

EXECUTIVE SESSION
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: PETER FRITSCH

Wednesday, October 18, 2017

Washington, D.C.

The interview in the above matter was held in Room HVC-304, the Capitol,
commencing at 10:15 a.m.

Present: Representative Rooney.

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

For PETER FRITSCH:

JOSHUA A. LEVY, ESQ.,
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██████████ Okay. Let's get started.

Good morning. This is an unclassified transcribed interview of Peter Fritsch. Thank you for speaking to us today.

For the record, I am ██████████ staff member of the House Permanent Select Committee on Intelligence. There are others in the room today that will introduce themselves as they speak.

Before we begin, I have a security reminder. If you haven't left your electronics outside, please do so at this time. That includes BlackBerrys, iPhones, Androids, tablets, iPads, or e-readers, laptops, iPods, MP3 players, recording devices, cameras, wireless headsets, pagers, and any type of Bluetooth wristband or watches.

I also want to state a few things for the record. The questioning will be conducted by members and staff during their allotted time period. Some questions may seem basic, but that is because we need to clearly establish facts and understand the situation.

Please do not assume we know any facts you have previously disclosed as part of any other investigation or review. We ask that you give complete and fulsome replies to questions based on your best recollection. If a question is unclear or you are uncertain in your response, please let us know. And if you do not know the answer to a question or cannot remember, simply say so.

During the course of this interview, we will take any breaks that you desire. This interview will be transcribed. There is a reporter making a record of these proceedings so we can easily consult a written compilation of your answers later.

Because the reporter cannot record gestures, we ask that you verbally answer. If you forget to do this, you might be reminded to do so. You may also be asked to spell certain terms or unusual phrases. You are entitled to have a lawyer present for this interview, though you're not required to do so. I see that you have counsel present, would counsel.

MR. LEVY: Joshua A. Levy, Cunningham Levy Muse, on behalf of Mr. Fritsch.

MS. CLATTENBURG: Rachel Clattenburg, Cunningham Levy Muse, also on behalf of Mr. Fritsch.

 Thank you.

To ensure confidentiality, we ask that you do not discuss the interview with anyone other than your attorney. Consistent with the committee's rules of procedure, you and your counsel, if you wish, will have a reasonable opportunity to inspect the transcript of this interview in order to determine whether your answers were correctly transcribed.

The transcript will remain in the committee's custody. The committee also reserves the right to request your return for additional questions should the need arise.

The process for the interview is follows: The majority will be given 45 minutes to ask questions, then the minority will be given 45 minutes to ask questions. Immediately thereafter, we will take a 5-minute break should you desire. After which, the majority will be given 15 minutes to ask questions, then the minority will be given 15 minutes to ask questions. And we will go back and forth until questioning is complete.

These time limits, however, will be strictly adhered to, with no extensions

being granted. Time will be kept for each portion of the interview with warnings given at the 5-minute and 1-minute marks respectively.

Our record today will reflect that you have been compelled to appear today pursuant to subpoena issued on October 4, 2017, by this committee.

Under procedures adopted for the 115th Congress and provided to you, along with Rule 11 of the rules of the House of Representatives, only you or your personal counsel may make objections during a deposition.

Objections must be stated concisely, in a non-argumentative manner. If the -- if you or your counsel raise an objection, the interview will proceed and testimony taken is subject to any objection. You may refuse to answer a question only to preserve a testimonial privilege. When you or your counsel have refused to answer a question, preserve a testimonial privilege, the objection may be ruled on by the chairman after the interview has recessed.

Finally, you are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff.

As this interview is under oath, please raise your right hand.

Mr. Fritsch, do you swear or affirm to tell the truth, the whole truth and nothing but the truth?

MR. FRITSCH: I do.

██████████ Okay. The record will reflect that the witness has been duly sworn, and we will proceed.

EXAMINATION

BY ██████████

Q Could you please spell your name for the record.

A Peter, P-e-t-e-r, Fritsch, F-r-i-t-s-c-h.

██████████ Okay. Over to the chairman for a quick second.

MR. ROONEY: I just want to say thank you, Mr. Fritsch, for coming in. I say this at every witness hearing that we have. This is an interview to interview witnesses with regard to obviously the Russian involvement in our prior election, and being that this is the Intelligence Community, how we can better provide oversight to the Intelligence Community with regard to our role in oversight, and how the Russian involvement moving forward can be quelled, and how we can learn to make sure that the integrity of our election process is maintained moving forward.

We're all very concerned, obviously, through the evidence that we've heard over the last several months with regard to what their intentions are, and the parameters which Mr. Conaway and Mr. Schiff have laid out is something that we get into in most of these interviews.

So -- but one thing that I also want to stress, especially with your attorneys, is we are not a criminal investigation. We are an oversight committee for the Intelligence Community. If there is matters that broach or go into the criminal world, those matters are referred to Investigator Mueller and the Justice Department.

So, you know, if that comes up, we'll deal with that as it comes up. But our intention here is to write a report at the end of this process, which hopefully assists the Intelligence Community to do their jobs better.

So with that, I'm going to turn it over to the majority attorneys to just -- there's no question here. I'm just sort of laying out -- to ask you some questions with regard to our procedure.

██████████ Thank you. Thanks, Mr. Chairman.

BY [REDACTED]

Q Mr. Fritsch, where are you currently employed?

A On advice of counsel, I am invoking my constitutional privileges under the First and Fifth Amendments not to testify.

Q Sorry. I forgot to instruct you. Could you please press the button so the green light is on.

A On advice of counsel, I am invoking my constitutional privileges under the First and Fifth Amendments not to testify.

Q Okay. So let the record reflect that the witness has asserted his both Fifth and First Amendment rights, Fifth Amendment right against self-incrimination.

So we can, please be very clear, are you declining to answer the question regarding where you're currently employed solely on the ground that you believe the answer will incriminate you?

A Same answer as my previous answer.

Q As it relates to your statement, let the record reflect that you have invoked a First Amendment privilege. The Supreme Court has held that the protections of the First Amendment do not afford a witness the right to resist inquiry in all circumstances; therefore, please be specific as to why you believe there is a testimonial privilege derived from the First Amendment that applies to the question you were just asked.

A Same answer.

Q Same answer as?

A On advice of counsel, I am invoking my constitutional privileges under the First and Fifth Amendments not to testify.

Q Mr. Fritsch, where were you employed before your work with Fusion

GPS?

MR. LEVY: Objection.

MR. FRITSCH: On advice of counsel --

MR. ROONEY: Just a second. This is not a court of law. You don't need to object. You can refer to your statement and say same answer if you'd like, but there's no judge here or jury or anything like that, so you don't have to object if you don't want to answer the question on the advice of your counsel. But there's nobody that's going to rule on your behalf or against you, so -- but go ahead. You can make --

MR. LEVY: Congressman, thank you. I'm trying to follow rule 7 of the Speaker's -- rather the chair of the House committee on rules 115th Congress staff deposition authority procedures, a copy of which was handed to me by your staff immediately prior to this deposition.

And your staff directed me, in particular, to rule 7. And in that rule it states that counsel and the witness can state objections and they must be stated concisely in a non-argumentative and non-suggestive manner. And I simply stated objection. I can state the grounds if you'd like. I don't -- and if not, I won't. But I'm just trying to follow the rule --

MR. ROONEY: Right. I understand. And you may state your -- the purpose of your objection, but I just want to be clear that this is not obviously a court of law, so --

MR. LEVY: Understood. I just want to bring out that there is a procedure set forth in rule 7, and it reads as though the chair may or may not rule and the committee may or may not vote on the resolution of objections. And in order for there to be a ruling at all, there first needs to be an objection. And I am simply

here to preserve my client's constitutional rights and privileges.

MR. ROONEY: Understood.

██████████ Thank you.

MR. LEVY: And I'd also like to note an objection for the record to rule 7 itself.

BY ██████████

Q Thank you. Mr. Fritsch, how long have you known former SIS agent Christopher Steele?

A Same answer.

Q Is your answer the same -- go ahead.

A On advice of counsel, I'm invoking my constitutional privileges under the First and Fifth Amendments not to testify.

Q So the witness has again executed his Fifth and First Amendment privileges.

Again, as it relates to the Fifth Amendment privilege against self-incrimination, are you declining to answer the question about your relationship with Mr. Christopher Steele solely on the ground that you believe the answer will incriminate you?

A On advice of counsel, I am invoking my constitutional privileges under the First and Fifth Amendments not to testify.

Q How long has Christopher Steele conducted opposition research on behalf of Fusion GPS?

A On advice of counsel, I am invoking my First and Fifth Amendment privileges under the Constitution not to testify.

██████████ Excuse me, gentlemen --

██████████ Actually, you don't get to interrupt us, but thanks.

MR. LEVY: Objection.

██████████ I merely want to state for the record that the witness' counsel alerted the committee on two occasions of its intent to invoke the Fifth Amendment for his -- to his three clients. The committee, nonetheless, has required the witnesses to be present today. We have not required other witnesses subject to subpoena who have declined to come in to physically make appearances.

MR. ROONEY: I appreciate that. And, you know, we've had witnesses that have intended to take the Fifth in the past, as you stated, and did not have anywhere near the kind of response that this witness has had with regard to why.

So part of the reason why we wanted to talk to this witness, whether we get to or not, is to talk about a lot of the procedural reasons why they decided to respond in the manner that they did, which I think will assist us moving forward. It might not. But I appreciate your advocacy for why they're here or not here, but --

██████████ Congressman, it's not advocacy. I don't know --

MR. ROONEY: It sounds like it.

██████████ I do not know these individuals. I only know that another witness --

MR. ROONEY: It sounds like it.

Okay. We have 45 minutes, so when your turn is up you can go ahead and ask your questions as well. But we are going to take our 45 minutes, as ██████████ has laid out in the opening, as we've done with every witness.

██████████ So, Congressman, your intention is to ask him questions for 45 minutes and get the same answer over and over again?

MR. ROONEY: It's possible.

██████████ Because that's badgering actually. And I think --

██████████ That itself is a violation of the rules, because it goes both ways. Speaking --

██████████ So we can have this back and forth as long as you want, and you guys can, you know, conduct yourselves in an unprofessional manner before the witness. But what happens here is that we've afforded ourselves 45 minutes and you have.

And in the course of these interviews, you have felt it appropriate to object and interfere with our proceedings during our time that has been afforded to us while we have not done so to you. So what we ask is for you to repeat that tact for us.

MR. ROONEY: I'm just curious, so you're asking for an ethics reading --

██████████ I'm not asking for an ethics reading. I'm just saying --

MR. ROONEY: -- based on ██████████ questioning of a witness who's invoking the Fifth, as he's rightfully allowed to do, and you are interrupting our 45 minutes to inquire as to whether or not that there is some kind of ethical violation here?

██████████ No, that's not at all what I said.

MR. ROONEY: You just said that.

██████████ I did not, sir. What I asked was whether or not you were planning to ask these questions for 45 minutes --

MR. ROONEY: It's possible.

██████████ -- and get the same answer over and over again, and that's badgering.

MR. ROONEY: It's badgering to ask questions of a witness --

██████████ Who has invoked his --

MR. ROONEY: -- who has --

██████████ -- constitutional rights.

MR. ROONEY: Well, we're going to find out if he's going to invoke his constitutional rights for every topic that we think might be pertinent to this investigation. I have no idea whether or not --

██████████ I believe that his counsel has already indicated in writing that he was planning to do that.

MR. ROONEY: Well, we'll see. But he gave an extremely extensive response to the subpoena, which we have not seen with any other witness. So it's our intention to figure out moving forward whether or not, you know, that kind of response is going to hinder our investigation moving forward. I think it's very useful and helpful. I don't think it's badgering.

██████████ -- that response was the fact that counsel was in here negotiating with our counsel and majority counsel on one day, and the very next day, we're hit with a subpoena, which I think is kind of unusual practice to begin with. And I think that that probably set off a negative chain of events that may have contributed to yesterday or the day before's letter. So --

MR. ROONEY: Yeah, I don't know anything about that. Anything else?

██████████ Nope.

MR. ROONEY: Okay. ██████████

██████████ Thank you.

██████████ If I could just state for the record that the reason that, both in the written communication, counsel has referred to a variety of potential privileges

that they may seek to invoke. And our purpose in asking questions, the privilege -- potential privilege claims to include the Fifth Amendment are not global claims. They attach to particular questions.

And so our intent in asking numerous questions is to try to understand, to the best we're able, and to give the witness and his counsel an opportunity to elaborate on the basis for potential reasons not to answer particular questions; and that decision not to answer is ultimately to be adjudicated on a question-by-question basis. So that's --

██████████ This is not an adjudication forum. This is a congressional committee.

██████████ That's why we're giving the witness the opportunity to elaborate on the potential basis for and try to understand potential objections to each question. Now, it's certainly possible that we will get to a point of diminishing returns and we recognize that, but in the meantime, it's our opportunity to continue to ask this witness questions.

BY ██████████

Q Thanks. Mr. Fritsch, how long have you known Glenn Simpson?

MR. LEVY: Objection.

THE WITNESS: On advice of --

MR. LEVY: This is the fifth or sixth question that you have asked my client after he has invoked his constitutional privileges under the First and Fifth Amendments of the Constitution.

Further questioning of the witness after his invocation of these privileges and our written communications to the committee setting forth the privileges and the bases for them is tantamount to harassment of the witness. D.C. Bar legal

opinion -- ethics opinion 358 clearly states that members of the D.C. Bar shall not require a witness to appear after his counsel or her counsel has notified the government questioning body, in particular congressional committee, in that opinion, that the witness intends to invoke his or her privileges under the Constitution not to testify.

If the sole purpose of the appearance is to have him invoke, you've known that he has intended to invoke these privileges. He's told you here today. He's been perfectly polite and civil. He's invoked his privileges, and we respectfully ask that you excuse the witness.

BY [REDACTED]

Q Mr. Fritsch, is your answer to that question that you're invoking the Fifth Amendment privilege?

A On advice of counsel, I am invoking my constitutional privileges under the First and Fifth Amendments not to testify.

Q And you are invoking that privilege as it relates to the answer to that question because the answer would illicit information that is self-incriminating in relation to how long you have known Mr. Glenn Simpson?

MR. LEVY: Objection. So as to be efficient, the same grounds. I would add that we submitted a letter on behalf of our clients on October 16, 2017, to this committee, setting forth legal claims and the bases for them. The letter was lengthy because the subpoenas included multiple infirmities.

And it's our duty, as counsel to the witnesses, to set forth those objections. In any event, objection, and we'd ask that the witness be excused.

BY [REDACTED]

Q Mr. Fritsch, how long have you been employed in the industry of

collecting opposition research on behalf of Fusion GPS and/or any other entities, to include companies, subsidiaries related with Fusion GPS?

MR. LEVY: Objection. Mr. Fritsch has already invoked his constitutional privileges not to testify under the First and Fifth Amendments today. This is yet another question after he's done that.

I would add that this Congress, the last Congress, 114th, accused the witness before one of its committees of waiving her rights. We are not going to risk that here. He has invoked his privileges. He's done so in a civil and polite manner. We respectfully ask that you excuse the witness.

██████████ And is he invoking the privilege to that prior question?

MR. LEVY: Yes.

██████████ Counsel, and Mr. Fritsch, is it your intention to decline to answer all questions put to you today by the committee on the basis of the Fifth Amendment right against self-incrimination?

MR. LEVY: Among other constitutional privileges, yes.

██████████ So any and all questions this committee asks, staff or members or otherwise, regarding Mr. Fritsch across the board, it is your intention to decline to answer the questions put forth by committee, by the staff and or members, based upon the fact -- my understanding is, correct me if I'm wrong -- that the answers will specifically solicit a response that would solicit self-incriminating information?

MR. LEVY: For purposes of this committee's investigation into Russia, he is invoking, and has invoked multiple times now, individually and through counsel, his privileges under the First and Fifth Amendment not to testify, in part because matters may tend to incriminate, not necessarily that they would. But they are

tending to incriminate.

██████████ Okay.

MR. LEVY: Potentially.

MR. ROONEY: The minority is recognized for 45 minutes.

██████████ We recognize the witness has invoked his Fifth Amendment rights, and we respect those rights, and then we will not ask questions.

██████████ At this time, we will recess this interview. Before doing so, I want to note that there have been numerous objections made today, which as noted at the outset are subject to a subsequent ruling by the chairman.

If the chairman overrules the objection and orders the witness to answer any question to which a testimonial privilege was lodged, such ruling will be followed with the clerk of this committee and provided to members and to the witness, no fewer than 3 days before reconvening the interview.

The witness will also have the opportunity to appeal such ruling as detailed in the procedures that have been provided to the witness.

MR. ROONEY: Mr. Fritsch, thank you for coming in. That concludes our interview.

MR. FRITSCH: Thank you.

[Whereupon, at 10:39 a.m., the interview was concluded.]