

FULL COMMITTEE BUSINESS MEETING: CONSIDERATION OF THE PUBLIC  
RELEASE OF COMMITTEE TRANSCRIPTS

Thursday, January 18, 2018

U.S. House of Representatives,  
Permanent Select Committee on Intelligence,  
Washington, D.C.

The committee met, pursuant to call, at 9:06 a.m., in Room HVC-304, the Capitol, the  
Honorable Devin Nunes [chairman of the committee] presiding.

Present: Representatives Nunes, Conaway, King, LoBiondo, Rooney,  
Ros-Lehtinen, Turner, Wenstrup, Stewart, Crawford, Gowdy, Stefanik, Hurd, Schiff,  
Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, and Heck.

THE CHAIRMAN: The Permanent Select Committee on Intelligence will come to order. As a reminder, even though we are in a closed space we are in open session, and a transcript of the proceedings will be released in accordance with House rules. Pursuant to committee rule 6(c), House rule 11, clause 2, subsection H(4), the chair announces that he may postpone further proceedings on which a recorded vote or the yeas and nays are ordered. Without objection, the chair is authorized to declare a recess at any time. The item for consideration today is the public release of the executive session transcripts of Glenn Simpson, Peter Fritsch, and Thomas Catan. These transcripts include October 18, 2017 transcript of Peter Fritsch; October 18, 2017 transcript of Tom Catan; November 8, 2017 transcript of Glenn Simpson; and November 14, 2017 transcript of Glenn Simpson.

There have been a lot of discussion in the press recently related to statements made before this committee and other committees by individuals associated with Fusion GPS. Earlier this month, Glenn Simpson asked Congress to publicly release transcripts of his testimony. The ranking member has also publicly suggested that this committee release Mr. Simpson's transcripts. Taking these factors into account today, the committee will consider whether it will publicly release the executive session transcripts of all the Fusion GPS cofounders who appeared before the committee. I now yield to Mr. Schiff for any comments he would like to make.

MR. SCHIFF: Mr. Chairman, the only transcript we were advised that the majority was going to seek release on was Glenn Simpson's. And we would like a chance to review the other transcripts, if there are others that you propose to vote on. The other issue I wanted to raise is there are actually two transcripts involving Glenn Simpson's appearances before the committee, and both should be released to the public. I want to make sure that the motion the majority makes with respect to Mr.

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Simpson is not incomplete, and that it contemplates both appearances before the committee will be released in their entirety.

THE CHAIRMAN: If the gentleman will yield, what I see here is November 8, 2017 and November 14, 2017. Does that sound accurate?

MR. SCHIFF: Mr. Simpson appeared on November 8 and on November 14, as I understand.

MR. CONAWAY: Both of them. Both transcripts.

THE CHAIRMAN: They are both in here.

MR. SCHIFF: Okay. Those are the only transcripts that we were made aware of before the hearing that the majority sought to release. So we would request time to review any other witnesses that the majority propose that we released transcripts.

THE CHAIRMAN: Okay. Are those available to pass out to the minority for their review? The transcript of Peter Fritsch and Thomas Catan? So the testimony is available on the computer system. Does the ranking member want us to print those out and bring them in here?

MR. SCHIFF: Yes.

THE CHAIRMAN: Are you opposing --

MR. SCHIFF: We are not opposing. We would like to know what the majority is proposing to release. And, again, this is the first we are hearing of it, at the very hearing we are being asked to vote on it. The transcript that we requested to be released was Mr. Simpson's. And our understanding from the majority is that is what we were going to vote on today, that request that we made. So the majority never informed us that there were other transcripts they were also going to be seeking to release at the same time.

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THE CHAIRMAN: I think we were under the assumption of the statements made publicly that everything related to Fusion GPS, all of the actors involved in that, that we would release all of those transcripts.

MR. SCHIFF: This is the email that we sent with our request. It reads, "Given the fact that Glenn Simpson has asked publicly that his interview transcript be released, that the transcript of the Senate testimony has been released, and because there has been a lot of mischaracterization of his testimony and personal attacks on him and his business associates, Mr. Schiff requests that the chairman release the transcript. He earlier made his feelings known on the subject."

So our request was with respect to Glenn Simpson's testimony. We may support a request for the other witnesses as well, but we would like the chance to review their testimony before being asked to vote on it. In the case of Mr. Simpson, as we outlined in our written request to the majority, that transcript has already been released by the Senate.

MR. CONAWAY: Not of our testimony.

MR. SCHIFF: No. Correct. The Senate transcript of Mr. Simpson's testimony has already been released. But all we are asking is we would like the chance to read whatever transcripts you are proposing to release before we have to vote on it. Perhaps we could proceed with Mr. Simpson. We can give the minority a chance to read the transcripts you seek to release in addition to that, and then we can vote on those.

THE CHAIRMAN: So does the gentleman -- so I am assuming -- maybe I will just make a unanimous consent request that we delay releasing the transcripts of Mr. Peter Fritsch and the transcript of Mr. Thomas Catan until our next business meeting, but we will proceed with the release of the November 8 and November 14, 2017

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transcript of Glenn Simpson.

MR. SCHIFF: Yes. Mr. Chairman, we can expeditiously meet again to vote on the other transcripts. I believe we are meeting for another Russia interview tomorrow, so we could vote on that tomorrow.

THE CHAIRMAN: Okay. So I have a unanimous consent request. I am making a unanimous consent request to modify the release for today's vote to be only on the November 8 and November 14, 2007 transcript of Mr. Glenn Simpson. Any opposition to that motion?

MR. CONAWAY: Mr. Chairman, no opposition, just --

THE CHAIRMAN: Mr. Conaway is recognized.

MR. CONAWAY: No opposition, but I would like to highlight the point that normally releasing transcripts of witnesses is not something we typically do. In this case, Mr. Simpson himself, the witness, asked for it to be released. And I think that is distinguishing for releasing somebody else. So I am supportive of it, because Simpson himself asked. I just don't want witnesses coming down here fearful that we might take some unilateral action to release their transcripts and cause them to be less fulsome with us than otherwise. I am supportive of it because the witness himself asked for it.

THE CHAIRMAN: Anyone else like to be heard on my unanimous consent request? Mr. Schiff.

MR. SCHIFF: And I thank Mr. Conaway, and I am in large agreement with that. I think under most circumstances we should not release transcripts until the conclusion of the investigation, in which case I would recommend that we release all those that don't contain classified information. I would like to ask, has Mr. Fritsch and Mr. Catan also requested that their transcripts be released, because I am not

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aware of that?

THE CHAIRMAN: Is that a question to the chair? I believe that Mr. Fritsch had something in The New York Times that said he wanted it to be released. But I don't know about Mr. Catan. But I am not familiar with these people. Maybe somebody else -- is anybody familiar with Mr. Catan? We can ask Mr. Catan, I guess, or you guys can ask Mr. Catan.

MR. SCHIFF: We can look into that issue prior to our vote on those two transcripts.

THE CHAIRMAN: Okay. Mr. Gowdy.

MR. GOWDY: Mr. Chairman, as a general rule, I have never supported the individualized release of transcripts for a myriad of reasons, not the least of which, as some of the members of this committee know, there is a Federal rule of evidence called the rule of completeness, where you don't introduce part of something if the whole of it would give better perspective to the reader. It is not just the three witnesses that have come up this morning. Mark Elias testified at great length on matters related to Fusion GPS. So are we also going to include him as a subject matter witness that touches upon the issue of Fusion GPS? Because he did.

MR. SWALWELL: Mr. Chairman, can I be recognized?

THE CHAIRMAN: Mr. Swalwell.

MR. SWALWELL: Mr. Chairman, I understand Mr. Conaway and Mr. Gowdy's point. However, we have seen the release of Carter Page's transcript and Erik Prince's transcript. And I don't understand why they were released. I agree with Mr. Schiff that typically, you would want to have a complete -- and I agree with Mr. Gowdy, you want to have a complete investigation, hold the facts close so that witnesses aren't aware of what is out there so that you can keep those close and

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inform your investigation as you ask further questions.

And as Mr. Schiff said, release all of that to the public if it is not unclassified.

So I guess I would just ask the chair, what is the procedure for the release?

Because it seems that witnesses come in and sometimes it is released, sometimes it is not. But it has certainly been quite inconsistent.

MR. GOWDY: I was happy to yield some of my time.

MR. SWALWELL: I yield back to Mr. Gowdy.

MR. GOWDY: And I would only say it was my understanding that certain witnesses, as a condition of being interviewed, asked that it either be in an open space, or that the transcript be made available. So if it is a condition of the interview, I would tell my friend from California, that does make it a little bit different fact pattern. Here, it seems to me, that we are releasing transcripts related to a subject matter, which is Fusion GPS. It is not witness-specific, it is subject-matter-specific. And if that is true, then Mark Elias also touched on the subject matter, and perhaps other witnesses did as well. I don't want to give the reader a false impression that the transcript we release is the only definitive word on any subject matter, which is why I have been reticent all along to release any transcripts.

THE CHAIRMAN: Mr. Gowdy yield back his time?

MR. GOWDY: I yield to the chairman.

THE CHAIRMAN: Okay. So I would say this: I think, obviously, when people come to this committee to testify, it is clear that some people have requested that they will only testify if the record is made public. That was the witness's request. So that seems fairly simple to answer.

I am concerned as to the question that Mr. Gowdy and Mr. Conaway raise, is that we do not want to set a new precedent at this committee. However, when you

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review that the Senate unilaterally released the public the documents, this is, I think, just an unusual circumstance, I would say to Mr. Conaway and Mr. Gowdy, to their question. Mr. Schiff is recognized.

MR. SCHIFF: Thank you, Mr. Chairman. And I do think this is an unusual circumstance, in particular, because the transcript has been released in the Senate. There is little additional risk of witnesses coordinating their stories because this witness's testimony is largely already in the public realm. But I do want to take exception to the idea that somehow there were different circumstances that applied to Mr. Prince and Mr. Page. Mr. Page testified before the Senate in closed session prior to testifying here. So we knew, from the Senate's example, that Mr. Page would testify in closed session.

Moreover, we shouldn't let the witnesses before the committee tell the committee whether they are going to testify in open session or closed session. That should be something we decide, with the best interests of the investigation in mind. We always have the power of the subpoena when we need to use it. So if Mr. Page said he won't come in unless it is in open session, but we decided for the investigation it was better off that other witnesses not be able to hear what Mr. Page had to say, then he gets a subpoena. The same should be true for Erik Prince or any other witness. So I think we ought to decide when to make exceptions, when that is in the interests of the investigation, when that is in the interest of fairness. And those exceptions should be rare.

I think Mr. Simpson is one of those rare cases. But I don't think we want to signal that a witness can simply say, I won't come in unless I can do it the way I want to do it.

I yield back, Mr. Chairman.

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THE CHAIRMAN: Okay. I would just say that The New York Times article, it does say, which is interesting, "Republicans" -- this is Mr. Simpson and Mr. Fritsch, dated January 2, 2018, "Republicans have refused to release full transcripts of our firm's testimony." So being that "firm's," I would think that is everybody that works for the firm, just for the record. Anybody else wish to be heard? All right.

So my unanimous consent -- I am going to make my unanimous consent request again, that the November 8 and November 14, 2017 transcript of Glenn Simpson be released. Does anybody have opposition to the unanimous consent request? Hearing none, so approved. The chair now moves that the committee publicly release the executive session transcripts of Glenn Simpson, which has been appropriately redacted for personal identifiable information. Do any other members wish to speak on the motion? All right. Seeing none, seeing no further members wishing to be heard, without objection, the previous question is ordered. The question is on the motion to release the executive session transcripts of Glenn Simpson. The clerk will call the roll.

THE CLERK: Chairman Nunes.

THE CHAIRMAN: Aye.

THE CLERK: Chairman Nunes, aye.

Mr. Conaway.

MR. CONAWAY: Aye.

THE CLERK: Mr. Conaway, aye.

Mr. King?

MR. KING: Aye.

THE CLERK: Mr. King, aye.

Mr. LoBiondo?

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MR. LOBIONDO: Aye.

THE CLERK: Mr. LoBiondo, aye.

Mr. Rooney?

MR. ROONEY: Aye.

THE CLERK: Mr. Rooney, aye.

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: Aye.

THE CLERK: Ms. Ros-Lehtinen, aye.

Mr. Turner?

MR. TURNER: Aye.

THE CLERK: Mr. Turner, aye.

Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Dr. Wenstrup, aye.

Mr. Stewart?

MR. STEWART: Aye.

THE CLERK: Mr. Stewart, aye.

Mr. Crawford?

MR. CRAWFORD: Aye.

THE CLERK: Mr. Crawford, aye.

Mr. Gowdy?

MR. GOWDY: Aye.

THE CLERK: Mr. Gowdy, aye.

Ms. Stefanik?

MS. STEFANIK: Aye.

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THE CLERK: Ms. Stefanik, aye.

Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Hurd, aye.

Ranking Member Schiff?

Mr. SCHIFF: Aye.

THE CLERK: Ranking Member Schiff, aye.

Mr. Himes?

Mr. HIMES: Aye.

THE CLERK: Mr. Himes, aye.

Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Ms. Sewell, aye.

Mr. Carson?

[No response.]

THE CLERK: Ms. Speier?

MS. SPEIER: Aye.

THE CLERK: Ms. Speier, aye.

Mr. Quigley?

Mr. QUIGLEY: Aye.

THE CLERK: Mr. Quigley, aye.

Mr. Swalwell?

Mr. SWALWELL: Aye.

THE CLERK: Mr. Swalwell, aye.

Mr. Castro?

Mr. CASTRO: Aye.

THE CLERK: Mr. Castro, aye.

Mr. Heck?

Mr. HECK: Aye.

THE CLERK: Mr. Heck, aye.

Mr. Chairman, there are 21 ayes and zero noes.

THE CHAIRMAN: The ayes have it. The motion is approved, and the committee shall publicly release the two executive session transcripts in question. I ask unanimous consent for staff to make any additional redactions to the transcripts as necessary to protect personal identifiable information. Is there any further business before this committee?

MR. KING: Mr. Chairman?

THE CHAIRMAN: Mr. King.

MR. KING: Mr. Chairman, I move that pursuant to clause 2(3)(g) of rule 11 that the committee consider a motion pursuant rule 14 (i) to call to the attention of the House classified executive session material. Mr. Chairman, I wish to bring a matter before the committee, specifically pursuant to rule to 14 (i) of the committee's rules of procedure. I move to call to the attention of the House classified executive session material. However, before we engage in a discussion on this issue, the committee will need to go into closed session. Therefore, pursuant to clause 2(g)(1) of House rule 11, I move the hearing be closed.

THE CHAIRMAN: So you made a motion on 2(g)(3)(a) rule 11, which is to waive the 3-day rule. Is that correct, Mr. King?

MR. KING: Yes, sir.

THE CHAIRMAN: Okay. All those in favor say aye. Those opposed, no.

Mr. SCHIFF: I am sorry. The minority is not aware of what we are pursuing a discussion of. Does someone mind telling us what we are taking up?

THE CHAIRMAN: Mr. King has made a motion to waive the 3-day rule, and he has asked to go into closed session.

Mr. SCHIFF: Waive the 3-day rule on what to go into closed session? To discuss what?

THE CHAIRMAN: Notice.

Mr. CONAWAY: Two different motions. Waive the 3-day rule to have this meeting, and then take it up. And then we can talk about what we want to talk about.

Mr. SCHIFF: Okay.

THE CHAIRMAN: The ayes have it. And Mr. King, you have an additional motion to go into closed session?

MR. KING: Before we engage in discussion of the issue, the committee will need to go into closed session. Therefore, pursuant to clause 2(g)(1) of House rule 11, I move the hearing be closed because disclosure of testimony, evidence, or other matters being considered would endanger the national security.

THE CHAIRMAN: So the gentleman has made a motion to close the hearing. The clerk will call the roll.

THE CLERK: Chairman Nunes.

THE CHAIRMAN: Aye.

THE CLERK: Chairman Nunes, aye.

Mr. Conaway.

Mr. CONAWAY: Aye.

THE CLERK: Mr. Conaway, aye.

Mr. King?

Mr. KING: Aye.

THE CLERK: Mr. King, aye.

Mr. LoBiondo?

Mr. LOBIONDO: Aye.

THE CLERK: Mr. LoBiondo, aye.

Mr. Rooney?

Mr. ROONEY: Aye.

THE CLERK: Mr. Rooney, aye.

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: Aye.

THE CLERK: Ms. Ros-Lehtinen, aye.

Mr. Turner?

Mr. TURNER: Aye.

THE CLERK: Mr. Turner, aye.

Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Dr. Wenstrup, aye.

Mr. Stewart?

Mr. STEWART: Aye.

THE CLERK: Mr. Stewart, aye.

Mr. Crawford?

Mr. CRAWFORD: Aye.

THE CLERK: Mr. Crawford, aye.

Mr. Gowdy?

Mr. GOWDY: Aye.

THE CLERK: Mr. Gowdy, aye.

Ms. Stefanik?

MS. STEFANIK: Aye.

THE CLERK: Ms. Stefanik, aye.

Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Hurd, aye.

Ranking Member Schiff?

Mr. SCHIFF: And this is the motion to go into closed session?

Mr. CONAWAY: Yes.

Mr. SCHIFF: Aye.

THE CLERK: Ranking Member Schiff, aye.

Mr. Himes?

Mr. HIMES: Aye.

THE CLERK: Mr. Himes, aye.

Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Ms. Sewell, aye.

Mr. Carson?

[No response.]

THE CLERK: Ms. Speier?

MS. SPEIER: Aye.

THE CLERK: Ms. Speier, aye.

Mr. Quigley?

Mr. QUIGLEY: Aye.

THE CLERK: Mr. Quigley, aye.

Mr. Swalwell?

Mr. SWALWELL: Aye.

THE CLERK: Mr. Swalwell, aye.

Mr. Castro?

Mr. CASTRO: Aye.

THE CLERK: Mr. Castro, aye.

Mr. Heck?

Mr. HECK: Aye.

THE CLERK: Mr. Heck, aye.

Mr. Chairman, there are 21 ayes and zero noes.

THE CHAIRMAN: The motion carries, and the meeting is now closed.

[10:24 a.m.]

THE CHAIRMAN: We are back in open session. So the first motion is the motion to adopt the substitute motion offered by Mr. Schiff, as discussed in closed session. So we will move the previous question. And the clerk will call the roll.

THE CLERK: Chairman Nunes?

THE CHAIRMAN: No.

THE CLERK: Chairman Nunes, no.

Mr. Conaway.

Mr. CONAWAY: No.

THE CLERK: Mr. Conaway, no.

Mr. King?

Mr. KING: No.

THE CLERK: Mr. King, no.

Mr. LoBiondo?

Mr. LOBIONDO: No.

THE CLERK: Mr. LoBiondo, no.

Mr. Rooney?

Mr. ROONEY: No.

THE CLERK: Mr. Rooney, no.]

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: No.

THE CLERK: Ms. Ros-Lehtinen, no.

Mr. Turner?

Mr. TURNER: No.

THE CLERK: Mr. Turner, no.

Dr. Wenstrup?

DR. WENSTRUP: No.

THE CLERK: Dr. Wenstrup, no.

Mr. Stewart?

Mr. STEWART OF UTAH: No.

THE CLERK: Mr. Stewart, no.

Mr. Crawford?

Mr. CRAWFORD: No.

THE CLERK: Mr. Crawford, no.

Mr. Gowdy?

Mr. GOWDY: No.

THE CLERK: Mr. Gowdy, no.

Ms. Stefanik?

MS. STEFANIK: No.

THE CLERK: Ms. Stefanik, no.

Mr. Hurd?

Mr. HURD: No.

THE CLERK: Mr. Hurd, no.

Ranking Member Schiff?

Mr. SCHIFF: Aye.

THE CLERK: Ranking Member Schiff, aye.

Mr. Himes?

[No response.]

THE CLERK: Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Ms. Sewell, aye.

Mr. Carson?

Mr. CARSON: Aye.

THE CLERK: Mr. Carson, aye.

Ms. Speier?

MS. SPEIER: Aye.

THE CLERK: Ms. Speier, aye.

Mr. Quigley?

Mr. QUIGLEY: Aye.

THE CLERK: Mr. Quigley, aye.

Mr. Swalwell?

Mr. SWALWELL: Aye.

THE CLERK: Mr. Swalwell, aye.

Mr. Castro?

Mr. CASTRO: Aye.

THE CLERK: Mr. Castro, aye.

Mr. Heck?

[No response.]

THE CLERK: Mr. Chairman, there are 7 ayes and 13 noes.

THE CHAIRMAN: The noes have it, and the substitute motion is not agreed to. Without objection, the previous question is ordered. The question is on the motion to call attention to the House classified executive session material pursuant to committee rule 14 (i). The clerk will call the roll.

THE CLERK: Chairman Nunes?

THE CHAIRMAN: Aye.

THE CLERK: Chairman Nunes, aye.

Mr. Conaway.

Mr. CONAWAY: Aye.

THE CLERK: Mr. Conaway, aye.

Mr. King?

Mr. KING: Aye.

THE CLERK: Mr. King, aye.

Mr. LoBiondo?

Mr. LOBIONDO: Aye.

THE CLERK: Mr. LoBiondo, aye.

Mr. Rooney?

Mr. ROONEY: Aye.

THE CLERK: Mr. Rooney, aye.

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: Aye.

THE CLERK: Ms. Ros-Lehtinen, aye.

Mr. Turner?

Mr. TURNER: Aye.

THE CLERK: Mr. Turner, aye.

Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Dr. Wenstrup, aye.

Mr. Stewart?

Mr. STEWART OF UTAH: Aye.

THE CLERK: Mr. Stewart, aye.

Mr. Crawford?

Mr. CRAWFORD: Aye.

THE CLERK: Mr. Crawford, aye.

Mr. Gowdy?

Mr. GOWDY: Aye.

THE CLERK: Mr. Gowdy, aye.

Ms. Stefanik?

MS. STEFANIK: Aye.

THE CLERK: Ms. Stefanik, aye.

Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Hurd, aye.

Ranking Member Schiff?

Mr. SCHIFF: No.

THE CLERK: Ranking Member Schiff, no.

Mr. Himes?

[No response.]

THE CLERK: Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Ms. Sewell, no.

Mr. Carson?

Mr. CARSON: No.

THE CLERK: Mr. Carson, no.

Ms. Speier?

MS. SPEIER: No.

THE CLERK: Ms. Speier, no.

Mr. Quigley?

Mr. QUIGLEY: No.

THE CLERK: Mr. Quigley, no.

Mr. Swalwell?

Mr. SWALWELL: No.

THE CLERK: Mr. Swalwell, no.

Mr. Castro?

Mr. CASTRO: No.

THE CLERK: Mr. Castro, no.

Mr. Heck?

[No response.]

THE CLERK: Mr. Chairman, there are 13 ayes and seven noes.

THE CHAIRMAN: The ayes have it. The motion is adopted, and the House shall be provided access to the memo. Do any other members wish to be recognized for other committee business? If there is no other committee business, without objection, the committee stands adjourned.

[Whereupon, at 10:27 a.m., the committee was adjourned.]