campaign conspired with the Russian government in its election interference activities. We did not address collusion, which is not a legal term; rather we focused on whether the evidence was sufficient to charge any member of the campaign with taking part in a criminal conspiracy, and there was not.

Third, our investigation of efforts to obstruct the investigation and lie to investigators was of critical importance. Obstruction of justice strikes at the core of the government's effort to find the truth and to hold wrongdoers accountable.

Finally, as described in Volume 2 of our report, we investigated a series of actions by the president towards the investigation. Based on Justice Department policy and principles of fairness, we decided we would not make a decision as to whether the president committed a crime. That was our decision then and it remains our decision today.

MUELLER: Let me say a further word about my appearance today. It is unusual for a prosecutor to testify about a criminal investigation. And given my role as a prosecutor, there are reasons why my testimony -- testimony will necessarily be limited.

First, public testimony could affect several ongoing matters. In some of these matters, court rules or judicial orders limit the disclosure of information to protect -- to protect the fairness of the proceedings. And consistent with longstanding Justice Department policy, it would be inappropriate for me to comment in any way that could affect an ongoing matter.

Second, the Justice Department has asserted privileges concerning investigative information and decisions, ongoing matters within the Justice Department, and deliberations within our office. These are Justice Department privileges that I will respect.

The department has released the letter discussing the restrictions of my testimony. I, therefore, will not be able to answer questions about certain areas that I know are of public interest.

For example, I am unable to address questions about the initial opening of the FBI's Russia investigation which occurred months before my appointment or matters related to the so-called Steele dossier. These matters are subject of ongoing review by the department. Any questions on these topics should, therefore, be directed to the FBI or the Justice Department.

As I explained when we closed the Special Counsel's Office in May, our report contains our findings and analysis and the reasons for the decisions we made. We conducted an extensive investigation over two years. In writing the report, we stated the results of our investigation with precision. We scrutinized every word.

I do not intend to summarize or describe the results of our work in a different way in the course of my testimony today. And as I said on May 29th, the report is my testimony, and I will stay within that text.

And as I stated in May, I will not comment on the actions of the attorney general or of Congress. I was appointed as a prosecutor, and I intend -- intend to adhere to that role and to the department's standards that govern it.

I'll be joined today by Deputy Special Counsel Aaron Zebley. Mr. Zebley has extensive experience as a federal prosecutor and at the FBI, where he served as my chief of staff. Mr. Zebley was responsible for the day-to-day oversight on the investigations conducted by our office.

Now, I also want to, again, say thank you to the attorneys, the FBI agents, the analysts and professional staff who helped us conduct this investigation in a fair and independent matter. These individuals who spent nearly two years of -- working on this matter were of the highest integrity.

Let me say one more thing. Over the course of my career, I have seen a number of challenges to our democracy. The Russian government's effort to interfere in our election is among the most serious. And as I said on May 29, this deserves the attention of every American.

Thank you, Mr. Chairman.

NADLER: Thank you. Thank you.

We will now proceed, under the five-minute rule, with questions. I will begin by recognizing myself for five minutes.

Director Mueller, the president has repeatedly claimed that your report found there was no obstruction and that it completely and totally exonerated him, but that is not what your report said, is it?

MUELLER: Correct. That is not what the report said.

NADLER: Now, reading from page 2 of Volume 2 of your report that's on the screen, you wrote, quote, "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. Based on the facts and the applicable legal standards, however, we are unable to reach that judgment," close quote.

Now does that say there was no obstruction?

MUELLER: No.

NADLER: In fact, you were actually unable to conclude the president did not commit obstruction of justice, is that correct?

MUELLER: Well, we at the outset determined that we -- when it came to the president's culpability, we needed to -- we needed -- we needed to go forward only after taking into account the OLC opinion that indicated that a president -- sitting president cannot be indicted.

NADLER: So the report did not conclude that he did not commit obstruction of justice, is that correct?

MUELLER: That is correct.

NADLER: And what about total exoneration? Did you actually totally exonerate the president?

MUELLER: No.

NADLER: Now, in fact, your report expressly states that it does not exonerate the president.

MUELLER: It does.

NADLER: And your investigation actually found, quote, "multiple acts by the president that were capable of exerting undue influence over law enforcement investigations, including the Russian interference and obstruction investigations." Is that correct?

MUELLER: Correct.

NADLER: Now, Director Mueller, can you explain in plain terms what that finding means so the American people can understand it?

MUELLER: Well, the finding indicates that the president was not -- that the president was not exculpated for the acts that he allegedly committed.

NADLER: In fact, you were talking about incidents, quote, "in which the president sought to use his official power outside of usual channels," unquote, to exert undo influence over your investigations, is that right?

MUELLER: That's correct.

NADLER: Now, am I correct that on page 7 of Volume 2 of your report, you wrote, quote, "The president became aware that his own conduct was being investigated in an obstruction of justice inquiry. At that point, the president engaged in a second phase of conduct, involving public attacks on the investigation, non-public efforts to control it, and efforts in both public and private to encourage witnesses not to cooperate with the investigation," close quote.

So President Trump's efforts to exert undo influence over your investigation intensified after the president became aware that he personally was being investigated?

MUELLER: I stick with the language that you have in front of you, which comes from page 7, Volume 2.

NADLER: Now, is it correct that if you concluded that the president committed the crime of obstruction, you could not publicly state that in your report or here today?

MUELLER: Can you repeat the question, sir?

NADLER: Is it correct that if you had concluded that the president committed the crime of obstruction, you could not publicly state that in your report or here today?

MUELLER: Well, I would say you could -- the statement would be to -- that you would not indict, and you would not indict because under the OLC opinion a sitting president -- excuse me -- cannot be indicted. It would be unconstitutional.

NADLER: So you could not state that because of the OLC opinion, if that would have been your conclusion.

MUELLER: OLC opinion was some guide, yes.

NADLER: But under DOJ -- under Department of Justice policy, the president could be prosecuted for obstruction of justice crimes after he leaves office, correct?

MUELLER: True.

NADLER: Thank you.

Did any senior White House official refuse or request to be interviewed by you and your team?

MUELLER: I don't believe so.

NADLER: The president...

MUELLER: Well, I take -- let me take that back. I would have to look at it, but I'm not certain that that was the case.

NADLER: Did the president refuse a request to be interviewed by you and your team?

MUELLER: Yes.

NADLER: Yes.

And is it true that you tried for more than a year to secure an interview with the president?

MUELLER: Yes.

NADLER: And is it true that you and your team advised the president's lawyer that, quote, "an interview with the president is vital to our investigation," close quote?

MUELLER: Yes. Yes.

NADLER: And is it true that you also, quote, "stated that it is in the interest of the presidency and the public for an interview to take place," close quote?

MUELLER: Yes.

NADLER: But the president still refused to sit for an interview by you or your team?

MUELLER: True. True.

NADLER: And did you also ask him to provide written answers to questions on the 10 possible episodes of obstruction of justice crimes involving him?

MUELLER: Yes.

NADLER: Did he provide any answers to a single question about whether he engaged in obstruction of justice crimes?

MUELLER: I would have to check on that. I'm not certain.

NADLER: Director Mueller, we are grateful that you are here to explain your investigation and findings. Having reviewed your work, I believe anyone else who'd engage in the conduct described in your report would have been criminally prosecuted. Your work is vitally important to this committee and the American people because no one is above the law.

I now -- I now recognize the gentleman from Georgia, Mr. Collins.

COLLINS: Thank you, Mr. Chair.

And we're moving on. I want to (inaudible) just reiterate the five-minute rule. Mr. Mueller, I have several questions, many of which you just answered. Will begin questions here in a moment, but I want to lay some foundation. So we'll go through these fairly quickly. I'll talk slowly. It's said that I talk fast; I will talk slowly.

MUELLER: Thank you, sir.

COLLINS: In your press conference you said any testimony from your office would not go beyond our report. "We chose these words carefully. The word speaks for itself. I would not provide information beyond that which is already public in any appearance before Congress." Do you stand by that statement?

MUELLER: Yes.

COLLINS: Since closing the special counsel's office in May of 2019, have you conducted any additional interviews or obtained any new information in your role as special counsel?

MUELLER: In the -- in the -- in the wake of the report?

COLLINS: Since the -- since the closing of the office in May of 2019.

MUELLER: And the question was, have we conducted...

COLLINS: Have you conducted any new interviews, any new witnesses, anything?

MUELLER: No.

COLLINS: And you can confirm you're no longer special counsel, correct?

MUELLER: I am no longer special counsel.

COLLINS: At any time in the investigation, was your investigation curtailed or stopped or hindered?

MUELLER: No.

COLLINS: Were you or your team provided any questions by members of Congress (inaudible) the majority ahead of your hearing today?

MUELLER: No.

COLLINS: Your report states that your investigative team included 19 lawyers and approximately 40 FBI agents and analysts and accountants. Are those numbers accurate?

MUELLER: Could you repeat that, please?

COLLINS: Forty FBI agents, 19 lawyers, intelligence analysts and forensic accountants; are those numbers accurate? This was in your report.

MUELLER: Generally, yes.

COLLINS: Is it also true that you issued over 2,800 subpoenas, executed nearly 500 search warrants, obtained more than 230 orders for communication records and 50 pin registers?

MUELLER: That went a little fast for me.

COLLINS: OK. In your report -- I'll make this very simple -- you did a lot of work, correct?

MUELLER: Yes, that I agree to.

COLLINS: A lot of subpoenas, a lot of pin registers...

MUELLER: A lot of subpoenas.

COLLINS: OK, we'll walk this really slow if we need to.

MUELLER: A lot of search warrants.

COLLINS: All right, a lot of search warrants, a lot of things, so you are very thorough.

MUELLER: What?

COLLINS: In your opinion, very thorough, you listed this out in your report, correct?

MUELLER: Yes.

COLLINS: Thank you.

Is it true, the evidence gathered during your investigation -- given the questions that you've just answered, is it true the evidence gathered during your investigation did not establish that the president was involved in the underlying crime related to Russian election interference as stated in Volume 1, page 7?

MUELLER: We found insufficient evidence of the president's culpability.

COLLINS: So that would be a yes.

MUELLER: Pardon?

COLLINS: That would be a yes.

MUELLER: Yes.

COLLINS: Thank you.

Isn't it true the evidence did not establish that the president or those close to him were involved in the charged Russian computer hacking or active measure conspiracies or that the president otherwise had unlawful relationships with any Russian official, Volume 2, page 76? Correct?

MUELLER: I will leave the answer to our report.

COLLINS: So that is a yes.

Is that any true your investigation did not establish that members of the Trump campaign conspired or coordinated with Russian government in election interference activity, Volume 1, page 2; Volume 1, page 173?

MUELLER: Thank you. Yes.

COLLINS: Yes. Thank you.

Although your reports states, "collusion is not some specific offense," -- and you said that this morning -- "or a term of art in federal criminal laws, conspiracy is." In the colloquial context, are collusion and conspiracy essentially synonymous terms?

MUELLER: You're going to have to repeat that for me.

COLLINS: Collusion is not a specific offense or a term of art in the federal criminal law. Conspiracy is.

MUELLER: Yes.

COLLINS: In the colloquial context, known public context, collusion -- collusion and conspiracy are essentially synonymous terms, correct?

MUELLER: No.

COLLINS: If no, on page 180 of Volume 1 of your report, you wrote, "As defined in legal dictionaries, collusion is largely synonymous with conspiracy as that crime is set forth in the general federal conspiracy statute, 18 USC 371."

MUELLER: Yes.

COLLINS: You said at your May 29th press conference and here today you choose your words carefully. Are you sitting here today testifying something different than what your report states?

MUELLER: Well, what I'm asking is if you can give me the citation, I can look at the citation and evaluate whether it is actually...

COLLINS: OK. Let -- let me just -- let me clarify.

You stated that you would stay within the report. I just stated your report back to you, and you said that collusion -- collusion and conspiracy were not synonymous terms. That was your answer, was no.

MUELLER: That's correct.

COLLINS: In that, page 180 of Volume 1 of your report, it says, "As defined in legal dictionaries, collusion is largely synonymous with conspiracy as that crime is set forth in general conspiracy statute 18 USC 371."

MUELLER: Right.

COLLINS: Now, you said you chose your words carefully. Are you contradicting your report right now?

MUELLER: Not when I read it.

COLLINS: So you would change your answer to yes, then?

MUELLER: No, no -- the -- if you look at the language...

COLLINS: I'm reading your report, sir. These are yes-or-no answers.

MUELLER: (inaudible) Page 180?

COLLINS: Page 180, Volume 1.

MUELLER: OK.

COLLINS: This is from your report.

MUELLER: Correct, and I -- I -- I -- I leave it with the report.

COLLINS: So the report says yes, they are synonymous.

MUELLER: Yes.

COLLINS: Hopefully, for finally, out of your own report, we can put to bed the collusion and conspiracy.

One last question as we're going through: Did you ever look into other countries investigated in the Russians' interference into our election? Were other countries investigated...

MUELLER: (inaudible)

COLLINS: ... or found knowledge that they had interference in our election?

MUELLER: I'm not going to discuss other matters.

COLLINS: All right.

And I yield back.

NADLER: Gentleman yields back.

The gentlelady from California?

LOFGREN: Director Mueller, as you've heard from the chairman, we're mostly going to talk about obstruction of justice today, but the investigation of Russia's attack that started your investigation is why evidence that possible obstruction is serious.

To what extent did the Russian government interfere in the 2016 presidential election?

MUELLER: Could you repeat that, ma'am?

LOFGREN: To what extent did the Russian government interfere in the 2016 presidential election?

MUELLER: Well, at -- particularly when it came to computer crimes and the like, the government was implicated.

LOFGREN: So you wrote on -- in Volume 1 that the Russian government interfered in the 2016 presidential election in sweeping and systematic fashion. You've also described in your report that the then-Trump campaign chairman, Paul Manafort, shared with the Russian operative, Kilimnik, the campaign strategy for winning Democratic votes in Midwestern states and internal polling data of the campaign. Isn't that correct?

MUELLER: Correct.

LOFGREN: They -- they also discussed the status of the Trump campaign and Manafort strategy for winning Democratic votes in Midwestern states.

LOFGREN: Months before that meeting, Manafort had caused internal data to be shared with Kilimnik, and the sharing continued for a (inaudible) period of time after their August meeting. Isn't that correct?

MUELLER: That's correct.

LOFGREN: In fact, your investigation found that Manafort briefed Kilimnik on the state of the Trump campaign and Manafort's plan to win the election and that briefing encompassed the campaign's messaging, its internal polling data. It also included discussion of battleground states, which Manafort identified as Michigan, Wisconsin, Pennsylvania and Minnesota. Isn't that correct?

MUELLER: That's correct.

LOFGREN: Did your investigation determine who requested the polling data to be shared with Kilimnik?

MUELLER: Well, I -- I would direct you to the report. That's what we have in the report with regard to that particular issue.

LOFGREN: We -- we don't have the redacted version. That's maybe another reason why we should get that for Volume 1.

Based on your investigation, how could the Russian government have used this campaign polling data to further its sweeping and systematic interference in the 2016 presidential election?

MUELLER: That's a little bit out of our -- our path.

LOFGREN: Fair enough.

Did your investigation find that the Russian government perceived it would benefit from one of the candidates winning?

MUELLER: Yes.

LOFGREN: And which candidate would that be?

MUELLER: Well, it would be Trimp -- Trump.

LOFGREN: Correct.

MUELLER: The president.

LOFGREN: Now, the Trump campaign wasn't exactly reluctant to take Russian help. You wrote it expected it would benefit electorally from information stolen and released through Russian efforts, isn't that correct?

MUELLER: That's correct.

LOFGREN: Now, was the investigation's determination -- what was the investigation's determination regarding the frequency with which the Trump campaign made contact with the Russian government?

MUELLER: Well, I would have to refer you to the report on that.

LOFGREN: Well, we went through and we counted 126 contacts between Russians or their agents and Trump campaign officials or their associates. So, would that sound about right?

MUELLER: I -- I can't say, I -- I -- I understand the statistic and I believe it. You know, I understand the statistic.

LOFGREN: Well, Mr. Mueller, I appreciate your being here and your report. From your testimony and the report, I think the American people have learned several things.

First, the Russians wanted Trump to win.

Second, the Russians went on a sweeping cyber influence campaign. The Russians hacked the DNC and they got the Democratic game plan for the election. Russian (sic) campaign chairmen met with Russian agents and repeatedly gave them internal data, polling and messaging in the battleground states.

So while the Russians were buying ads and creating propaganda to influence the outcome of the election, they were armed with inside information that they had stolen through hacking from the DNC and that they had been given by the Trump campaign chairman, Mr. Manafort.

My colleagues will probe the efforts undertaken to keep this information from becoming public, but I think it's important for the American people to understand the gravity of the underlying problem that your report uncovered.

And with that, Mr. Chairman, I would yield back.

NADLER: The gentlelady yields back.

The gentleman from Texas, (inaudible)?

RATCLIFFE: Good morning, Director.

If you'll let me quickly summarize your opening statement this morning, you said in Volume 1 on the issue of conspiracy, the special counsel determined that the investigation did not establish that members of the Trump campaign conspired or coordinated with the Russian government in its election interference activities.

And then in Volume 2, for reasons that you explained, the special counsel did not make a determination on whether there was an obstruction of justice crime committed by the president.

Is that fair?

MUELLER: Yes, sir.

RATCLIFFE: All right.

Now, in explaining the special counsel did not make what you called a traditional prosecution or declination decision, the report, on the bottom of page 2, Volume 2, reads as follows: "The evidence we obtained about the president's actions and intent presents difficult issues that prevent us from conclusively determining that no criminal conduct occurred. Accordingly, while this report does not conclude that the president committed a crime, it also does not exonerate him."

Now, I read that correctly?

MUELLER: Yes.

RATCLIFFE: All right.

Now, your report -- and today, you said that at all times, the special counsel team operated under, was guided by and followed Justice Department policies and principles. So which DOJ policy or principle sets forth a legal standard that an investigated person is not exonerated if their innocence from criminal conduct is not conclusively determined?

MUELLER: Can you repeat the last part of that question?

RATCLIFFE: Yeah.

Which DOJ policy or principle set forth a legal standard that an investigated person is not exonerated if their innocence from criminal conduct is not conclusively determined? Where does that language come from, Director? Where is the DOJ policy that says that?

Can -- let me make it easier. Is...

MUELLER: May -- can I -- I'm sorry, go ahead.

RATCLIFFE: ... can you give me an example other than Donald Trump, where the Justice Department determined that an investigated person was not exonerated...

MUELLER: I -- I...

RATCLIFFE: ... because their innocence was not conclusively determined?

MUELLER: I cannot, but this is a unique situation.

RATCLIFFE: OK.

Well, I -- you can't -- time is short. I've got five minutes. Let's just leave it at, you can't find it because -- I'll tell you why: It doesn't exist.

The special counsel's job -- nowhere does it say that you were to conclusively determine Donald Trump's innocence, or that the special counsel report should determine whether or not to exonerate him. It not in any of the documents. It's not in your appointment order. It's not in the special counsel regulations. It's not in the OLC opinions. It's not in the Justice Manual. And it's not in the Principles of Federal Prosecution.

Nowhere do those words appear together because, respectfully -- respectfully, Director, it was not the special counsel's job to conclusively determine Donald Trump's innocence or to exonerate him. Because the bedrock principle of our justice system is a presumption of

innocence. It exists for everyone. Everyone is entitled to it, including sitting presidents. And because there is a presumption of innocence, prosecutors never, ever need to conclusively determine it.

Now, Director, the special counsel applied this inverted burden of proof that I can't find and you said doesn't exist anywhere in the department policies. And you used it to write a report.

And the very first line of your report, the very first line of your report says, as you read this morning, it "authorizes the special counsel to provide the attorney general with a confidential report explaining the prosecution of declination decisions reached by the special counsel." That's the very first word of your report, right?

MUELLER: That's correct.

RATCLIFFE: Here's the problem, Director: The special counsel didn't do that. On Volume 1, you did. On Volume 2, with respect to potential obstruction of justice, the special counsel made neither a prosecution decision or a declination decision. You made no decision. You told us this morning, and in your report, that you made no determination.

So respectfully, Director, you didn't follow the special counsel regulations. It clearly says, "Write a confidential report about decisions reached." Nowhere in here does it say, "Write a report about decisions that weren't reached."

You wrote 180 pages, 180 pages about decisions that weren't reached, about potential crimes that weren't charged or decided. And respectfully -- respectfully, by doing that, you managed to violate every principle in the most sacred of traditions about prosecutors not offering extra-prosecutorial analysis about potential crimes that aren't charged.

So Americans need to know this, as they listen to the Democrats and socialists on the other side of the aisle, as they do dramatic readings from this report: that Volume 2 of this report was not authorized under the law to be written. It was written to a legal standard that does not exist at the Justice Department. And it was written in violation of every DOJ principle about extra-prosecutorial commentary.

I agree with the chairman this morning, when he said, "Donald Trump is not above the law." He's not. But he damn sure shouldn't be below the law, which is where Volume 2 of this report puts him.

NADLER: The (inaudible) time has expired.

The gentlelady from Texas, Ms. Jackson Lee.

JACKSON LEE: Thank you, Mr. Chairman.

Director Mueller, good morning.

Your exchange with the gentlelady from California demonstrates what is at stake. The Trump campaign chair, Paul Manafort, was passing sensitive voter information and polling data to a Russian operative, and there were so many other ways that Russia subverted our democracy. Together with the evidence in Volume 1, I cannot think of a more serious need to investigate.

So, now, I'm going to ask you some questions about obstruction of justice as it relates to Volume 2.

On page 12 of Volume 2, you state, "We determined that there were sufficient factual and legal basis to further investigate potential obstruction of justice issues involving the president," is that correct?

MUELLER: And -- do you have a citation, ma'am?

JACKSON LEE: Page 12, Volume 2.

MUELLER: And which portion of that page?

JACKSON LEE: That is, "We determined that there was sufficient factual and legal basis to further investigate potential obstruction of justice issues involving the president," is that correct?

MUELLER: Yes.

JACKSON LEE: Your report also describes at least 10 separate instances of possible obstruction of justice that were investigated by you and your team, is that correct?

MUELLER: Yes.

JACKSON LEE: In fact, the table of contents serves as a very good guide of some of the acts of that obstruction of justice that you investigated. And I put it up on the screen.

On page 157 of Volume 2, you describe those acts. And they range from the president's effort to curtail the special counsel's investigation, the president's further efforts to have the attorney general take over the investigation, the president orders Don McGahn to deny that the president tried to fire the special counsel, and many others, is that correct?

MUELLER: Yes.

JACKSON LEE: I direct you now to what you wrote, Director Mueller.

"The president's pattern of conduct as a whole sheds light on the nature of the president's acts and the inferences that can be drawn about his intent." Does that mean you have to investigate all of his conduct to ascertain true motive?

MUELLER: No.

JACKSON LEE: And when you talk about the president's pattern of conduct, that include the 10 possible acts of obstruction that you investigated, is that correct? When you talk about the president's pattern of conduct, that would include the 10 possible acts of obstruction that you investigated, correct?

MUELLER: I direct you to the report for how that is characterized.

JACKSON LEE: Thank you.

Let me go to the screen again. And for each of those 10 potential instances of obstruction of justice, you analyzed three elements of the crime of obstruction of justice: an obstructive act, a nexus between the act and official proceeding, and corrupt intent, is that correct?

MUELLER: Yes.

JACKSON LEE: You wrote on page 178, Volume 2 in your report about corrupt intent, "Actions by the president to end a criminal investigation into his own conduct to protect against personal embarrassment or legal liability would constitute a core example of corruptly motivated conduct," is that correct?

MUELLER: Yes.

JACKSON LEE: To the screen again. Even with the evidence you did find, is it true, as you note on page 76 of Volume 2, that, "The evidence does indicate that a thorough FBI investigation would uncover facts about the campaign and the president personally that the president could have understood to be crimes or that would give rise to legal, personal and political concerns"?

MUELLER: I -- I rely on the language of the report.

JACKSON LEE: Is that relevant to potential obstruction of justice? Is that relevant to potential obstruction of justice?

MUELLER: Yes.

JACKSON LEE: You further elaborate, on page 157, "Obstruction of justice can be motivated by a desire to protect non-criminal personal interests, to protect against investigations where underlying criminal liability falls into a gray area or to avoid personal embarrassment," is that correct?

MUELLER: I have on the screen a -- a ...

JACKSON LEE: Is that correct on the screen?

MUELLER: Can you -- can you repeat the question now that I have the language on the screen?

JACKSON LEE: Is it correct, as you further elaborate, "Obstruction of justice can be motivated by a direct desire to protect non-criminal personal interests, to protect against investigations where underlying criminal liability falls into a gray area..."

MUELLER: Yes.

JACKSON LEE: "... or to avoid" -- is that true?

MUELLER: Yes.

JACKSON LEE: And is it true that the impact -- pardon?

MUELLER: Can you read the last question?

JACKSON LEE: The last question was...

(CROSSTALK)

MUELLER: ... certain I got it accurate.

JACKSON LEE: No, the last question was the language on the screen asking you if that's correct.

MUELLER: Yes.

JACKSON LEE: OK.

Does a conviction of obstruction of justice result potentially in a lot of years of -- a lot of years of time in jail?

MUELLER: Yes. Well, again, can you repeat the -- the question just to make certain I have it accurate?

JACKSON LEE: Does obstruction of justice warrant a lot of time in -- in jail if you were convicted?

MUELLER: Yes.

JACKSON LEE: And...

NADLER: The time of the gentlelady has expired.

The gentleman from Wisconsin?

SENSENBRENNER: Thank you very much, Mr. Chairman.

Let me begin by reading the special counsel regulations by which you were appointed. It reads, quote "At the conclusion of the special counsel's work, he or she shall provide the attorney general with a confidential report explaining the prosecution or declamations decisions reached by the special counsel," is that correct?

MUELLER: Yes.

SENSENBRENNER: OK.

Now when a regulation uses the words "shall provide," does it mean that the individual is in fact obligated to provide what's being demanded by the regulation or statute, meaning you don't have any wiggle room, right?

MUELLER: I'd have to look more closely at the statute.

SENSENBRENNER: Well, I just read it to you.

OK, now Volume 2, page 1, your report boldly states, "We determined not to make a traditional prosecutorial judgment," is that correct?

MUELLER: I'm trying to find that citation, Congressman.

NADLER: Director, could you speak more directly into the microphone, please?

MUELLER: Yes.

NADLER: Thank you.

SENSENBRENNER: Well, it's Volume 2, page...

MUELLER: Mr. Chairman, I'm sorry.

SENSENBRENNER: Yeah, it's Volume 2, page 1. It says, "We determined not to make a traditional prosecutorial judgment."

MUELLER: Yes.

SENSENBRENNER: That's right at the beginning.

Now, since you decided under the OLC opinion that you couldn't prosecute a sitting president, meaning President Trump, why do we have all of this investigation of President

Trump that the other side is talking about when you know that you weren't going to prosecute him?

MUELLER: Well, you don't know where the investigation's going to lie, and OLC opinion itself says that you can continue the investigation even though you are not going to indict the president.

SENSENBRENNER: OK, well if you're not going to indict the president then you just continue fishing. And that's -- you know, that's my -- my observation.

You know, sure -- sure you -- sure you -- my time is limited -- sure you can indict other people but you can't indict the sitting president, right?

MUELLER: That's true.

SENSENBRENNER: OK.

Now, there are 182 pages in raw evidentiary material, including hundreds of references to 302, which are interviews by the FBI for individuals who have never been cross-examined, and which did not comply with the special counsel's governing regulation to explain the prosecution or declamation decisions reached, correct?

MUELLER: Where are you reading from on that?

SENSENBRENNER: I'm reading from my question.

(LAUGHTER)

MUELLER: That -- could you repeat it?

SENSENBRENNER: OK.

If -- you have 182 pages of raw evidentiary material with hundreds of references to 302s who are -- never been cross-examined, which didn't comply with the governing regulation to explain the prosecution or declaration -- declination decisions reached.

MUELLER: This is one of those areas which I decline to discuss...

SENSENBRENNER: OK, then let...

MUELLER: ... and would direct you to the report itself for what...

(CROSSTALK)

SENSENBRENNER: ... 182 pages of it.

You know, let me switch gears. Mr. Chabot and I were on this committee during the Clinton impeachment. Now, while I recognize that the independent counsel statute under which Kenneth Starr operated is different from the special counsel statute, he, in a number of occasions in his report, stated that the -- "President Clinton's actions may have risen to impeachable conduct, recognizing that it is up to the House of Representatives to determine what conduct is impeachable."

You never used the term "raising to impeachable conduct" for any of the 10 instances that the gentlewoman from Texas (inaudible) -- did. Is it true that there's nothing in Volume 2 of the report that says that the president may have engaged in impeachable conduct?

MUELLER: Well, we have (inaudible) kept in the -- the center of our investigation the -- our mandate. And our mandate does not go to other ways of addressing conduct, our mandate goes to what -- developing the report and putting the report in to the attorney general.

SENSENBRENNER: With due respect, you know, it -- it seems to me, you know, that there are a couple of statements that you made, you know, that said that, "This is not for me to decide," and the implication is this is -- this was for this committee to decide.

Now, you didn't use the word "impeachable conduct" like Starr did. There was no statute to prevent you from using the words "impeachable conduct." And I go back to what Mr. Ratcliffe said, and that is is that even the president is innocent until proven guilty.

I -- my time is up.

NADLER: The gentleman's time has expired.

The gentleman from Tennessee?

COHEN: Thank you, Mr. Chair.

First, I'd just like to restate that -- Mr. Nadler said about your career. It's a model of rectitude and I thank you.

MUELLER: Thank you, sir.

COHEN: Based upon your investigation, how did President Trump react to your appointment as special counsel?

MUELLER: He had a -- I -- I'd send you the report for where that is stated.

COHEN: Well, there is a quote from page 78 of your report, Volume 2, which reads: "When Sessions told the president that a special counsel had been appointed, the president slumped back in his chair and said, quote, 'Oh my God, this is terrible, this is the end of my presidency. I'm f-ed,'" unquote.

Did Attorney General Sessions tell you about that little talk?

MUELLER: I...

NADLER: Director, please speak into the microphone.

MUELLER: Oh, surely, my -- my apologies.

I am not certain of the -- the person who originally copied that quote.

COHEN: OK, well, Sessions apparently said it, and one of his aides had it in his notes too, which I think you had, but...

MUELLER: (inaudible)

COHEN: ... but that's become record. He wasn't pleased. He probably wasn't pleased with the special counsel, and particularly you because of your outstanding reputation.

MUELLER: Correct.

COHEN: Prior to your appointment, the attorney general recused himself from the investigation because of his role in the 2016 campaign. Is that not correct?

MUELLER: That's correct.

COHEN: Recusal means the attorney general could not be involved in the investigation. Is that correct?

MUELLER: That's the effect of recusal, yes.

COHEN: And so instead, another Trump appointee, as you know Mr. Sessions was, Mr. Rosenstein became in charge of it. Is that correct?

MUELLER: Yes.

COHEN: Wasn't Attorney General Sessions following the rules and professional advice of the Department of Justice Ethics folks when he recused himself from the investigation?

MUELLER: Yes.

COHEN: And yet, the president repeatedly expressed his displeasure at Sessions' decision to follow those ethics rules, to recuse himself from oversight of that investigation. Is that not correct?

MUELLER: That's accurate, based on what is written in the report.

COHEN: And the president's reaction to the recusal, as noted in the report, Mr. Bannon

recalled that the president was mad, as mad as Bannon had ever seen him, and he screamed at McGahn about how weak Sessions was. Do you recall that from the report?

MUELLER: That's in the report, yes.

COHEN: Despite knowing that Attorney General Sessions was supposed to be in -- was not supposed to be involved in the investigation, the president still tried to get the attorney general to un-recuse himself after you were appointed special counsel. Is that correct?

MUELLER: Yes.

COHEN: In fact, your investigation found that at some point after your appointment, quote, "the president called Sessions at his home and asked if he would un-recuse himself." Is that not true?

MUELLER: It's true.

COHEN: Now, that wasn't the first time the president had asked Sessions to un-recuse himself, was it?

MUELLER: I know there were at least two occasions.

COHEN: And one of them was with Flynn, and one of them was when Sessions and McGahn flew to Mar-a-Lago to meet with the president. Sessions recalled that the president pulled him aside to speak alone and suggested he should do this un-recusal act, correct?

MUELLER: Correct.

COHEN: And then when Michael Flynn, a few days after Flynn entered a guilty plea for lying to federal agents and indicated his intent to cooperate with that investigation, Trump asked to speak to Sessions alone again in the Oval Office, and again asked Sessions to un-recuse himself. True?

MUELLER: I'd refer you to the report for that.

COHEN: Page 109, volume 2. Thank you, sir.

Do you know of any point when the president personally expressed anger or frustrations at Sessions?

MUELLER: I'd have to pass on that.

COHEN: Do you recall, and I think it's at page 78 of volume 2, the president told Sessions, "You were supposed to protect me. You were supposed to protect me," or words to that effect?

MUELLER: Correct.

COHEN: And is the attorney general supposed to be the attorney general of the United States of America, or the consigliere for the president?

MUELLER: The United States of America.

COHEN: Thank you, sir. In fact, you wrote in your report that the president repeatedly sought to convince Sessions to un-recuse himself so Sessions could supervise the investigation in a way that was -- restrict its scope. Is that correct?

MUELLER: I'm relying on the -- on the report. (inaudible)

COHEN: How could Sessions have restricted the scope of your investigation?

MUELLER: Well, I'm not going to speculate. If he, quite obviously, if he took over or was attorney general, he would have greater latitude in his actions that would enable him to do things that otherwise he could not.

COHEN: On page 113, you said the president believed that an un-recused attorney general would play a protective role and conceal the president from the ongoing investigation.

Regardless of all that, I want to thank you, Director Mueller, for your life of rectitude and service to our country. It's clear from your report and the evidence that the president wanted former Attorney General Sessions to violate the Justice Department ethics rules by taking over your investigation and improperly interfering with it to protect himself and his campaign. Your findings are so important because in America, nobody is above the law.

I yield back the balance of my time.

NADLER: Thank the gentleman for yielding back.

The gentleman from Ohio.

CHABOT: Thank you.

Director Mueller, my Democratic colleagues were very disappointed in your report. They were expecting you to say something along the lines of he was -- why President Trump deserves to be impeached, much as Ken Starr did relative to President Clinton back about 20 years ago. Well, you didn't, so their strategy had to change. Now they allege that there's plenty of evidence in your report to impeach the president, but the American people just didn't read it. And this hearing today is their last best hope to build up some sort of groundswell across America to impeach President Trump. That's what this is really all about today.

Now a few questions: On page 103 of Volume 2 of your report, when discussing the June 2016 Trump Tower meeting, you referenced, quote, "the firm that produced Steele reporting," unquote. The name of that firm was Fusion GPS. Is that correct?

MUELLER: And you're on page 103?

CHABOT: 103, that's correct, Volume 2. When you talk about the -- the firm that produced the Steele reporting, the name of the firm that produced that was Fusion GPS. Is that correct?

MUELLER: Yeah, I -- I'm not familiar with -- with that. I (inaudible)

CHABOT: (inaudible) It's not -- it's not a trick question, right? It was Fusion GPS. Now, Fusion GPS produced the opposition research document wide -- widely known as the Steele dossier, and the owner of Fusion GPA (sic) was someone named Glenn Simpson. Are -- are you familiar with...

MUELLER: This is outside my purview.

CHABOT: OK. Glenn Simpson was never mentioned in the 448-page Mueller report, was he?

MUELLER: Well, as I -- as I say, it's outside my purview and it's being handled in the department by others.

CHABOT: OK. Well, he -- he was not. In the 448 pages the -- the owner of Fusion GPS that did the Steele dossier that started all this, he -- he's not mentioned in there. Let me move on.

At the same time Fusion GPS was working to collect opposition research on Donald Trump from foreign sources on behalf of the Clinton campaign and the Democratic National Committee, it also was representing a Russian-based company, Probison, which had been sanctioned by the U.S. government. Are you aware of that?

MUELLER: It's outside my purview.

CHABOT: OK, thank you.

One of the key players in the -- I'll go to something different. One of the key players in the June 2016 Trump Tower meeting was Natalia Veselnitskaya, who you described in your report as a Russian attorney who advocated for the repeal of the Magnitsky Act. Veselnitskaya had been working with none other than Glenn Simpson and Fusion GPS since at least early 2014. Are -- are you aware of that?

MUELLER: Outside my purview.

CHABOT: Thank you. But you didn't mention that or her connections to Glenn Simpson and Fusion GPS in -- in your report at all. Let -- let me move on.

Now, NBC News has reported the following: quote, "Russian lawyer Natalia Veselnitskaya says she first received the supposedly-incriminating information she brought to Trump Tower describing alleged tax evasion and donation to Democrats from none other than Glenn Simpson, the Fusion GPS owner." You didn't include that in the report, and I assume you (inaudible).

MUELLER: This is a matter that's being handled by others at the Department of Justice.

CHABOT: OK, thank you.

Now, your report spends 14 pages discussing the June 9th, 2016 Trump Tower meeting. It would be fair to say, would it not, that you spent significant resources investigating that meeting?

MUELLER: Well, I'd refer you to the -- the report.

CHABOT: OK. And President Trump wasn't at the meeting...

MUELLER: No, he was not.

CHABOT: ... that you're aware of? Thank you.

Now, in stark contrast to the actions of the Trump campaign, we know that the Clinton campaign did pay Fusion GPS to gather dirt on the Trump campaign, from persons associated with foreign governments. But your report doesn't mention a thing about Fusion GPS in it, and you didn't investigate Fusion GPS' connections to Russia.

So let me just ask you this. Can you see that from neglecting to mention Glenn Simpson and Fusion GPS' involvement with the Clinton campaign, to focusing on a brief meeting at the Trump Tower that produced nothing, to ignoring the Clinton campaign's own ties to Fusion GPS, why some view your report as a pretty one-sided attack on the president?

MUELLER: Well, I'll tell you, this is still outside my purview.

CHABOT: All right. And I would just note, finally, that I guess it's just by chance, by coincidence that the things left out of the report tended to be favorable to the president?

NADLER: The gentleman's time has expired.

CHABOT: My time's expired.

NADLER: The gentleman from Georgia.

H. JOHNSON: Thank you.

Director Mueller, I'd like to get us back on track here. Your investigation found that President Trump directed White House Counsel Don McGahn to fire you. Isn't that correct?

MUELLER: True.

H. JOHNSON: And the president claimed that he wanted to fire you because you had supposed conflicts of interest, isn't that correct?

MUELLER: True.

H. JOHNSON: Now, you had no conflicts of interest that required your removal, isn't that a fact?

MUELLER: Correct.

H. JOHNSON: And in fact, Don McGahn advised the president that the asserted conflicts were, in his words, "silly and not real conflicts," isn't that true?

MUELLER: I refer to the report on that episode.

H. JOHNSON: Well, page 85 of Volume 2 speaks to that. And also, Director Mueller, DOJ ethics officials confirmed that you had no conflicts that would prevent you from serving as special counsel, isn't that correct?

MUELLER: That's correct.

H. JOHNSON: But despite Don McGahn and the Department of Justice guidance, around May 23, 2017, the president, quote, "Prodded McGahn to complain to Deputy Attorney General Rosenstein about these supposed conflicts of interest," correct?

MUELLER: Correct.

H. JOHNSON: And McGahn declined to call Rosenstein -- or Rosenstein, I'm sorry -- telling the president that it would look like still trying to meddle in the investigation and knocking out Mueller would be another fact used to claim obstruction of justice, isn't that correct?

MUELLER: Generally so, yes.

H. JOHNSON: And in other words, Director Mueller, the White House Counsel told the president that if he tried to remove you, that that could be another basis to allege that the president was obstructing justice, correct?

MUELLER: That is generally correct, yes.

H. JOHNSON: Now, I'd like to review what happened after the president was warned about obstructing justice. On Tuesday, June...

MUELLER: Do you have -- I'm sorry, Congressman. Do you have a citation for that?

H. JOHNSON: On -- yes. Volume 2, page 81.

MUELLER: Thank you.

H. JOHNSON: And 82.

Now, I'd like to review what happened after the president was warned about obstructing justice. It's true that on Tuesday, June 13, 2017, the president dictated a press statement, stating he had, quote, "no intention of firing" you, correct?

MUELLER: Correct.

H. JOHNSON: But the following day, June 14, the media reported for the first time that you were investigating the president for obstructing of justice, correct?

MUELLER: That's correct.

H. JOHNSON: And then, after learning for the first time that he was under investigation, the very next day, the president, quote, "issued a series of tweets acknowledging the existence of the obstruction investigation, and criticizing it." Isn't that correct?

MUELLER: Generally so.

H. JOHNSON: And then, on Saturday, June 17, two days later, the president called Don McGahn at home from Camp David on a Saturday, to talk about you. Isn't that correct?

MUELLER: Correct.

H. JOHNSON: What was the significant -- what was significant about that first weekend phone call that Don McGahn took from President Trump?

MUELLER: Well, I'm going to ask you to rely on what we wrote about those incidents.

H. JOHNSON: Well, you wrote in your report that on -- page 85, Volume 2, that on Saturday, June 17, 2017, the president called McGahn at home to have the special counsel removed. Now, did the president call Don McGahn more than once that day?

MUELLER: Well, I gave...

H. JOHNSON: I think it was two calls.

NADLER: Talk into the microphone.

MUELLER: Oh, sorry about that.

H. JOHNSON: On page 85 of your report, you wrote, quote, "On the first call, McGahn recalled that the president said something like, quote, 'You've got to do this. You've got to call Rod.'" Correct?

MUELLER: Correct.

H. JOHNSON: In your investigation and report found that Don McGahn was perturbed, to use your words, by the president's request to call Rod Rosenstein to fire him. Isn't that correct?

MUELLER: Well, there was a continuous call he -- I would -- no, it was a continuous involvement of Don McGahn...

(CROSSTALK)

H. JOHNSON: And he...

MUELLER: ... responding to the president's entreaties.

H. JOHNSON: And he did not want to put himself in the middle of that. He did not want to have a role in asking the attorney general to fire the special counsel, correct?

MUELLER: Well, I would, again, refer you to the report and the way it is characterized in the report.

H. JOHNSON: Thank you. At Volume 2, page 85, it states that "he didn't want to have the attorney general -- he didn't want to have a role in trying to fire the attorney general." So at this point -- I will yield back.

NADLER: The gentleman's time has expired.

The gentleman from Texas.

GOHMERT: Thank you, Mr. Chairman.

Mr. Mueller -- well, first, let me ask unanimous consent, Mr. Chairman, to submit this article Robert Mueller unmasked for the record.

NADLER: Without objection.

GOHMERT: Now, Mr. Mueller, who wrote the nine-minute comments you read at your May 29th press conference.

MUELLER: I'm not going to get into that.

GOHMERT: OK. So that's what I thought. You didn't write it. A 2013 puff piece in The Washingtonian about Comey said basically, when Comey called, you'd drop everything you were doing.

Gave examples. You were having dinner with your wife and daughter, Comey calls, you'd drop everything and go. The article quoted Comey as saying if a train were coming down the track -- and I quote -- "at least Bob Mueller will be standing on the tracks with me."

You and James Comey have been good friends or were good friends for a -- for many years, correct?

MUELLER: No. We were business associates. We both started off at the Justice Department about the same time...

(CROSSTALK)

GOHMERT: You were good friends. You can work together and not be friends, but you and Comey were...

MUELLER: Yes, we were friends.

GOHMERT: ... friends.

MUELLER: We were friends.

GOHMERT: That's my question. Thank you for getting to the answer.

Now, before you were appointed as special counsel, had you talked to James Comey in the preceding six months?

MUELLER: No.

GOHMERT: When you were appointed as special counsel, was President Trump's firing of Comey something you anticipated investigating, potentially obstruction of justice?

MUELLER: I can't get into that. That's internal deliberations of the Justice Department.

GOHMERT: Actually, it goes to your credibility and maybe you've been away from the court room for a while, credibility is always relevant, it's always material and that goes for you, too. You're a witness before us.

Let me ask you, when you talked to President Trump the day before he appointed you -- or you were appointed as Special Counsel, you were talking to him about the FBI Director position again. Did he mention the firing of James Comey?

MUELLER: Not -- not as a candidate. I was asked ...

GOHMERT: Did he mention the firing of James Comey in your discussion with him?

MUELLER: Cannot remember.

GOHMERT: Pardon?

MUELLER: Cannot remember. I don't believe so but I'm not going to be specific.

GOHMERT: You don't remember? But if he did, you could've been a fact witness as to the President's comments and state of mind on firing James Comey.

MUELLER: I suppose that's possible.

GOHMERT: Yeah. So most prosecutors want to make sure there was no appearance of impropriety, but in your case, you hired a bunch of people that did not like the President. Now let me ask you, when did you first learn of Peter Strzok's animus toward Donald Trump?

MUELLER: In the summer of 2017.

GOHMERT: You didn't know before he was hired?

MUELLER: I -- I'm sorry, what'd you ...

GOHMERT: You didn't know before he was hired for your team?

MUELLER: Know what?

GOHMERT: Peter Strzok hated Trump.

MUELLER: OK.

GOHMERT: You didn't know that before he was made part of your team, is that what you're saying?

MUELLER: I did not know that.

GOHMERT: All right. When did you first learn ...

(CROSSTALK)

MUELLER: ... when I did find out, I -- I acted swiftly to have him reassigned elsewhere in the FBI.

GOHMERT: Well there's some discussion about how swift that was. But when did you learn of the ongoing affair he was having with Lisa Page?

MUELLER: About the same time I ...

GOHMERT: OK.

MUELLER: ... from Strzok.

GOHMERT: Did you ever order anybody to investigate the deletion of all of their texts off of their government phones?

MUELLER: Once we found that Peter Strzok was author of -- of ...

GOHMERT: Did you ever ...

MUELLER: May I finish?

GOHMERT: ... order -- well you're not answering my question. Did you order an investigation in the deletion and reformatting of their government phones?

MUELLER: No, there was an IG investigation ongoing.

GOHMERT: Listen, regarding collusion or conspiracy, you didn't find evidence of any agreement, and I'm quoting you, "among the Trump campaign officials and any Russia linked individuals to interfere with our U.S. election," correct?

MUELLER: Correct.

GOHMERT: So you also note in the report that an element of any of those obstructions you referenced requires a corrupt state of mind, correct?

MUELLER: Corrupt intent, correct.

GOHMERT: Right. And if somebody knows they did not conspire with anybody from Russia to affect the election and they see the big Justice Department with people that hate that person coming after them, and then a Special Counsel appointed who hires a dozen or more people that hate that person and he knows he's innocent, he's not corruptly acting in order to see that justice is done, what he's doing is not obstructing justice, he is pursuing justice and the fact that you ...

NADLER: The gentleman's time ...

GOHMERT: ... ran it out two years means you ...

NADLER: Gentleman's time ...

(CROSSTALK)

GOHMERT: ... injustice, and I yield back.

(CROSSTALK)

NADLER: The gentleman's time is expired, the witness may answer the question.

MUELLER: I take your question.

NADLER: The gentleman from Florida?

GOHMERT: Director Mueller, I -- Director Mueller, I'd like to get back to your findings covering June of 2017. There was a bombshell article that reported that the President of the United States was personally under investigation for obstruction of justice.

And you said in your report on page 90 of Volume 2, and I quote, "news of the obstruction investigation prompted the President to call McGahn and seek to have the Special Counsel removed," close quote. And then in your report you wrote about multiple calls from the President to White House Counsel Don McGahn.

And regarding the second call, you wrote, and I quote, "McGahn recalled that the President was more direct, saying something like call Rod, tell Rod that Mueller has conflicts and can't be Special -- can't be the Special Counsel. McGahn recalled the President telling him Mueller has to go and call me back when you do it."

Director Mueller, did McGahn understand what the President was ordering him to do?

MUELLER: I direct you to the -- what we've written in the report in terms of characterizing his feelings.

GOHMERT: And in the report it says quote "McGahn understood the President to be saying that the Special Counsel had to be removed." You also said on page 86 that quote "McGahn considered the President's request to be an inflection point and he wanted to hit the brakes and he felt trapped and McGahn decided he had to resign."

McGahn took action to prepare to resign, isn't that correct?

MUELLER: I direct you again to the report.

GOHMERT: And in -- in fact, that very day he went to the White House and quoting your report, you said quote "he then drove to the office to pack his belongings and submit his resignation letter," close quote.

MUELLER: That is -- that is directly from the report.

GOHMERT: It is. And before he resigned, however, he called the President's Chief of Staff, Reince Priebus, and he called the President's senior advisor, Steve Bannon. Do you recall what McGahn told them?

MUELLER: I -- whatever he -- was -- was said will -- will appear in the report.

GOHMERT: It is, it is, and it says on page 87 quote "Priebus recalled that McGahn said that the President asked him to do crazy expletive." In other words, crazy stuff. The White House Counsel thought that the President's request was completely out of bounds. He said the President asked him to do something crazy, it was wrong, and he was prepared to resign over it.

Now these are extraordinarily troubling events but you found White House Counsel McGahn to be a credible witness, isn't that correct?

MUELLER: Correct.

GOHMERT: Director Mueller, the most important question I have for you today is why? Director Mueller, why did the President of the United States want you fired?

MUELLER: I can't answer that question.

GOHMERT: Well on -- on page 89 in your report on Volume 2, you said and I quote "substantial evidence indicates that the President's evident -- that the President's attempts to remove the Special Counsel were linked to the Special Counsel's oversight of investigations that involve the President's conduct, and most immediately to reports that the President was being investigated for potential obstruction of justice," close quote.

Director Mueller, you found evidence, as you lay out in your report, that the President wanted to fire you because you were investigating him for obstruction of justice. Isn't that correct?

MUELLER: That's what it -- it says in the report, yes, and I go -- I stand by in the report.

DEUTCH: Director Mueller, that shouldn't happen in America. No president should be able to escape investigation by abusing his power but that's what you testified to in your report. The president ordered you fired. The White House counsel knew it was wrong. The president knew it was wrong. In your report, it says there's also evidence the president knew he should not have made those calls to McGahn.

But the president did it anyway. He did it anyway. Anyone else who blatantly interfered with a criminal investigation, like yours, would be investigated and indicted on charges of obstruction of justice.

Director Mueller, you determined that you were barred from indicting a sitting president. We've already talked about that today. That is exactly why this committee must hold the president accountable.

I yield back.

NADLER: The gentleman yields back.

The gentlelady from Alabama?

ROBY: Director Mueller, you just said in response to two different lines of questionings that you would refer -- as it relates to this firing discussion that I would refer you to the report and the way it was characterized in the report.

Importantly, the president never said, fire Mueller or in the investigation. And one doesn't necessitate the other. And McGahn, in fact, did not resign; he stuck around for a year and a half.

On March 24th, Attorney General Barr formed the committee that he had received the special counsel's report and it was not until April 18th that the attorney general released the report to Congress and the public.

When you submitted your report to the attorney general, did you deliver a redacted version of the report so that he would be able to release it to Congress and the public without delay, pursuant to his announcement of his intention to do so during his confirmation hearing?

MUELLER: I'm not going to engage in a discussion about what happened after the production of our report.

ROBY: Had the attorney general asked you to provide a redacted version of the report?

MUELLER: We worked on the redacted versions together.

ROBY: Did he ask you for a version where the grand jury material was separated?

MUELLER: I'm not going to get into details.

ROBY: Is it your belief that an unredacted version of the report could be released to Congress or the public?

MUELLER: That's not within my purview.

ROBY: In the Starr investigation of President Clinton, it was the special prosecutor who went to court to receive permission to unredact grand jury material, Rule 6(e) material. Why did you not take a similar action so Congress could view this material?

MUELLER: We had a process that we were operating on with the Attorney General's Office.

ROBY: Are you aware of any attorney general going to court to receive similar permission to unredact 6(e) material?

MUELLER: I'm not aware of that being done.

ROBY: The attorney general released the special counsel's report with minimal redactions to the public and an even lesser redacted version to Congress. Did you write the report with the expectation that it would be released publicly?

MUELLER: No, we did not have an expectation. We wrote the report understanding that it was demanded by the statute and would go to the attorney general for further -- further review.

ROBY: And pursuant to the special counsel regulations, who is the only party that must receive the charging decision resulting from the special counsel's investigation?

MUELLER: With regard to the president or generally?

ROBY: No, generally.

MUELLER: Attorney general.

ROBY: At Attorney General Barr's confirmation hearing, he made it clear that he intended to release your report to the public. Do you remember how much of your report had been written at that point?

MUELLER: I do not.

ROBY: Were there significant changes in tone or substance of the report made after the announcement that the report would be made available to Congress and the public?

MUELLER: I can't get into that.

ROBY: During the Senate testimony of Attorney General William Barr, Senate -- Senator Kamala Harris asked Mr. Barr if he had looked at all the underlying evidence that -- that the special counsel's team had gathered. He stated that he had not.

So I'm going to ask you, did you personally review all of the underlying evidence gathered in your investigation?

MUELLER: Well, to the extent that it came through the Special Counsel's Office, yes.

ROBY: Did any single member of your team review all the underlying evidence gathered during the course of your investigation?

MUELLER: As has been recited here today, a substantial amount of work was done, whether it be search warrants or -- or...

ROBY: My point is, is there was no one member of the team that looked at everything.

MUELLER: ... That's what I'm trying to get at.

ROBY: OK. It's fair to say that in an investigation as comprehensive as yours, it's normal that different members of the team would have reviewed different sets of documents and few, if anyone, would have reviewed all of the underlying?

MUELLER: Thank you, yes.

ROBY: How many of the approximately 500 interviews conducted by the Special Counsel's Office did you attend personally?

MUELLER: Very few.

ROBY: On March 27, 2019, you wrote a letter to the attorney general essentially complaining about the media coverage of your report. You wrote, and I quote, "The summery letter the Department sent to Congress and released to the public late in the afternoon of March 24 did not fully capture the context, nature and substance of this office's work and conclusions. We communicated that concern to the Department on the morning of March 25th. There is now public confusion about critical aspects of the result of our investigation."

Who wrote that March 27th letter?

MUELLER: Well, I -- I -- I can't get into who wrote it. The internal deliberations...

ROBY: But you signed it?

MUELLER: ... I -- what I will say is the letter stands for itself.

ROBY: OK. Why did you write a formal letter since you had already called the attorney general to express those concerns?

MUELLER: I can't -- I can't get into that, internal deliberations.

ROBY: Did you authorize the letter's release to the media or was it leaked?

MUELLER: I have no knowledge on either.

ROBY: Well, you went nearly two years without a leak. Why was this letter leaked?

MUELLER: I -- I -- well, I -- I can't get into it.

ROBY: Was this letter written and leaked for the expressed purpose of attempting to change the narrative about the conclusions of your report? And was anything in Attorney General Barr's letter referred to as principal conclusions...

(CROSSTALK)

NADLER: The time of the gentlelady...

ROBY: ... inaccurate?

NADLER: ... The time of the gentlelady is expired. The gentlelady...

ROBY: Can he answer the question, please?

MUELLER: And the question is?

NADLER: ... Yes, he may answer the question.

ROBY: Was anything in Attorney General Barr's letter referred to as the principle conclusions letter dated March 24th inaccurate?

MUELLER: Well, I am not going to get into that.

NADLER: The time of the gentlelady is expired.

The gentlelady from California?

BASS: Thank you, Mr. Chair.

Director Mueller, as you know, we are focusing on five obstruction episodes today. I would like to ask you about the second of those five obstruction episodes. It is in the section of your report beginning on page 113 of Volume 2, entitled, quote, "The President Orders McGahn to Deny that the President Tried to Fire the Special Counsel," end quote.

On January 25th, 2018, The New York Times reported that, quote, "The president had ordered McGahn to have the Department of Justice fire you." Is that correct?

MUELLER: Correct.

BASS: And that story related to the events you already testified about here today. The president's calls to McGahn to have you removed. Correct?

MUELLER: Correct.

BASS: After the news broke, did the president go on TV to deny the story?

MUELLER: I do not know.

BASS: In fact, the president said, quote, "Fake news, folks. Fake news, a typical New York Times fake story," end quote. Correct?

MUELLER: Correct.

BASS: But your investigation actually found substantial evidence that McGahn was ordered by the president to fire you. Correct?

MUELLER: Yes.

BASS: Did the president's personal lawyer do something the following day in responses to that news report?

MUELLER: I'd refer you to the coverage of this in the report.

BASS: On page 114, quote, "On January 26th, 2018, the president's personal counsel called McGahn's attorney and said that the president wanted McGahn to put out a statement denying that he had been asked to fire the special counsel," end quote. Did McGahn do what the president asked?

MUELLER: I refer you to the report.

BASS: Communicating through his personal attorney, McGahn refused, because he said, quote, "That the Times story was accurate in reporting that the president wanted the special counsel removed." Isn't that right?

MUELLER: I believe it is, but I refer you again to the report.

BASS: OK. So Mr. McGahn, through his personal attorney, told the president that he is -- was not going to lie. Is that right?

MUELLER: True.

BASS: Did the president drop the issue?

MUELLER: I refer to the write-up of this in the report.

BASS: OK. Next, the president told the White House Staff Secretary Rob Porter to try to pressure McGahn to make a false denial. Is that correct?

MUELLER: That's correct.

BASS: What did he actually direct Porter to do?

MUELLER: And -- and I would send you back to the report.

BASS: OK. Well, on page 113 it says, quote, "The president then directed Porter to tell McGahn to create a record to make it clear that the president never directed McGahn to fire you," end quote. Is that correct?

MUELLER: That is as it's -- it's stated in the report.

BASS: And you found, quote, "The president said he wanted McGahn to write a letter to the file for our records." Correct?

MUELLER: Correct.

BASS: And to be clear, the president is asking his White House Counsel Don McGahn to create a record that McGahn believed to be untrue, while you were in the midst of investigating the president for obstruction of justice. Correct?

MUELLER: Generally correct.

BASS: And Mr. McGahn was an important witness in that investigation, wasn't he?

MUELLER: I'd have to say yes.

BASS: Did the president tell Porter to threaten McGahn if he didn't create the written denial?

MUELLER: I would refer you to the write-up of it in the report.

BASS: In fact, didn't the president say, quote, and this is on page 116, "If he doesn't write a letter, then maybe I'll have to get rid of him," end quote?

MUELLER: Yes.

BASS: Did Porter deliver that threat?

MUELLER: I, again, refer you to the discussion that's found on page 115.

BASS: OK. But the president still didn't give up, did he? So the president told McGahn directly to deny that the president told him to have you fired. Can you tell me exactly what happened?

MUELLER: I can't beyond what's in the report.

BASS: Well, on page 116, it says the president met him in the Oval Office, quote, "The president began the Oval Office meeting by telling McGahn that The New York Times' story didn't look good and McGahn needed to correct it." Is that correct?

MUELLER: That's -- as it's written in the report, yes.

BASS: The president asked McGahn whether he would do a correction and McGahn said no. Correct?

MUELLER: That's accurate.

BASS: Well, Mr. Mueller, thank you for your investigation uncovering this very disturbing evidence. My friend, Mr. Richmond will have additional questions on the subject.

However, it is clear to me, if anyone else had ordered a witness to create a false record and cover-up acts that are subject of a law enforcement investigation, that person would be facing criminal charges. I yield back my time.

NADLER: The gentlelady yields back.

The gentlemen from Ohio?

JORDAN: Director, the FBI interviewed Joseph Mifsud on February 10th, 2017. In that interview, Mr. Mifsud lied. You point this out on page 193, Volume 1, Mifsud denied, Mifsud also falsely stated. In addition, Mifsud omitted. Three times, he lied to the FBI; yet, you didn't charge him with a crime. Why...

(CROSSTALK)

MUELLER: Excuse me -- are...

JORDAN: ... Why not?

MUELLER: ... did you say -- I'm sorry, did you say 193?

JORDAN: Volume 1, 193. He lied three times, you point it out in the report, why didn't you charge him with a crime?

MUELLER: I can't get into internal deliberations with regard to who or who would not be charged.

JORDAN: You charged a lot of other people for making false statements. Let's remember this -- let's remember this, in 2016 the FBI did something they probably haven't done before, they spied on two American citizens associated with a presidential campaign.

George Papadopoulos and Carter Page. With Carter Page they went to the FISA court, they used the now famous dossier as part of the reason they were able to get the warrant and spy on Carter Page for a better part of a year.

With Mr. Papadopoulos, they didn't go to the court, they used human sources, all kinds of -- from about the moment Papadopoulos joins the Trump campaign, you've got all these people all around the world starting to swirl around him, names like Halper, Downer, Mifsud, Thompson, meeting in Rome, London, all kinds of places.

The FBI even sent -- even sent a lady posing as somebody else, went by the name Azmiturk, even dispatched her to London to spy on Mr. Papadopoulos. In one of these meetings, Mr. Papadopoulos is talking to a foreign diplomat and he tells the diplomat Russians have dirt on Clinton.

That diplomat then contacts the FBI and the FBI opens an investigation based on that fact. You point this out on page 1 of the report. July 31st, 2016 they open the investigation based on that piece of information.

Diplomat tells Papadopoulos Russians have dirt -- excuse me, Papadopoulos tells the diplomat Russians have dirt on Clinton, diplomat tells the FBI. What I'm wondering is who told Papadopoulos? How'd he find out?

MUELLER: I can't get into the evidentiary filings.

JORDAN: Yes, you can because you wrote about it, you gave us the answer. Page 192 of the report, you tell us who told him. Joseph Mifsud, Joseph Mifsud's the guy who told Papadopoulos, the mysterious professor who lives in Rome and London, works at -- teaches in two different universities.

This is the guy who told Papadopoulos he's the guy who starts it all, and when the FBI interviews him, he lies three times and yet you don't charge him with a crime. You charge Rick Gates for false statements, you charge Paul Manafort for false statements, you charge Michael Cohen with false statements, you charge Michael Flynn a three star general with false statements, but the guy who puts the country through this whole saga, starts it all for three years we've lived this now, he lies and you guys don't charge him.

And I'm curious as to why.

MUELLER: Well I can't get into it and it's obvious I think that we can't get into charging decisions.

JORDAN: When the FBI interviewed him in February -- FBI interviews him in February, when the Special Counsel's Office interviewed Mifsud, did he lie to you guys too?

MUELLER: Can't get into that.

JORDAN: Did you interview Mifsud?

MUELLER: Can't get into that.

JORDAN: Is Mifsud western intelligence or Russian intelligence?

MUELLER: Can't get into that.

JORDAN: A lot of things you can't get into. What's interesting, you can charge 13 Russians no one's ever heard of, no one's ever seen, no one's ever going to hear of them, no one's ever going to see them, you can charge them, you can charge all kinds of people who are around the president with false statements but the guy who launches everything, the guy who puts this whole story in motion, you can't charge him.

I think that's amazing.

MUELLER: I'm not certain I -- I'm not certain I agree with your characterizations.

JORDAN: Well I'm reading from your report, Mifsud told Papadopoulos, Papadopoulos tells the diplomat, the diplomat tells the FBI, the FBI opens the investigation July 31st, 2016.

And here we are three years later, July of 2019, the country's been put through this and the central figure who launches it all, lies to us and you guys don't hunt him down and interview him again and you don't charge him with a crime.

Now here's the good news, here's the good news, the president was falsely accused of conspiracy. The FBI does a 10 month investigation and James Comey when we deposed him a year ago told us at that point they had nothing.

You do a 22-month investigation, at the end of that 22 months you find no conspiracy and what's the Democrats want to do, they want to keep investigating, they want to keep going. Maybe a better course of action, maybe a better course of action is to figure out how the false accusations started, maybe it's to go back and actually figure out why Joseph Mifsud was lying to the FBI.

And here's the good news, here's the good news, that's exactly what Bill Barr is doing. And thank goodness for that. That's exactly what the attorney general and John Durham doing, they're going to find out why we went through this three year...

NADLER: The time of the gentleman...

JORDAN: ...three year saga and get to the bottom of it.

NADLER: Time of the gentleman has expired. In a moment we will take a very brief five minute break. First I ask everyone in the room to please remain seated and quiet while the witness exit the -- exits the room.

I also want to announce to those in the audience that you may not be guaranteed your seat if you leave the hearing room at this time.

At this time, the committee will stand in a very short recess.

(RECESS)

NADLER: Gentleman from Louisiana, Mr. Richmond.

RICHMOND: Thank you, Mr. Chairman. Mr. Mueller, Congressman Duetch addressed Trump's request to McGahn to fire you. Representative Bass talked about the president's request to McGahn to deny the fact that the president made that request.

So I want to pick up where they left off and I want to pick up with the president's personal lawyer. In fact, there was evidence that the president's personal lawyer was alarmed at the prospect of the president meeting with Mr. McGahn to discuss Mr. McGahn's refusal to deny The New York Time's report about the president trying to fire you, correct?

MUELLER: Correct.

RICHMOND: In fact, the president's counsel was so alarmed by the prospect of the president's meeting with McGahn that he called Mr. McGahn's counsel and said that McGahn could not resign no matter what happened in the Oval Office that day, correct?

MUELLER: Correct.

RICHMOND: So it's accurate to say that the president knew that he was asking McGahn to deny facts that McGahn, quote, "had repeatedly said were accurate," unquote. Isn't that right?

MUELLER: Correct.

RICHMOND: Your investigation also found, quote, "by the time of the Oval Office meeting with the president, the president was aware, one, that McGahn did not think the story was false, two, did not want to issue a statement or create a written record denying facts that McGahn believed to be true. The president nevertheless persisted and asked McGahn to repudiate facts that McGahn had repeatedly said were accurate." Isn't that correct?

MUELLER: (Inaudible)

RICHMOND: I believe that's on page 119. Thank you. In other words, the president was trying to force McGahn to say something that McGahn did not believe to be true.

MUELLER: That's accurate.

RICHMOND: I want to reference you to a slide and it's on page 120, and it says, "substantial evidence indicates that in repeatedly urging McGahn to dispute that he was ordered to have the special counsel terminated, the president acted for the purpose of influencing McGahn's

account in order to deflect or prevent further scrutiny of the president's conduct towards the investigation."

MUELLER: It's accurate.

RICHMOND: Can you explain what you meant there?

MUELLER: I'm just going to leave it as it appears in the report.

RICHMOND: So it's fair to say the president tried to protect himself by asking staff to falsify records relevant to an ongoing investigation?

MUELLER: I would say that is generally a summary.

RICHMOND: Would you say that that action the president tried to hamper the investigation by asking staff to falsify records relevant to your investigation?

MUELLER: I'm just going to refer you to the report if I could for review of that episode.

RICHMOND: Thank you. Also, the president's attempt to get McGahn to create a false-written record, were related to Mr. Trump's concerns about your obstruction of justice inquiry, correct?

MUELLER: I believe that to be true.

RICHMOND: In fact, at that same Oval Office meeting, did the president also ask McGahn why he had told - quote, "why he had told Special Counsels Office investigators that the president told him to have you removed," unquote?

MUELLER: What was the question, sir? I might...

RICHMOND: Let me go to the next one. The president, quote, "criticized McGahn for telling your office about the June 17, 2017 events when he told McGahn to have you removed," correct?

MUELLER: Correct.

RICHMOND: In other words, the president was criticizing his White House Counsel for telling law enforcement officials what he believed to be the truth?

MUELLER: I, again, go back to the text of the - of the report.

RICHMOND: Well, let me go a little bit further. Would it have been a crime if Mr. McGahn had lied to you about the president ordering him to fire you?

MUELLER: I don't want to speculate.

RICHMOND: OK. Is it true that you charged multiple people associated with the president for lying to you during your investigation?

MUELLER: That is accurate.

RICHMOND: The president also complained that his staff were taking notes during the meeting about firing McGahn. Is that correct?

MUELLER: That's what the report says. Yes, the report.

RICHMOND: But, in fact, it's completely appropriate for the president's staff, especially his counsels, to take notes during a meeting correct?

MUELLER: I rely on the wording of the report.

RICHMOND: Well, thank you, Director Mueller, for your investigation into whether the president attempted to obstruct justice by ordering his White House Counsel, Don McGahn, to lie to protect the president and then to create a false record about it. It is clear that any other person who engaged in such conduct would be charged with a crime. We will continue our investigation. We will hold the president accountable because no one is above the law.

NADLER: Gentleman's time has expired. The gentleman from Florida.

GAETZ: Director Mueller, can you state with confidence that the Steele dossier was not part of Russia's disinformation campaign?

MUELLER: No. I said they - my opening statement that part of the building of the case predated me by at least 10 months.

GAETZ: Yes. I mean, Paul Manafort's alleged crimes regarding tax evasion predated you. You had no problem charging them, and a matter of fact, this Steele dossier predated the attorney general and he didn't have any problem answering the question when Senator Cornyn asked the attorney general the exact question I asked you, Director.

The attorney general said, and I'm quoting, "no. I can't state that with confidence, and that's one of the areas I'm reviewing. I'm concerned about it and I don't think it's entirely speculative."

Now, something is not entirely speculative that it must have some factual basis, but you identify no factual basis regarding the dossier or the possibility that it was part of the Russia disinformation campaign.

Now, Christopher Steele's reporting is referenced in your report. Steele reported to the FBI that senior Russian foreign ministry figures among with other - along with other Russia's told him that there was a - and I'm quoting from the Steele dossier - "extensive evidence of

conspiracy between the Trump campaign team and the Kremlin.”

GAETZ: So here’s my question. Did Russians really tell that to Christopher Steele or did he just make it all up and was he lying to the FBI?

MUELLER: Let me back up a second if I could and say as I’ve said earlier, with regard to Steele, that’s beyond my purview.

GAETZ: No it is exactly your purview Director Mueller and here’s why. Only one of two things is possible, right? Either Steele made this whole thing up and there were never any Russians telling him of this vast criminal conspiracy that you didn’t find or Russians lied to Steele. Now if Russians were lying to Steele to undermine our confidence in our duly elected president, that would seem to be precisely your purview because you stated in your opening that the organizing principle was to fully and thoroughly investigate Russia’s interference but you weren’t interested in whether or not Russians were interfering through Christopher Steele and if Steele was lying then you should have charged him with lying like you charged a variety of other people. But you say nothing about this in your report.

MUELLER: Well, sir...

GAETZ: Meanwhile, Director, you’re quite loquacious on other topics, you write 3,500 words about the June 9 meeting between the Trump campaign and Russian lawyer Veselnitskaya. You write on page 103 of your report that the president’s legal team suggested and I’m quoting from your report, “that the meeting might have been a set up by individuals working with the firm that produced the Steele reporting.” So I’m going to ask you a very easy question Director Mueller, on the week of June 9, who did Russian lawyer Veselnitskaya meet with more frequently, the Trump campaign or Glenn Simpson who is functionally acting as an operative for the Democratic National Committee?

MUELLER: Well what I think is missing here is the fact that this is under investigation and -- elsewhere...

GAETZ: I get that...

MUELLER: And if I could finish, sir. And if I could finish, sir. And consequently it’s not within my purview, the Department of Justice and FBI should be responsive to questions on this particular issue.

GAETZ: It is absurd to suggest that a operative for the democrats was meeting with this Russian lawyer the day before, the day after the Trump Tower meeting and yet that’s not something you reference. Now Glenn Simpson testified under oath he had dinner with Veselnitskaya the day before and the day after this meeting with the Trump team. Do you have any basis as you sit here today to believe that Steele was lying?

MUELLER: As I said before and I'll say again, it's not my purview. Others are investigating what you...

GAETZ: It's not your purview to look into whether or not Steele is lying? It's not your purview to look into whether or not anti-Trump Russians are lying to Steele? And it's not your purview to look at whether or not Glenn Simpson was meeting with the Russians the day before and the day after you write 3,500 words about the Trump campaign meeting so I'm wondering how -- how these decisions are guided. I look at the inspector general's report. I'm citing from page 404 of the inspector general's report. It states, "Page (ph) stated, Trump is not ever going to be president, right? Right?" Strzok replied, "No he's not. We'll stop it." Also in the inspector general's report there's someone identified as "Attorney Number 2." Attorney Number 2, this is page 419 replied, "Hell no," and then added, "viva la resistance." Attorney Number 2 in the inspector general's report and Strzok both worked on your team, didn't they?

MUELLER: Pardon me, can you ask...

GAETZ: They both worked on your team didn't they?

MUELLER: I heard Strzok. Who else are we talking about?

GAETZ: Attorney Number 2 identified in the inspector general's report.

MUELLER: OK. And the question was?

GAETZ: Did he work for you? The guy who said, "Viva la resistance."

MUELLER: Peter -- Peter Strzok worked for me for a period of time, yes.

GAETZ: Yes, but so did the other guy that said, "Viva la resistance." And here's what I'm kind of noticing Director Mueller, when people associated with Trump lied, you threw the book at them. When Christopher Steele lied, nothing. And so it seems to be when Simpson met with Russians, nothing. When the Trump campaign met with Russians, 3,500 words. And maybe the reason why there are these discrepancies in what you focused on because the team was so biased...

NADLER: Time of the -- time of the gentleman has expired.

GAETZ: ... (inaudible) resistance, pledged to stop Trump.

NADLER: Mr. Jeffries of New York is recognized.

JEFFRIES: Mr. Mueller, obstruction of justice is a serious crime that strikes at the core of an investigator's effort to find the truth. Correct?

MUELLER: Correct.

JEFFRIES: The crime of obstruction of justice has three elements, true?

MUELLER: True.

JEFFRIES: The first element is an obstructive act. Correct?

MUELLER: Correct.

JEFFRIES: An obstructive act could include taking an action that would delay or interfere with an ongoing investigation as set forth in Volume 2, page 87 and 88 of your report. True?

MUELLER: I'm sorry. Could you again repeat the question?

JEFFRIES: An obstructive act could include taking an action that would delay or interfere with an ongoing investigation.

MUELLER: That's true.

JEFFRIES: Your investigation found evidence that President Trump took steps to terminate the special counsel. Correct?

MUELLER: Correct.

JEFFRIES: Mr. Mueller, does ordering the termination of the head of a criminal investigation constitute an obstructive act?

MUELLER: That would be -- I -- I -- I'll refer you to the report on that.

JEFFRIES: Let me refer you to page 87 and 88 of Volume 2 where you conclude the attempt to remove the special counsel would qualify as an obstructive act if it would naturally obstruct the investigation in any grand jury proceedings that might flow from the inquiry. Correct?

MUELLER: Yes, I've got that now. Thank you.

JEFFRIES: Thank you. The second element of obstruction of justice is the presence of an obstructive act in connection with an official proceeding. True?

MUELLER: True.

JEFFRIES: Does the special counsel's criminal investigation into the potential wrong doing of Donald Trump constitute an official proceeding?

MUELLER: And that's an area which I cannot get into.

JEFFRIES: OK. President Trump tweeted on June 16, 2017, quote, "I am being investigated for firing the FBI director by the man who told me to fire the FBI director. Witch hunt." The June 16th tweet just read was cited on page 89 in Volume 2 constitutes a public acknowledgement by President Trump that he was under criminal investigation. Correct?

MUELLER: I -- I think generally correct.

JEFFRIES: One day later on Saturday, June 17, President Trump called White House counsel Don McGahn at home and directed him to fire the special counsel. True?

MUELLER: I believe it to be true. I think we've been -- I may have stated in response to questions some.

JEFFRIES: That is correct. President Trump told Don McGahn quote, "Mueller has to go," close quote. Correct?

MUELLER: Correct.

JEFFRIES: Your report found on page 89, Volume 2 that substantial evidence indicates that by June 17 the president knew his conduct was under investigation by a federal prosecutor who could present any evidence of federal crimes to a grand jury. True?

MUELLER: True.

JEFFRIES: The third element, second element having just been satisfied, the third element of the crime of obstruction of justice is corrupt intent. True?

MUELLER: True.

JEFFRIES: Corrupt intent exists if the president acted to obstruct an official proceeding for the improper purpose of protecting his own interest. Correct?

MUELLER: That's generally correct.

JEFFRIES: Thank you.

MUELLER: And I -- the only thing I would say is we are going through the three elements of proof of the -- obstruction of justice charges when the fact of the matter is we got -- excuse me just one second.

JEFFRIES: Well thank you Mr. Mueller. Let me -- let me move on in the interest of time. Upon learning about the appointment of the special counsel, your investigation found that Donald Trump stated to the then attorney general quote, "Oh my God. This is terrible. This is the end of my presidency. I'm f'ed." Is that correct?

MUELLER: Correct.

JEFFRIES: Is it fair to say that Donald Trump viewed the special counsel's investigation into his conduct as adverse to his own interest?

MUELLER: I think that generally is true.

JEFFRIES: The investigation found evidence quote, "that the president knew that he should not have directed Don McGahn to fire the special counsel." Correct?

MUELLER: And where do you have that -- that quote?

JEFFRIES: Page 90, Volume 2. "There's evidence that the president knew he should not have made those calls to McGahn", close quote.

MUELLER: I see that, yes, that's accurate.

JEFFRIES: The investigation also found substantial evidence that President Trump repeatedly urged McGahn to dispute that he was ordered to have the Special Counsel terminated, correct?

MUELLER: Correct.

JEFFRIES: The investigation found substantial evidence that when the president ordered Don McGahn to fire the special counsel and then lie about it, Donald Trump one, committed an obstructive act, two, connected to an official proceeding, three, did so with corrupt intent.

Those are the elements of obstruction of justice. This is the United States of America, no one is above the law. No one. The president must be held accountable one way or the other.

MUELLER: Let me -- let me just say I -- if I might, I don't subscribe necessarily to your -- the way you analyze that. I'm not saying it's out of the ballpark, but I'm not supportive of that analytical charge.

JEFFRIES: Thank you.

NADLER: (OFF MIKE)

BUCK: Thank you, Mr. Chairman. Mr. Mueller, over here.

MUELLER: Hi.

BUCK: Hi, I want to start by thanking you for your service. You joined the Marines and led a rifle platoon in Vietnam where you earned a Bronze Star, Purple Heart and other accommodations.

You serves as an assistant United States attorney, leading the homicide unit here in D.C., U.S. attorney for the district of Massachusetts and later Northern District of California, assistant attorney general for DOJ's criminal division and the FBI director.

So thank you. I appreciate that. But having reviewed your biography, it puzzles me why you handled your duties in this case the way you did. The report contradicts what you taught young attorneys at the Department of Justice, including to ensure that every defendant is treated fairly or as Justice Sutherland said in the Berger case, a prosecutor is not the representative of an ordinary party to a controversy, but of a sovereignty whose interest in a criminal prosecution is not that shall win a case, but that justice shall be done and that the prosecutor may strike hard blows but he is not at liberty to strike fowl ones.

By listing the 10 factual situations and not reaching a conclusion about the merits of the case, you unfairly shifted the burden of proof to the president, forcing him to prove his innocence while denying him a legal form to do so.

And I've never heard of a prosecutor declining a case and then holding a press conference to talk about the defendant. You noted eight times in your report that you had a legal duty under the regulations to either prosecute or decline charges.

Despite this, you disregarded that duty. As a former prosecutor, I'm also troubled with your legal analysis. You discussed 10 separate factual patterns involving alleged obstruction and then you failed to separately apply the elements of the applicable statutes.

I looked at the 10 factual situations and I read the case law and I have to tell you just looking at the Flynn matter for example, the four statutes that you cited for possible obstruction, 1503, 1505, 1512 B3 and 1512 C2.

When I look at those concerning the Flynn matter, 1503 is inapplicable because there wasn't a grand jury or trial jury impaneled and Director Comey was not an officer of the court as defined by the statute.

Section 1505 criminalizes acts that would obstruct or impede administrative proceedings, those before Congress an administrative agency, the Department of Justice criminal resource manual states that the FBI investigation is not a pending proceeding.

1512 B3 talks about intimidation threats of force to tamper with a witness. General Flynn at the time was not a witness and certainly Director Comey was not a witness. And 1512 C2 talks about tampering with the record and as Joe Biden described the statute as being debated on the Senate floor, he called this a statute criminalizing document shredding, and there's nothing in the -- in your report that alleges that the president destroyed any evidence.

So what I have to ask and what I think people are working around in this hearing is -- let me lay a little foundation for you, the ethical rules require that a prosecutor have a reasonable probability of conviction to bring a charge, is that correct?

MUELLER: Generally accurate.

BUCK: OK. And the regulations concerning your job as special counsel state that your job is to provide the attorney general with a confidential report explaining the prosecution or declination decisions reached by your office.

You recommended declining prosecution of President Trump and anyone associated with his campaign because there was insufficient evidence to convict for a charge of conspiracy with Russian interference in the 2016 election. Is that fair?

MUELLER: That's fair.

BUCK: Was there sufficient evidence to convict President Trump or anyone else with obstruction of justice?

MUELLER: We did not make that calculation.

BUCK: How could you not have made the calculation when the regulation...

MUELLER: Because the OLC opinion -- the OLC opinion, Office of Legal Counsel, indicates that we cannot indict a sitting president. So one of the tools that a prosecutor would use is not there.

BUCK: OK but let me just stop, you made the decision on the Russian interference, you couldn't have indicted the president on that and you made the decision on that. But when it came to obstruction, you threw a bunch of stuff up against the wall to see what would stick, and that is fundamentally unfair.

MUELLER: I would not agree to -- I would not agree to that characterization at all. What we did is provide to the attorney general in the form of a confidential memorandum our understanding of the case.

Those cases that were brought, those cases that were declined and the -- that one case where the president cannot be charged with a crime.

BUCK: OK, but the -- could you charge the president with a crime after he left office?

MUELLER: Yes.

BUCK: You believe that he committed -- you could charge the president of the United States with obstruction of justice after he left office.

MUELLER: Yes.

BUCK: Ethically, under the ethical standards.

MUELLER: Well I am -- I'm not certain because I haven't looked at the ethical standards, but the OLC opinion says that the prosecutor while he cannot bring a charge against a sitting president, nonetheless he continue the investigation to see if there are any other person to might be drawn into the conspiracy.

NADLER: Time of the gentleman has expired. The gentleman from Rhode Island.

CICILLINE: Director, Director as you know we are specifically focusing on five separate obstruction episodes here today. I'd like to ask you about the third episode, it's the section of your report entitled the president's efforts to curtail the Special Counsel investigation beginning at page 90.

And by curtail you mean limit, correct?

MUELLER: Correct.

CICILLINE: My colleagues have walked through how the president tried to have you fired through the White House Council, and because Mr. McGahn refused the order, the president asked others to help limit your investigation, is that correct?

MUELLER: Correct.

CICILLINE: And was Cory Lewandowski one such individual?

MUELLER: Again, can you remind me what character...

CICILLINE: Well Cory Lewandowski is the president's former campaign manager, correct?

MUELLER: Correct.

CICILLINE: Did he have any official position in the Trump administration?

MUELLER: I don't believe so.

CICILLINE: Your report describes an incident in the Oval Office involving Mr. Lewandowski on June 19, 2017 that Volume 2 page 91, is that correct.

MUELLER: I'm sorry, what's the citation, sir?

CICILLINE: Page 91.

MUELLER: Of the second volume?

CICILLINE: Yes.

MUELLER: And where...

CICILLINE: A meeting in the Oval Office between Mr. Lewandowski and the president.

MUELLER: OK.

CICILLINE: And that was just two days after the president called Don McGahn at home and ordered him to fire you. Is that correct?

MUELLER: Apparently so.

CICILLINE: So right after his White House Council, Mr. McGahn refused to follow the president's order to fire you, the president came up with a new plan. And that was to go around all of his senior advisors and government aids to have a private citizen try to limit your investigation.

What did the president tell Mr. Lewandowski to do? Do you recall, he called him -- he dictated a message to Mr. Lewandowski for Attorney General Sessions and asked him to write it down, is that correct?

MUELLER: True.

CICILLINE: And do you -- did you and your team see this handwritten message?

MUELLER: I'm not going to get into what we may or may not have included in our investigation.

CICILLINE: OK. The message directed Sessions to give, and -- and I'm quoting from your report, to give a public speech saying that he planned to, "Meet with the special prosecutor to explain this is very unfair and threat the special prosecutor move forward with investigating investigation meddling for future elections." That's at page 91. Is that correct?

MUELLER: Yes, I see that, thank you. Yes, it is.

CICILLINE: In other words, Mr. Lewandowski, a private citizen, was instructed by the president of the United States to deliver a message from the president to the attorney general that directed him to limit your investigation. Correct?

MUELLER: Correct.

CICILLINE: And at this time, Mr. Sessions was still recused from oversight of your investigation. Correct?

MUELLER: I'm sorry. Could you restate that?

CICILLINE: The attorney general was recused from oversight.

MUELLER: Yes. Yes.

CICILLINE: So the attorney general had to violate his own Department's rules in order to comply with the president's order, correct?

MUELLER: Well, I'm not going to get into the subsidiary details...

CICILLINE: OK.

MUELLER: ... I'd just refer you again to page 91, 92 of the report.

CICILLINE: And if the attorney general had followed through with the president's request, Mr. Mueller, it would have effectively ended your investigation into the president and his campaign, as you note on page 97. Correct?

MUELLER: Could you?

CICILLINE: On page 97 you write, and I quote, "Taken together, the president's directives indicate that Sessions was being instructed to tell the special counsel to end the existing investigation into the president and his campaign, with the special counsel being permitted to move forward with investigating election meddling for future elections." Is that correct?

MUELLER: Generally true, yes, sir.

CICILLINE: And it's -- an unsuccessful attempt to obstruct justice is still a crime, is that correct?

MUELLER: That is correct.

CICILLINE: And Mr. Lewandowski tried to meet with the attorney general. Is that right?

MUELLER: True.

CICILLINE: And he tried to meet with him in his office so he would be sure -- certain there wasn't a public log of the visit?

MUELLER: According to what we gathered for the report.

CICILLINE: And the meeting never happened. And the president raised the issue again with Mr. Lewandowski and this time he said, and I quote, "If Sessions does not meet with you, Lewandowski should tell Sessions he was fired," correct?

MUELLER: Correct.

CICILLINE: So immediately following the meeting with the president, Lewandowski then asked Mr. Dearborn to deliver the message, who's the former chief of staff to Mr. Sessions. And Mr. Dearborn refuses to deliver it because he doesn't feel comfortable. Isn't that correct?

MUELLER: Generally correct, yes.

CICILLINE: Just so we're clear, Mr. Mueller, two days after the White House Counsel Don McGahn refused to carry out the president's order to fire you, the president directed a private citizen to tell the attorney general of the United States -- who was recused at the time -- to limit your investigation to future elections, effectively ending your investigation into the 2016 Trump campaign. Is that correct?

MUELLER: Well, I'm not going to adopt your characterization. I'll say that the facts as laid out in the report are accurate.

CICILLINE: Well, Mr. Mueller, in your report you, in fact, write at page 99 -- 97, "Substantial evidence indicates that the president's effort to have Sessions limit the scope of the special counsel's investigation to future elections interference was intended to prevent further investigative scrutiny of the president and his campaign conduct." Is that correct?

MUELLER: Generally.

CICILLINE: And so, Mr. Mueller, you have seen a letter where 1,000 former Republican and Democratic federal prosecutors have read your report and said anyone but the president who committed those acts would be charged with obstruction of justice. Do you agree with those former colleagues, 1,000 prosecutors, who came to that conclusion?

NADLER: (OFF-MIKE).

MUELLER: Those...

NADLER: (OFF-MIKE).

BIGGS: Thank you, Mr. Chairman. Over here. Thanks.

Mr. Mueller, you guys -- your team wrote in the report, quote, on -- this is at the top of page 2, Volume 1 -- also on page 173, by the way -- you said you'd come to the conclusion that, quote, "The investigation did not establish that members of the Trump campaign conspired or coordinated with the Russian government in its election interference activities," closed quote. That's an accurate statement, right?

MUELLER: That's accurate.

BIGGS: And I'm curious, when did you personally come to that conclusion?

MUELLER: Can you remind me which paragraph you're referring to?

BIGGS: Top of page 2...

MUELLER: On 2?

BIGGS: ... Volume 1.

MUELLER: OK. And exactly which paragraph are you looking at on 2?

BIGGS: Investigation did not establish...

MUELLER: Of course, I see it.

BIGGS: You see it?

MUELLER: Yes. And what was your question?

BIGGS: My question now is when did you personally reach that conclusion?

MUELLER: Well, we were ongoing for two years.

BIGGS: Right. You were ongoing and you wrote it at some point during that two-year period. But at some point, you had to come to a conclusion that -- that I don't think there's a -- that there's not a conspiracy going on here. There was no conspiracy between this president -- and I'm not talking about the rest of the president's team, I'm talking about this president and the Russians.

MUELLER: As you understand, in developing a criminal case, you get pieces of information -- pieces of information, witnesses and the like as you make your case.

BIGGS: Right.

MUELLER: And when you make a decision on a particular case depends on a number of factors.

BIGGS: Right, I understand all this.

MUELLER: And so I cannot say specifically that we reached the decision on a particular defendant at a particular point in time.

BIGGS: But it was sometime well before you wrote the report. Fair enough? I mean, you wrote the report dealing with a whole myriad of issues. Certainly, at some time prior to that report is when you reached the decision that, OK, with -- with regard to the president himself, I don't find anything here. Fair enough?

MUELLER: Well, I'm not certain I do agree with that. The...

BIGGS: So you waited until the last minute when you were actually writing the report and said, oh, OK...

MUELLER: ... No, but there -- there are various aspects of the development of an...

BIGGS: ... Sure. And that's my point. There are various aspects that are -- that happen. But somewhere along the pike, you will come to a conclusion, there's no there, there for this defendant. Isn't that right? So apparently...

(CROSSTALK)

MUELLER: I can't -- I can't speak to it.

BIGGS: ... You can't -- you can't say when? Fair enough. So -- so...

ZEBLEY: Mr. Biggs, I...

BIGGS: ... No, I'm not -- I'm asking the -- the sworn witness.

Mr. Mueller, evidence suggests that on May 10th, 2017 at approximately 7:45 a.m., six days before the DAG, that's deputy attorney general, appointed you special counsel, Mr. Rosenstein called you and mentioned the appointment of a special counsel, not -- not necessarily that you would be appointed, but that you had a discussion of that. Is that -- is that true? May 10th, 2017.

MUELLER: I -- I -- I don't have any -- no, I don't have any knowledge of that occurring.

BIGGS: You don't have any knowledge or you don't recall?

MUELLER: I don't have any knowledge.

BIGGS: Evidence also suggests that...

MUELLER: I mean, given that -- what I saw you do, are you questioning that?

BIGGS: ... Well, I -- I just find it intriguing. Let me just tell you that there's evidence that suggests that that phone call took place and that that is what was said. So let's move to the next question.

Evidence suggests that also on May 12th, 2017, five days before the DAG appointed you special counsel, you met with Mr. Rosenstein in person. Did you discuss the appointment of special counsel then, not necessarily you but that there would be a special counsel.

MUELLER: I -- I've gone into waters that don't allow me to give you an answer the particular question. It relates to the internal discussions we would have in terms of indicting an individual.

BIGGS: It has nothing to with the indictment. It has to do with special counsel and whether you discussed that with Mr. Rosenstein.

Evidence also suggested, on May 13th, four days before you were appointed special counsel, you met with attorney -- former Attorney General Sessions and Rosenstein and you spoke about special counsel. Do you remember that?

MUELLER: Not offhand, no.

BIGGS: OK. And on May 16th, the day before you were appointed special counsel, you met with the president and Rod Rosenstein. Do you remember having that meeting?

MUELLER: Yes.

BIGGS: And the discussion of the position of the FBI director took place. Do you remember that?

MUELLER: Yes.

BIGGS: And did you discuss at any time in that meeting Mr. Comey's termination?

MUELLER: No.

BIGGS: Did you discuss at any time in that meeting the potential appointment of a special counsel? Not necessarily you, but just in general terms?

MUELLER: I can't get into any discussions on that.

BIGGS: How many times did you speak to Mr. Rosenstein before May 17, which is the day you got appointed, regarding the appointment of special counsel? How many times prior to that did you -- did you discuss with him?

MUELLER: I can't tell you how many times.

BIGGS: Is that because you don't recall or you just...

MUELLER: I do not recall.

BIGGS: OK. Thank you. How many times -- did you speak with Mr. Comey about any investigations pertaining to the Russia prior to May 17, 2017? Did you have any?

MUELLER: None at all.

BIGGS: Zero?

MUELLER: Zero.

BIGGS: OK. Now, my time's -- my time is expired. So...

NADLER: The time of the gentleman has expired. The gentleman from California.

SWALWELL: Director Mueller, going back to the president's obstruction via Corey Lewandowski, it was referenced that a thousand former prosecutors who served under Republican and Democratic administrations with 12,000 years of federal service wrote a letter regarding the president's conduct. Are you familiar with that letter?

MUELLER: I've read about that letter, yes.

SWALWELL: Some of the individuals who signed that letter, the statement of former prosecutors, are people you worked with. Is that right?

MUELLER: Quite probably. Yes.

SWALWELL: People that you respect?

MUELLER: Quite probably yes.

SWALWELL: And in that letter, they said all of this conduct, trying to control and impede the investigation against the president by leveraging his authority over others is similar to conduct we have seen charged against other public officials and people in powerful positions. Are they wrong?

MUELLER: They have a different case.

SWALWELL: Do you want to sign that letter, Director Mueller?

MUELLER: No. They have a different case.

SWALWELL: Director Mueller, thank you for your service going all the way back to the 60s when you courageously served in Vietnam. Because I have a seat on the Intelligence Committee, I'll have questions later. And because of our limited time, I will ask to enter this letter into the record under unanimous consent...

NADLER: Without objection.

SWALWELL: ... and I yield for my colleague from California, Mr. Lieu.

LIEU: Thank you, director Mueller, for you long history of service to our country including your service as a Marine where you earned a brown star with a V device.

I'd like to now turn to the elements of obstruction of justice as applied to the president's attempts to curtail your investigation. The first element of obstruction of justice requires an obstructive act, correct?

MUELLER: Correct.

LIEU: OK. I'd like to direct you to page 97 of Volume 2 of your report, and you wrote there on page 97, quote, "Sessions was being instructed to tell the special counsel to end the existing investigation into the president and his campaign," unquote. That's in the report, correct?

MUELLER: Correct.

LIEU: That would be evidence of an obstructive act because it would naturally obstruct their investigation, correct?

MUELLER: Correct.

LIEU: OK. Let's turn now to the second element of the crime of obstruction of justice which requires a nexus to an official proceeding. Again, I'm going to direct you to page 97, the same page of Volume 2. And you wrote, quote, "by the time of the president's initial one-on-one meeting with Lewandowski on June 19, 2017, the existence of a grand jury investigation supervised by the special counsel was public knowledge." That's in the report, correct?

MUELLER: Correct.

LIEU: That would constitute evidence of a nexus to an official proceeding because a grand jury investigation is an official proceeding, correct?

MUELLER: Yes.

LIEU: OK. I'd like to now turn to the final element of the crime of obstruction to justice. On that same page, page 97, do you see where there is the intent section on that page?

MUELLER: I do see that.

LIEU: All right. Would you be willing to read the first sentence?

MUELLER: And that was starting with...

LIEU: Substantial evidence.

MUELLER: Indicates that the president...

LIEU: If you read that first sentence, would you be willing to do that?

MUELLER: I'm happy to have you read it.

LIEU: OK. I will read it. You wrote, quote, "substantial evidence indicates that the president's effort to have Sessions limit the scope of the special counsel's investigation be featuring (ph) election interference was intended to prevent further investigative scrutiny of the president and his campaign's conduct," unquote. That's in the report, correct?

MUELLER: That is in the report, and I rely what's in the report to indicate what's happened in the paragraphs that we've been discussing.

LIEU: Thank you. So to recap what we've heard, we have heard today that the president ordered former White House Counsel, Don McGahn, to fire you. The president ordered Don McGahn to then cover that up and create a false paper trail. And now we've heard the president ordered Corey Lewandowski to tell Jeff Sessions to limit your investigation so that he -- you stop investigating the president.

I believe any reasonable person looking at these facts could conclude that all three elements of the crime of obstruction of justice have been met. And I'd like to ask you the reason, again, that you did not indict Donald Trump is because of OLC opinion stating that you cannot indict a sitting president, correct?

MUELLER: That is correct.

LIEU: The fact that their orders by the president were not carried out, that is not a defense to obstruction of justice because a statute itself is quite dry. It says that as long as you endeavor or attempt to obstruct justice, that would also constitute a crime.

MUELLER: I'm not going to get into that at this juncture.

LIEU: OK. Thank you, and based on the evidence that we have heard today, I believe a reasonable person could conclude that at least three crimes of obstruction of justice by the president occurred. We're going to hear about two additional crimes. That would be the witnessed hamperings of Michael Cohen and Paul Manafort, and I yield back.

MUELLER: Well, the only thing I want to add is that I'm going through the elements with you do not mean or does not mean that I subscribe to the -- what you're trying to prove through those elements.

NADLER: The time of the gentleman has expired. The gentlelady from Arizona. I'm sorry. Gentleman from California.

MCCLINTOCK: Thank you, Mr. Chairman. Mueller, over here. Thanks for joining us today. You had three discussions with Rod Rosenstein about your appointment as special counsel May 10, May 12, and May 13, correct?

MUELLER: If you say so, I have no reason to dispute that.

MCCLINTOCK: Then you met with the president on the 16th with Rod Rosenstein present. And then on the 17th, you were formally appointed as special counsel. Were you meeting with the president on the 16th with knowledge that you were under consideration for appointment of special counsel?

MUELLER: I did not believe I was under consideration for counsel. The -- I had served two terms as FBI director...

MCCLINTOCK: We consider the answer's no.

MUELLER: The answer's no.

MCCLINTOCK: Gregg Jarrett describes your office as the team of partisans. And additional information's coming to light, there's a growing concern that political biased caused important facts to be omitted from your report in order to cast the president unfairly in a negative light.

For example, John Dowd, the president's lawyer, leaves a message with Michael Flynn's lawyer on November 17 in 2017 -- November 2017. The edited version in your report makes it appear that he was improperly asking for confidential information, and that's all we know from your report expect that the judge in the Flynn case ordered the entire transcript released in which Dowd makes it crystal clear that's not what he was suggesting. So my question's why did you edit the transcript to hide the exculpatory part of the message?

MUELLER: I will answer and I will agree with your characterization as we did anything to hide...

MCCLINTOCK: Well, you omitted -- you omitted it. You quoted the part where he says we need some kind of heads up just for the sake of protecting all of our interests if we can, but you omitted the portion where he says without giving up any confidential information.

MUELLER: Well, I'm not going to go further in terms of discussing the...

MCCLINTOCK: Well, let's go on.

MUELLER: ... what's -- what the...

MCCLINTOCK: You -- you extensively discussed Konstantin Kilimnik's activities with Paul Manafort. And you described him as, quote, "A Russian/Ukrainian political consultant," and, "longtime employee of Paul Manafort, assessed by the FBI to have ties to Russian intelligence."

And again, that's all we know from your report, except we've since learned from news articles that Kilimnik was actually a U.S. State Department intelligence source, yet nowhere in your report is he so identified. Why was that fact omitted?

MUELLER: I don't -- I don't necessarily credit what you're saying occurred.

MCCLINTOCK: Were you aware that Kilimnik was a -- a...

(CROSSTALK)

MUELLER: I'm not going to go into the...

MCCLINTOCK: ...State Department source?

MUELLER: ... ins and outs -- I'm not going to go into the ins and outs of what we had in the -- in the course...

(CROSSTALK)

MCCLINTOCK: Did you interview...

MUELLER: ... in the course of our investigation.

MCCLINTOCK: ... did you interview Konstantin Kilimnik?

MUELLER: Pardon?

MCCLINTOCK: Did you interview Konstantin Kilimnik?

MUELLER: I can't go into the discussion of our investigative moves.

MCCLINTOCK: And -- and -- and yet that is the -- the -- the basis of your report. Again, the problem we're having is we have to rely on your report for an accurate reflection of the evidence and we're starting to find out that's -- that's not true.

For example, you -- you -- your report famously links Russian Internet troll farms with the Russian government. Yet, at a hearing on May 28th in the Concord Management IRA prosecution that you initiated, the judge excoriated both you and Mr. Barr for producing no evidence to support this claim.

Why did you suggest Russia was responsible for the troll farms, when, in court, you've been unable to produce any evidence to support it?

MUELLER: Well, I am not going to get into that any further than I -- than I already have.

MCCLINTOCK: But -- but you -- you have left the clear impression throughout the country, through your report, that it -- it was the Russian government behind the troll farms. And yet, when you're called upon to provide actual evidence in court, you fail to do so.

MUELLER: Well, I would again dispute your characterization of what occurred in that -- in that proceeding.

MCCLINTOCK: In -- in -- in fact, the judge considering -- considered holding prosecutors in criminal contempt. She backed off, only after your hastily called press conference the next day in which you retroactively made the distinction between the Russian government and the Russia troll farms.

Did your press conference on May 29th have anything to do with the threat to hold your prosecutors in contempt the previous day for publicly misrepresenting the evidence?

MUELLER: What was the question?

MCCLINTOCK: The -- the question is, did your May 29th press conference have anything to do with the fact that the previous day the judge threatened to hold your prosecutors in contempt for misrepresenting evidence?

MUELLER: No.

MCCLINTOCK: Now, the -- the -- the fundamental problem is -- is that, as I said, we've got to take your word, your team faithfully, accurately, impartially and completely described all of the underlying evidence in the Mueller report.

And we're finding more and more instances where this just isn't the case. And it's starting to look like, you know, having desperately tried and failed to make a legal case against the president, you made a political case instead. You put it in a paper sack, lit it on fire, dropped it on our porch, rang the doorbell and ran.

MUELLER: I don't think you reviewed a report that is as thorough, as fair, as consistent as the report that we have in front of us.

MCCLINTOCK: Then -- then why is contradictory information...

(CROSSTALK)

NADLER: The time of the gentleman has expired...

MCCLINTOCK: ... continuing to come out?

NADLER: ... The gentleman from Maryland is recognized.

RASKIN: Director Mueller, let's go to a fourth episode of obstruction of justice in the form of a witness tampering, which is urging witnesses not to cooperate with law enforcement, either by persuading them or intimidating them. Witness tampering is a felony, punishable by 20 years in prison.

You found evidence that the president engaged in efforts, and I quote, "To encourage witnesses not to cooperate with the investigation." Is that right?

MUELLER: That's correct. Do you have a citation?

RASKIN: On page 7, on Volume 2.

MUELLER: Thank you.

RASKIN: Now, one of these witnesses was Michael Cohen, the president's personal lawyer, who ultimately plead guilty to campaign violations based on hush money payments to -- to -- when the president knew, and also to lying Congress -- lying to Congress about the hope for \$1 billion Trump tower deal. After the FBI searched Cohen's home, the president called him up personally, he said to check in, and told him to, quote, "hang in there and stay strong." Is that right? Do you remember finding that?

MUELLER: It's in the report as stated. Yes, it is right.

RASKIN: Yes. Also in the report actually are a series of calls made by other friends of the president. One reached out to say he was with the boss in Mar-a-Lago and the president said, he loves you. His name is redacted. Another redacted friend called to say he boss loves you and the third redacted friend called to say everyone knows the boss has your back. Do you remember finding that sequence of calls?

MUELLER: Generally, yes.

RASKIN: When the news -- and in fact, Cohen said that following the receipt of these messages, I'm quoting here page 147 of Volume 2, he believed he had the support of the White House if he continued to toe the party line. And he determined to stay on message and be part of the team. That's page 147. Do you remember generally finding that?

MUELLER: Generally, yes.

RASKIN: Well, and Robert Costello, a lawyer close to the president's team emailed Cohen to say, quote, you are loved. They are in our corner. Sleep well tonight. And you have friends in high places. And that's up on the screen, page 147. Do you remember reporting that

MUELLER: I see that.

RASKIN: OK. Now, when the news first broke that Cohen had arranged payoffs to Stormy Daniels, Cohen faithfully stuck to this party line. He said that publicly that neither the Trump organization nor the Trump campaign was a party to the transaction and neither reimbursed him. Trump's personal attorney at that point quickly texted Cohen to say, quote, "Client says thank you for what you do." Mr. Mueller, who is the capital "C" client thanking Cohen for what he did?

MUELLER: Can't speak to that.

RASKIN: The assumption in the context suggests very strongly its President Trump.

MUELLER: I can't speak to that.

RASKIN: OK. Cohen later broke and pled guilty to campaign finance violations and admitted fully they were made, quote, "at the account of candidate Trump." Do you remember that?

MUELLER: Yes.

RASKIN: After Cohen's guilty plea, the president suddenly changed his tune towards Mr. Cohen, didn't he?

MUELLER: I would say I rely on what's in the report.

RASKIN: Well, he made the suggestion that Cohen family members had crimes. He targeted, for example, Cohen's father-in-law and repeatedly suggested that he was guilty of committing crimes, right?

MUELLER: That's generally accurate.

RASKIN: OK. On page 15,4 you give a powerful summary of this change in dynamics. And you said -- I'm happy to have you read it, but I'm happy to do it, if not.

MUELLER: I have it in front of me, thank you.

RASKIN: Would you like to read it?

MUELLER: I would.

RASKIN: Could you read it out loud to everybody?

MUELLER: I would be happy to have you read it.

RASKIN: OK, very good, we'll read it at the same time. The evidence concerning this sequence of events could support an inference that the president used inducements in the form of positive messages in an effort to get Cohen not to cooperate and then turned to attacks and intimidation to deter the provision of information or to undermine Cohen's credibility one Cohen began cooperating.

MUELLER: I believe that's accurate.

RASKIN: OK. And in my view, if anyone else in America engaged in these actions, they would have been charged with witness tampering. We must enforce the principle in Congress that you emphasize so well in the last sentence of your report which is that in America, no

person is so high as to be above the law. I yield back.

NADLER: (OFF-MIC)

LESKO: Thank you Mr. Chairman. Just recently, Mr. Mueller, you said -- Mr. Lieu was asking you questions. And Mr. Lieu's question, I quote, "the reason you didn't indict the president was because of the OLC opinion. And you answered, that is correct. But that is not what you said in the report and it's not what you told Attorney General Barr.

In fact, in a joint statement that you released with DOJ on May 29th after your press conference, your -- your office issued a joint statement with the Department Of Justice that said, "the attorney general has previously stated that the special counsel repeatedly affirmed that he was not saying that but for the OLC opinion, he would have found the president obstructed justice.

The special counsel's report and his statement today made clear the office concluded it would not reach a determination one way or the other whether the president committed a crime. There is no conflict between these statements." So Mr. Mueller, do you stand by your joint statement with DOJ you issued on May 29th as you sit here today?

MUELLER: I would have to look at it more closely before I say I agree with it (ph).

LESKO: Well, so -- you know, my conclusion is that what you told Mr. Lieu really contradicts what you said in the report. And specifically what you said, apparently repeatedly, to Attorney General Barr that -- and then you issued a joint statement on May 29th saying that the attorney general has previously stated that the special counsel repeatedly affirmed that he was not saying but for the OLC report that we would have found the president obstructed justice. So I say there's a conflict. I do have some more questions. Mr. Mueller, there's been a lot of talk today about firing the special counsel and curtailing the investigation. Were you ever fired, Mr. Mueller?

MUELLER: Was I what?

LESKO: Were you ever fired as special counsel, Mr. Mueller?

MUELLER: No.

LESKO: Were you allowed to complete your investigation unencumbered?

MUELLER: Yes.

LESKO: And in fact, you resigned as special counsel when you closed up the office in late May of 2019. Is that correct?

MUELLER: Correct.

LESKO: Thank you. Mr. Mueller, on April 18th, the attorney general held a press conference in conjunction with the public release of your report. Did Attorney General Barr say anything inaccurate either in his press conference or his March 24th letter to Congress summarizing the principle conclusions of your report?

MUELLER: Well, what you are not mentioning is the letter we sent on March 27th to Mr. Barr that raised some issues. And that letter speaks for itself.

LESKO: But then I don't see how you could -- that could be since A.G. Barr's letter detailed the principle conclusions of your report and you have said before that -- that there wasn't anything inaccurate. In fact, you had this joint statement. But let me -- let me go on to another question. Mr. Mueller, rather than purely relying on the evidence provided by witnesses and documents, I think you relied a lot on media. I'd like to know how many times you cited "The Washington Post" in your report.

MUELLER: How many times I what?

LESKO: Cited "The Washington Post" in your report.

MUELLER: I did not have knowledge of that figure, but -- I don't have knowledge of that figure.

LESKO: I counted about 60 times. How many times did you cite "The New York Times"? I counted...

MUELLER: Again, I have no idea.

LESKO: I counted about 75 times. How many times did you cite Fox News?

MUELLER: As with the other two, I have no idea.

LESKO: About 25 times. I've got to say it looks like Volume 2 is mostly regurgitated press stories. Honestly, there's almost nothing in Volume 2 that I couldn't already hear or know simply by having a \$50 cable news subscription. However, your investigation cost American taxpayers \$25 million. Mr. Mueller, you cited media reports nearly 200 times in your report then in a footnote, a small footnote, number 7, page 15 of Volume 2 of your report you wrote. I quote, "this section summarizes and cites various news stories not for the truth of the information contained in the stories but rather to place Candidate Trump's response to those stories in context." Since nobody but lawyers reads footnotes, are you concerned that the American public took the embedded news stories...

NADLER: The time of the gentlelady has expired. The gentlelady from Washington.

LESKO: Can Mr. Mueller answer the question?

NADLER: No. No. No, we're running short on time. I said the gentlelady from Washington.

JAYAPAL: Thank you. Director Mueller, let's turn to the fifth of the obstruction episodes in your report and that is the evidence of whether President Trump engaged in witness tampering with Trump Campaign Chairman Paul Manafort whose foreign ties were critical into your investigation into Russia's interference in our elections and this starts at Volume 2, page 123. Your office got indictments against Manafort and Trump Deputy Campaign Manager Rick Gates in two different jurisdictions. Correct?

MUELLER: Correct.

JAYAPAL: And your office found that after a grand jury indicted them, Manafort told Gates not to plead guilty to any charges because quote, "he had talked to the president -- president's personal counsel and they were going to take care of us." Is that correct?

MUELLER: That's accurate.

JAYAPAL: And according to your report, one day after Manafort's conviction on eight felony charges, quote, "The president said that flipping was not fair and almost ought to be outlawed." Is that correct?

MUELLER: I'm aware of that.

JAYAPAL: In this context Director Mueller, what does it mean to flip?

MUELLER: To have somebody cooperate in a criminal investigation.

JAYAPAL: And how essential is that cooperation to any efforts to combat crime?

MUELLER: I'm not going to go beyond that -- characterizing that effort.

JAYAPAL: Thank you. In your report you concluded that President Trump and his personal counsel Rudy Giuliani quote, "made repeated statements suggesting that a pardon was a possibility for Manafort while also making it clear that the president did not want Manafort to flip and cooperate with the government," end quote. Is that correct?

MUELLER: Correct.

JAYAPAL: And as you stated earlier, witness tampering can be shown where someone with an improper motive encourages another person not to cooperate with law enforcement. Is that correct?

MUELLER: Correct.

JAYAPAL: Now on page 123 of Volume 2 you also discuss the president's motive and you say that as court proceedings moved forward against Manafort, President Trump quote, "discussed with aides whether and in what way Manafort might be cooperating and whether Manafort knew any information that would be harmful to the president," end quote. Is that correct?

MUELLER: And that was a quote from...

JAYAPAL: From page 123, Volume 2.

MUELLER: I have it. Thank you. Yes.

JAYAPAL: And when someone tries to stop another person from working with law enforcement and they do it because they're worried about what that person will say, it seems clear from what you wrote that this is a classic definition of witness tampering. Now Mr. Manafort did eventually decide to cooperate with your office and he entered into a plea agreement but then he broke that agreement. Can you describe what he did that caused you to tell the court that the agreement was off.

MUELLER: Now I'm referring to the court proceedings on that issue.

JAYAPAL: So in -- on page 127 of Volume 2 you told the court that Mr. Manafort lied about a number of matters that were material to the investigation and you said that Manafort's lawyers also quote, "regularly briefed the president's lawyers on topics discussed and the information that Manafort had provided in interviews with the special counsel's office." Does that sound right?

MUELLER: And the source of that is?

JAYAPAL: That's page 127, Volume 2. That's a direct quote.

MUELLER: If it's on the report, yes I support it.

JAYAPAL: Thank you. And two days after you told the court that Manafort broke his plea agreement by lying repeatedly, did President Trump tell the press that Mr. Manafort was quote, "very brave because he did not flip." This is page 128 of Volume 2.

MUELLER: If it's in the report I support it as it is -- as it is set forth.

JAYAPAL: Thank you. Director Mueller in your report you make a very serious conclusion about the evidence regarding the president's involvement with the Manafort criminal proceedings. Let me read to you from your report. "Evidence concerning the president's conduct toward Manafort indicates that the president intended to encourage Manafort to not cooperate with the government."

It is clear that the president both publicly and privately discouraged Mr. Manafort's cooperation or flipping while also dangling the promise of a pardon if he stayed loyal and did not share what he knew about the president. Anyone else who did these things would be prosecuted for them. We must ensure that no one is above the law and I thank you for being here Director Mueller.

MUELLER: Yes.

JAYAPAL: I yield back.

NADLER: The gentleman from Pennsylvania.

RESCHENTHALER: Thank you Mr. Chairman. Mr. Mueller. I'm over here, I'm sorry. Mr. Mueller, are you familiar with the now expired independent counsel statute. It's a statute under which Ken Starr was appointed.

MUELLER: That Ken Starr did what? I'm sorry.

RESCHENTHALER: Are you familiar with the independent counsel statute?

MUELLER: Are you talking about the one we're operating under now or previous?

RESCHENTHALER: No. Under which Ken Starr was appointed.

MUELLER: I am not that familiar with that but I'd be happy to take your question.

RESCHENTHALER: Well the Clinton Administration allowed the independent counsel statute to expire after Ken Starr's investigation. The final report requirement was a major reason why the statute was allowed to expire. Even President Clinton's A.G. Janet Reno expressed concerns about the final report requirement and I'll quote A.G. Reno. She said, "On one hand the American people have an interest in knowing the outcome of an investigation of their highest officials. On the other hand, the report requirement cuts against many of the most basic traditions and practices of American law enforcement. Under our system, we presume innocence and we value privacy. We believe that information obtained during a criminal investigation should, in most cases be made public only if there's an indictment and prosecution not any lengthy and detailed report filed after a decision has been made not to prosecute. The final report provides a forum for unfairly airing a target's dirty laundry and it also creates yet another incentive for an independent counsel to over investigate in order to justify his or her tenure and to avoid criticism that the independent counsel may have left a stone unturned."

Again, Mr. Mueller, those are A.G. Reno's words. Didn't you do exactly what A.G. Reno feared? Didn't you publish a lengthy report unfairly airing the target's dirty laundry without recommending charges?

MUELLER: I disagree with that and ...

RESCHENTHALER: OK. Did any -- did any of your witnesses ...

MUELLER: Can I finish?

RESCHENTHALER: ... have the chance to be cross examined?

MUELLER: Can I just finish my answer on that?

RESCHENTHALER: Quickly. My time...

MUELLER: We operate under the current statute not the original statute so I'm most familiar with the current statute not the older statute.

RESCHENTHALER: OK. Did any of the witnesses have a chance to be cross examined?

MUELLER: Did any of the witnesses in our investigation?

RESCHENTHALER: Yes.

MUELLER: I'm going to answer that.

RESCHENTHALER: Did you allow the people mentioned in your report to challenge how they were characterized?

MUELLER: I'm not going to get into that.

RESCHENTHALER: Given that A.G. Barr stated multiple times during his confirmation hearing that he would make as much of your report public as possible, did you write your report knowing that it would likely be shared with the public?

MUELLER: No.

RESCHENTHALER: Did knowing that the report could and likely would be made public, did that alter contents would you include it?

MUELLER: I can't speak to that.

RESCHENTHALER: Despite the expectations that your report would be released to the public, you left out significant exculpatory evidence. In other words, evidence favorable to the president correct?

MUELLER: Well, I actually would disagree with you. I think we strove to put into the report exculpatory (inaudible) as well...

RESCHENTHALER: (inaudible) got into that with you where he said there was -- you said

there was evidence you left out.

MUELLER: Well, you make a choice as to what goes into a indictment.

RESCHENTHALER: Isn't it true -- Mr. Mueller, isn't it true that on page 1, Volume 2 you state when you're quoting the statute the obligation to either prosecute or not prosecute?

MUELLER: Well, generally that is the case.

RESCHENTHALER: Right.

MUELLER: Although most cases are not done in the context of the president.

RESCHENTHALER: In this case you made a decision not to prosecute, correct?

MUELLER: No. We made a decision not to decide whether to prosecute or not.

RESCHENTHALER: So essentially what your report did was everything that A.G. Reno warned against?

MUELLER: I can't agree with that characterization.

RESCHENTHALER: OK, well what you did is you compiled a nearly 450 -- you compiled nearly 450 pages of the very worst information you gathered against the target of your investigation who happens to be the President of the United States and you did this knowing that you were not going to recommend charges and that the report would be made public.

MUELLER: Not true.

RESCHENTHALER: Mr. Mueller, as a former officer in the United States JAG Corps I prosecuted nearly 100 terrorists in a Baghdad courtroom. I cross-examined the Butcher of Fallujah in defense of our Navy SEALs. As a civilian, I was elected a magisterial district judge in Pennsylvania, so I'm very well-versed in the American legal system.

The drafting and the publication of some of the information in this report without an indictment, without prosecution frankly flies in the face of American justice and I find those facts and this entire process un-American. I yield the remainder of my time to my colleague Jim Jordan.

JORDAN: Mister -- Director Mueller, the third FISA renewal happens a month after you're named special counsel. What role did your office play in the third FISA renewal of Carter Page.

MUELLER: I'm not going to talk to that.

NADLER: The time of the gentleman has expired. The gentlelady from Florida.

DEMINGS: Director Mueller, a couple of my colleagues right here wanted to talk to you or ask you about lies, so let's talk about lies. According to your report, page 9, Volume 1, witnesses lied to your offices and to Congress. Those lies materially impaired the investigation of Russia interference according to your report other than the individuals who plead guilty to crimes based on their lying to you and your team. Did other witnesses lie to you?

MUELLER: I think there are probably a spectrum of witnesses in terms of those who are not telling the full truth and those who are outright liars.

DEMINGS: Thank you very much, outright liars. It is fair to say then that there were limits on what evidence was available to your investigation of both Russia election interference and obstruction of justice.

MUELLER: That's usually the case.

DEMINGS: And that lies by Trump campaign officials and administration officials impeded your investigation?

MUELLER: I would generally agree with that.

DEMINGS: Thank you so much, Director Mueller. You will be hearing more from me in the next hearing, so I yield the balance of my time to Mr. Correa. Thank you.

CORREA: Mr. Mueller, first of all let me welcome you. Thank you for your service to our country. You are a hero, Vietnam War vet, wounded war vet. We won't forget your service to our country.

MUELLER: Thank you, sir.

CORREA: I may begin because of time limits we have gone in depth on only five possible episodes of obstruction. There's so much more. And I want to focus on another section of obstruction which is the president's conduct concerning Michael Flynn, the president's national security advisor.

In early 27, the White House Counsel and the president were informed that Mr. Flynn had lied to government authorities about his communications with the Russian ambassador during the Trump campaign in transition. Is this correct?

MUELLER: Correct.

CORREA: If a hostile nation knows that a U.S. official has lied publicly that can be used to blackmail that government official, correct?

MUELLER: I'm not going to speak to that. I don't disagree with it necessarily, but I'm not going to speak to -- anymore to that issue.

CORREA: Thank you very much, sir. Flynn resigned on February 13, 2016, and the very next day when the president was having lunch with New Jersey Governor Chris Christie, did the president say, open quotes, "now that we fired Flynn, the Russia thing is over," close quote. Is that correct?

MUELLER: Correct.

CORREA: And is it true that Christie responded by saying, open quotes, "no way, and this Russia thing is far from over," close quote?

MUELLER: That's the way we have it in the report.

CORREA: Thank you. And after the president met with Christie, later that same day the president arranged to meet with then FBI Director James Comey along in the Oval Office, correct?

MUELLER: Correct. Particularly if you have the citation to the...

CORREA: Page 39-40, Volume 2.

MUELLER: Thank you very much.

CORREA: And according to Comey, the president told him I hope -- open quote, "I hope you can see your way to clear to letting this thing go, to letting Flynn go. He's a good guy and I hope you can let it go," close quote. Page 40, Volume 2.

MUELLER: Accurate.

CORREA: What did Comey understand the president to be asking?

MUELLER: I'm not going to get into what was in Mr. Comey's mind.

CORREA: Comey understood this to be a direction because of the president's position and the circumstances of the one-to-one meeting, page 40, Volume 2?

MUELLER: Well, I understand it's in the report and I support it as being in the report.

CORREA: Thank you, sir. Even though the president publicly denied telling Comey to drop the investigation you found, open quote, "substantial evidence corroborating Comey's account over the president's." Is this correct?

MUELLER: It's correct.

CORREA: The president fired Comey on May 9. Is that correct, sir?

MUELLER: I believe that's the accurate date.

CORREA: That's page 77, Volume 2. You found substantial evidence that the catalyst for the president's firing of Comey was Comey's, open quote, "unwillingness to publicly state that the president was not personally under investigation"?

MUELLER: I'm not going to delve more into the details of what happened. If it's in the report, then I support it because it's already been reviewed appropriately appears in the report.

CORREA: And that's page 75, Volume 2.

MUELLER: Thank you.

CORREA: Thank you. And in fact, the very next day the president told the Russian Foreign Minister, open quote, "I just fired the head of the FBI. He was crazy, a real nut job. I face great pressure because of Russia. That's taken off. I'm not under investigation," close quote. Is that correct?

MUELLER: That's what was written in the -- written in the report, yes.

NADLER: Time of the -- time of the gentleman has expired.

CORREA: Thank you, sir.

NADLER: Gentleman from Virginia.