WILLIAM BARR, U.S. ATTORNEY GENERAL: Apparently, they discussed it with a career ethics official, and they made the recommendation.

SEN. RICHARD DURBIN (D-IL): Thank you.

BARR: He was the head of the criminal division. But before -- apparently they discussed it with the career ethics official and they made the recommendation.

DURBIN: Thank you.

GRAHAM: Senator Whitehouse.

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

BARR: He didn't say he was leaving it to me.

WHITEHOUSE: But he was not going to make an obstruction (ph). On March 24, you set up a letter describing your decision. Somewhere between March 5 and March 24, you made that decision. When was that?

BARR: We started talking about it on March 5 and there had already been a lot of discussions prior to March 5 involving the deputy, the principal associate deputy and the office of legal counsel that had dealings with the special counsel's office. So they had knowledge of -- of a number of the episodes and some of the sinking of the special counsel's office so right after March 5. We started discussing what the implications of this were and how we would -- how we...

WHITEHOUSE: And you make the decision when?

BARR: Probably on Sunday the 24th.

WHITEHOUSE: That's the day the letter came out.

BARR: Yes. We made a decision...

WHITEHOUSE: You didn't make a decision until the letter came out? You must have told how to write the letter. You couldn't -- when did you actually decide that there was no obstruction? BARR: The 24th.

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

BARR: the first -- it wasn't a draft, we got the final.

WHITEHOUSE: The first version of it that you saw.

BARR: The only version of it I saw.

WHITEHOUSE: OK, the only version. (Inaudible)

BARR: The 22nd.

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

BARR: Well we have had a lot of discussions about it before the 22nd, but that the final decision was made on the 24th.

(CROSSTALK)

WHITEHOUSE: Until the 22nd.

BARR: We had more than 2 1/2 days to consider this, OLC (ph) had already done a lot of a lot of thinking about some of these issues, even before the --- we got the report and even before March 5. They had been in regular contact --- the department had been in regular contact with Mueller's people and understood...

WHITEHOUSE: The OLC (ph) was looking into the Mueller investigation while it was going on and whetting (ph) of the evidence that there were gathering on obstruction, before you saw the...

BARR: In my understanding -- I wasn't there, but my understanding is that the deputy and the -- what we call the PAD (ph), the principal associate deputy, were in regular contact with the Mueller's team and were getting briefings on the evidence and some of their thinking and some of the issues.

WHITEHOUSE: Did know enough to know...

BARR: OLC (ph) was brought into some of those discussions.

WHITEHOUSE: Did they know enough to know what might be needed to be redacted before they saw the 322 report?

BARR: No. The problem we had is we could not identify the 6e material when -- when the report came over. We needed the help of Bob Mueller's team to do that.

WHITEHOUSE: And lastly, can you assure me that nothing related to obstruction or the Mueller report was discussed at your office of legal counsel brownbag lunch on June 27?

BARR: Nothing about what?

WHITEHOUSE: Nothing about the obstruction issue and nothing about the Mueller report itself was discussed when you had a brownbag lunch on June 27 with OLC (ph)?

[15:05:00] BARR: Yes, I mean -- we didn't discuss anything having to do with the Mueller report or Mueller's eventual position on obstruction...

WHITEHOUSE: Did you discuss your obstruction memo?

BARR: I forgot it was then, but I think I've previously said that I mentioned that I had a memo and -- and was sending it to...

WHITEHOUSE: You have not yet said that it was mentioned that this OLC (ph)...

BARR: No, I don't think -- well, it was not at the brownbag lunch, no.

WHITEHOUSE: My time is up.

GRAHAM: OK, the vote has started. We're going to split the time between Senator Klobuchar and Senator Blumenthal. We'll try to go -- they will hold up -- hold the vote open too long, but let's just start with Senator Klobuchar and see if we can do this.

KLOBUCHAR: Thank you. Mr. Attorney General, on April 27 President Trump stated Mueller; I assume, for \$35 million, he checked my taxes and he checked my financials. Is that accurate? Did the special counsel review the president's taxes and the Trump organization's financial statements?

http://www.cnn.com/TRANSCRIPTS/1905/01/cnr.07.html

CNN.com - Transcripts

BARR: I don't know.

KLOBUCHAR: Can you find out if I ask later in a written question?

BARR: Yes or you could ask Bob Mueller when he comes here?

KLOBUCHAR: OK, well I'll do that too. But I think I'll also ask you. And then obviously we would want to see them as underlying information. During my earlier questions, we went through a number of actions by the president that the special counsel looked into. My point was that we should be looking into the totality of the evidence and the pattern that the report develops. On page 13 of volume two, the special counsel instructs that we desomething similar. The report says, and this is a quote, "circumstantial evidence that illuminates intent may include a pattern of potentially obstructive acts." On this point, the report cites three U.S. cases U.S. v. Frank and Hauser -- Frank Hauser, U.S. v. Arnold and U.S. v. Cintolo. Do you agree that obstruction law allows for intent to be informed by a pattern of potentially obstructive acts?

BARR: Well, intent eventually has to be as established by proof beyond a reasonable doubt. Obviously some inferences can be drawn from circumstantial evidence that can contribute to an overall determination of proof beyond a reasonable doubt. That's one of the problems with this whole approach that suggested in the -- the special counsel's report, which is it -- it is trying to determine the subjective intent of a facially lawful act and it permits a lot of selectivity on the part of the prosecutors and -- and -- and it has been shot down in a number of other contacts (ph) so all of the reasons that we are very skeptical of this approach is that the in the --

KLOBUCHAR: You mean --

BARR: Structural cases --

KLOBUCHAR: You and Director Mueller, or you the Justice Department?

BARR: The Justice Department, is that in this kind of situation where you have a facially (ph) innocent act, and you know if it's authorized by the

Constitution --

KLOBUCHAR: OK, I just --

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

KLOBUCHAR: OK, I just want to get in -- just a few more questions like Senator Whitehouse did. At your confirmation hearing you testified that in the absence of a violation of a statute, the president would be accountable politically for abusing the pardon power. How do you reconcile your suggestion that political accountability is available when the administration is refusing to comply with subpoenas and asserting executive privilege to stand in the way of that very accountability?

BARR: As to a pardon?

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

BARR: But your question really is abusing the (inaudible) power, not just the pardon power, is that what you're saying? Well, president --

KLOBUCHAR: I mean, it's hard to evaluate that --

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

KLOBUCHAR: OK, last question -- are the president's actions detailed in this report consistent with his oath of office, and the requirement in the Constitution that he take care that the laws be faithfully executed?

BARR: Is what consistent with that?

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

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

KLOBUCHAR: And so you made that decision?

BARR: Yes. And as -- if it's --

GRAHAM: All right, we got --

KLOBUCHAR: OK.

GRAHAM: Two minutes left, Senator Blumenthal.

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

BARR: No, I called him.

BLUMENTHAL: What prompted you to call him?

BARR: The letter.

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BLUMENTHAL: Your letter, or his letter? BARR: His letter. BLUMENTHAL: His letter. So you called him --BARR: Yes. BLUMENTHAL: And how long did the conversation last? BARR: I don't know maybe 10, 15 minutes. There were multiple witnesses in the room, it was on the speakerphone. BLUMENTHAL: Who was in the room? BARR: Among others, the Deputy Attorney General was in the room. BLUMENTHAL: Anyone else? BARR: Several other people who had (ph) been working on the project. BLUMENTHAL: Members of your staff? BARR: Yes, and the Deputy's staff. BLUMENTHAL: And as best you can recall, in the language that was used -- who said what to whom?

BARR: I said, "Bob, what's with the letter? Why didn't you just pick up the phone and call me if there's an issue?" And he said that they were concerned about the way the media was playing this and felt that it was important to get out the summaries which they felt would put their work in proper context, and avoid some of the confusion that was emerging.

And then I asked him if he felt that my letter was misleading or inaccurate, and he said no that the press -- he felt that the press coverage was, and that a completer (ph) -- a more complete picture of his thoughts and the context and so fourth would deal with that.

[15:10:00]

And I suggested that I would rather just get the whole report out, than just putting out stuff seriatim (ph) and piecemeal, and -- but I said I would thin about it some more.

And the next day I put out a letter that made it clear that no one should read the March 24 letter as a summary of the overall report, and that a full account of Bob's -- Mueller's thinking was going to be in the report and everyone would have access to --

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

BARR: Well the letter speaks for itself --

BLUMENTHAL: It does, and in fact in response to your question, why not just pick up the phone? This letter was an extraordinary act, a career prosecutor rebuking the Attorney General of the United States, memorializing in writing, right? I know of no other instance of that happening, do you?

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

BARR: No.

BLUMENTHAL: Why not?

BARR: Why should you have them?

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

BARR: Right.

GRAHAM: So the hearing is now over --

BARR: (Inaudible) --

GRAHAM: Blumenthal, I promise you that if there's any -- Mr. Mueller will have a chance to make sure that the conversation relayed by Attorney General Barr is accurate. And I'm going to give him a chance to correct anything you said that he finds misleading or inaccurate -- and that will be it.

BARR: OK.

GRAHAM: Five seconds.

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

BARR: Thank you.

GRAHAM: From my point of view, it was pretty interesting. And it got off in a ditch every now and then, but, generally speaking, the committee did pretty good. And this is what democracy is all about.

[15:15:00]

Thank you for being our attorney general.

BARR: Thank you, Mr. Chairman.

WOLF BLITZER, CNN ANCHOR: So there, you have it, more than four hours in the hot seat for the attorney general of the United States.

Bill Barr, he is now standing up. Very tough questions from the Democrats, very different kinds of questions from the Republicans.

Clearly, Jake, it was as if there were two separate hearings going on. We heard a whole line of questioning about the Mueller report from the Democrats. We heard very different kind of questions from the Republicans.

JAKE TAPPER, CNN ANCHOR: Not just two separate hearings, two separate worlds in which they live.

I mean, you have the Democrats, who are convinced that the attorney general is covering up a whole bunch of things, and giving him no benefit of any doubt, and thinking every decision he's made has been to protect President Trump, and giving example after example for their case on that.

And Republicans for the most part proposing an alternate view of it all, where the Obama Justice Department went after Donald Trump. They said a lot of things that weren't true, such as the fact that Donald Trump was the subject of an investigation during the campaign, which is not accurate.

But their basic premise was that this was a corrupt FBI and a corrupt Department of Justice going after candidate Donald Trump. And there were two

different theories of the case, one of them backed by Robert Mueller and the Mueller investigation, at one point the attorney general saying, how did we get here, where the president is being accused of all of these horrible things?

And he had a case to make, in the sense that the president was accused of a lot of things that the Mueller report didn't bear out, but also volume one o the Mueller report explains how we got here, all the contacts, all the efforts by the Russians to interfere in the election.

BLITZER: But you heard the Democrats repeatedly question his credibility.

We're not talking about Mueller. We're talking about the attorney general of the United States, the statements he made, the original four-page letter that was released, followed -- he got a separate letter from Mueller in which he questioned substantively so much of what Bill Barr had originally said, and resulting in several members now, several Democrats, including several Democratic presidential candidates, now saying that Bill Barr, at a minimum, should resign.

TAPPER: That is right.

There are three Democrats on the committee who are running for president, Amy Klobuchar of Minnesota, Kamala Harris of California, Cory Booke of New Jersey.

Kamala Harris after the -- her questioning was done, and she -- she focused on how on earth was the deputy attorney general, who was also a witness to the obstruction of justice part of this Mueller report and investigation, how on earth was he able to render judgments. After her questioning was done, she called for Attorney General Barr to resign. Six of the 20 Democrats running for president have called for him to resign. Two have called for him to be impeached.

One bit of news that was made at the very end of the hearing -- you know these hearing are very exhausting for everybody involved, especially for the person in the hot seat, Attorney General Barr in this case -- where he kind of let his guard down and referred to the letter that Robert Mueller wrote him as "a little snitty" -- quote.

And he said that he thought probably one of Mueller's staff people wrote it for him. Up until then, with the exception of Barr implicitly suggesting that he didn't understand why Mueller had not drawn a conclusion about obstruction of justice, he had been fairly respectful to Mueller, but here he was going after the letter as -- quote -- "a little snitty."

BLITZER: And then you heard him say that they did have a subsequent phone conversation the next day, and there was a memorandum written of that conversation, and he's not going to make it available to the Senate Judiciary Committee.

You heard Senator Blumenthal said he wanted that letter.

Jeffrey Toobin, what was your immediate analysis?

JEFFREY TOOBIN, CNN SENIOR LEGAL ANALYST: Well, I thought, a couple of times, we really got to the heart of how William Barr sees this whole process.

A couple of times, he said, Donald Trump, in effect, is the victim here, is that he was unjustly accused from the beginning. How did we spend two years on it? And he said, in effect, and almost in so many words, he had the right to obstruct the investigation because he was unjustly accused.

That is not the law as I understand it. But I know we have a couple of clips, once during Senator Blackburn's testimony, the second round of Senator Leahy's testimony, where he said, in effect, this was unfair to the president, he's the real victim here.

BLITZER: They were really going after that.

And let me get Laura Jarrett into this conversation. She covers the Justice Department for us.

We're now waiting to see if the attorney general shows up tomorrow morning, before the House Judiciary Committee. They passed a motion today,

the Democrats in the majority, saying he not only will have to answer questions from the representatives who are there, the lawmakers, but also from staff counsel.

[15:20:00]

LAURA JARRETT, CNN JUSTICE CORRESPONDENT: Yes. And he's made it very clear, I am not coming if staff counsel thinks they are going to question me out in the open for 30 minutes, both sides.

He's happy to take members' questions, but he's not going to do it from attorneys. So, they may have an empty chair there. Chairman Nadler has signaled that he will do that if the attorney general doesn't come. He will hold the hearing anyway. We will see what happens now that he's finished with his testimony today, whether he is going to come.

But to the point of defending the president, he has to go on even after all of this is done to be the attorney general on a whole host of issues that have nothing to do with the Russia investigation. And I wonder how this impacts sort of his legacy.

He's on round two here at the Justice Department. This is somebody who is coming at this at a point in his career where he said he didn't need to do this. He's out there defending the president in a pretty bold and vocal way on a number of issues today, saying he's been falsely accused, we should be happy, essentially, that he didn't find any conspiracy with the Russians.

But he also said, we should stop using the justice system as a political pawn, but, at the same time, rushing to the president's defense on all of these issues, instead of letting the report speak for itself.

TAPPER: And, Gloria, let me -- I just want to bring in what -- something that James Comey wrote today in the midst of this investigation.

In the midst of this hearing, rather, James Comey, the former FBI director, who had previously said that he thinks -- that he thought the attorney general, Bill Barr, should be given the benefit of the doubt, that benefit of the doubt has been thrown out the window.

He wrote an op-ed in "The New York Times," James Comey how Trump co- opts leaders like Bill Barr, which includes saying that "proximity to an amoral leader" -- that is President Trump, in Comey's view -- "reveals something depressing. And I think that is at least part of what we have seen with Bill Barr and Rod Rosenstein, the deputy attorney general. Accomplished people lacking inner strength can't resist the compromises necessary to survive Mr. Trump. And that adds up to something they will never recover from.

"It takes character like Mr. Mattis', the former defense secretary, to avoid the damage, because Mr. Trump eats your soul in small bites."

GLORIA BORGER, CNN SENIOR POLITICAL ANALYST: First of all, I don't know why James Comey feels the need to weigh in at every sort of large moment.

TAPPER: Yes, you do. You know why.

(LAUGHTER)

TAPPER: Yes, you do. You absolutely know why.

BORGER: Well, I kind of -- I'm thinking about that.

(LAUGHTER)

BORGER: But he does.

And that is -- he's entitled to his own opinion. And what he is saying is that they -- the minute they go to work for Donald Trump, somehow, they become co-opted and become amoral.

TAPPER: And their soul gets eaten in small bites.

BORGER: And their soul gets eaten in small bites, et cetera.

But what was interesting to me about Barr today was, he would answer the question about the president's criminality, or lack thereof, but when Senator Hirono sort of asked him to make a moral judgment about Donald Trump, not a legal judgment, but said, look, is it OK that he tells his White House counsel to go lie about something, is it OK that he tells his White House counsel to fire the special counsel, is it OK that he behaves like this, he demurred completely and did not answer the moral question.

(CROSSTALK)

TAPPER: In fact, we have that bite, SOT 2, if we can play that.

This is Senator Mazie Hirono, Democrat from Hawaii, with perhaps the most heated questions. Lindsey Graham, the chairman, later said that she had slandered the attorney general. Here are her questions, part of them, for Attorney General Bill Barr.

(BEGIN VIDEO CLIP)

SEN. MAZIE HIRONO (D-HI): You lied to Congress. You told Representative Charlie Crist that you didn't know what objections Mueller's team might have to your March 24 so-called summary.

You told Senator Chris Van Hollen that you didn't know if Bob Mueller supported your conclusions. But you knew. You lied.

And now we know.

Do you think it's OK for a president to ask his White House counsel to lie?

BARR: Well, I'm willing to talk about what's criminal, but...

HIRONO: No, but we have already acknowledged that you think it was not a crime. I'm just asking whether you think it's OK. Even if it's not a crime do you think it's OK for the president to ask his White House counsel to lie?

BARR: Which...

HIRONO: Look, if you are going to just go to back to whether or not it's a crime, you're telling me... BARR: No, which event are you talking about?

(END VIDEO CLIP)

TAPPER: Now, Barr has already made it clear that he doesn't think that President Trump asked White House counsel Don McGahn to lie, that they just had different recollections, although the Mueller report makes it very clear they believe McGahn's view of it.

But there was this hair-splitting -- not hair-splitting -- there was this differentiation that Barr did between, look, I'm here to talk about what is crimina not what is immoral or what is untruthful.

SHAN WU, CNN LEGAL ANALYST: Yes. I mean, that is a good tactic for Barr. He's in a no-win situation with that kind of question.

He can't possibly opine that he thinks it is morally wrong of the president to do that. So he falls back on what has been his shield, which is, I'm only talking about criminal conduct here, completely ignoring the fact that he reached out, uninvited, even though he tries to make it sound like it was invited, to decide the obstruction issue, to basically issue a declination.

[15:25:10]

He wanted to make sure that got done.

TAPPER: Although, Laura, we should point out, even though he didn't want to make a judgment about whether or not it is appropriate for President Trump to have lied, he made judgments about what he perceived to be unfair attacks by Democrats on President Trump.

He was -- got very heated and very outraged about President Trump being called treasonous, et cetera.

LAURA COATES, CNN LEGAL ANALYST: You defined the hypocrisy of most of the actual statements, along with the idea of saying that, look, I think it is important for every answer that will require a yes or no, I'm going to give full context.

Well, lo and behold, somebody said Robert Mueller said, don't just give the finite, straight-lace thing. Give the nuanced, I need for the American people to understand our role and what we have done for 22 months.

So, a little bit hypocritical. But, for me, the most important aspect of this was Senator Kamala Harris, who, by the way, no one seems to understand her when she -- it's like they can't -- they're all befuddled and they can't understand what is going on when she starts speaking, for some reason.

But she noted the idea of, wait, you actually haven't read any of the underlying evidence involved here, right? And he kind of went through that -- no I did not do so. I took it at its word.

But not reading the evidence is so important, because it speaks to the fact that perhaps, as Senator Hirono pointed out, somebody who writes a 19-page memo saying why there can never be obstruction...

TAPPER: This is before he was attorney general.

COATES: Before he's attorney general, and then never reading the evidence to support those claims creates a self-fulfilling prophecy. What else was he going to conclude, not having read it and already made a determination?

So I think it's a little bit understated about the way she did it, but it was that not asking one question too many to loop up for the American people. What she was saying was, here's somebody who told you before he was A.G. how this report was going to go, and he never took any proactive steps to read evidence to change his mind.

TAPPER: And, Elie Honig, there are a lot of -- Kamala Harris is one of them. Senator Harris is one of them.

But there are a lot of former states attorneys general who are on that committee. Another one is Dick Blumenthal from Connecticut. And he went after Barr on the issue of whether or not Barr had exonerated President Trump on the question of obstruction of justice.

That is SOT number one, if we could play that.

Here is Blumenthal asking Barr about exonerating President Trump on obstruction of justice.

(BEGIN VIDEO CLIP)

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

We're not in the business of exoneration. We're not in the business of proving they didn't violate the law.

(CROSSTALK)

SEN. RICHARD BLUMENTHAL (D-CT): But you, in effect, exonerated him in your press conference and in your four-page summary?

BARR: Excuse me. How did that start? I didn't hear the beginning of the question.

BLUMENTHAL: You, in effect, exonerated or clear the president.

BARR: No, I didn't exonerate. I -- I said that we did not believe that there was sufficient evidence to establish an obstruction offense, which is the job of the Justice Department.

And the job of the Justice Department is now over. That determines whether or not there's a crime. The report is now in the hands of the American people. Everyone can decide for themselves. There's an election in 18 months.

That's a very democratic process. But we're out of it. We have to stop using the criminal justice process as a political weapon.

(END VIDEO CLIP)

ELIE HONIG, CNN LEGAL ANALYST: So that was a tactic I think we saw throughout the day by Bill Barr, which is try to slice and dice the conduct into unrecognizably small pieces, right?

He said, well, it's not a crime to lie to the media. Right, but it's part of the larger story, right, trying to get Don McGahn to falsely tell the media, no, the president never tried to have me fire Mueller.

And if you slice anything up thinly enough, it won't look like much. And what our courts are all about is presenting a full picture. We heard towards the end people were talking about the totality of the circumstances.

But I think William Barr's credibility is really in tatters, both in terms of his impartiality and his candor. And that answer right there, that was not -- it was not a straight answer at all.

I served in DOJ under both Bush administrations, Obama administrations. Sure, people disagree with attorneys general on policy. Sure, people

criticized attorneys general. But I can't remember any attorneys general whose credibility has been this much in tatters.

BLITZER: Having said that, though, Pamela -- you cover the White House for us -- if the president of the United States was watching, I suspect he was -- if his top aides at the White House were watching.

PAMELA BROWN, CNN SENIOR WHITE HOUSE CORRESPONDENT: Yes.

BLITZER: I suspect they were all watching. They have to be so grateful to the attorney general, Bill Barr, for so strongly coming to the defense of the president.

BROWN: Absolutely. I think you're absolutely right.

I know, in talking to sources, the White House was paying close attention to what Bill Barr had to say today. But I will say I think that one line where Bill Barr said, I did not exonerate the president, I'm not sure that President Trump would have liked hearing that, given that he continues to tweet this was total exoneration.

But, overall, clearly this was an attorney general who was there to back up the president, painting this picture that, look, he was the victim, he was falsely accused, and that was the core, that was where his actions in the obstruction -- obstruction case were stemming from.

And what stuck out to me too is, the attorney general was very defensive in how he's handled this, saying, look, I put out the redacted report.

[15:30:00]