

July 21, 2017

**via Electronic Mail**

Hon. Charles E. Grassley  
Chairman  
U.S. Senate Committee on the Judiciary  
[ceg@judiciary-rep.senate.gov](mailto:ceg@judiciary-rep.senate.gov)

***Re: Glenn Simpson***

Dear Chairman Grassley:

We are in receipt of your July 19, 2017, invitation for Glenn Simpson of Fusion GPS to testify at a July 26, 2017, hearing entitled “Oversight of the Foreign Agents Registration Act (“FARA”) and Attempts to Influence U.S. Elections: Lessons Learned from Current and Prior Administrations.” For the reasons specified, Mr. Simpson is unable to accept your invitation.

Mr. Simpson is not going to be available on July 26 due to long held vacation plans. He is scheduled to be away on vacation through July 31, 2017, and he will be traveling overseas through August 3, 2017.

We are profoundly disturbed that the scope of the proposed hearing has expanded, due to private and partisan agendas. As the members know, allegations that Mr. Simpson improperly failed to register under FARA when providing litigation support for Prevezon are nothing more than an effort to smear him and his firm.<sup>1</sup> This hearing’s purported focus on FARA is pretext for an exploration of Fusion GPS’

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<sup>1</sup> Your office’s publication of its correspondence to the Department of Justice and Fusion GPS has made the Members aware of your suggestions that Mr. Simpson and Fusion GPS violated FARA, through their work on the *Prevezon* matter, even though it has been a matter of public record that: (a) the law firm of Baker Hostetler engaged Fusion GPS and Mr. Simpson to help provide litigation support in the matter of *U.S. v. Prevezon*, which does not require registration under FARA, and (b) Baker Hostetler attorney Mark Cymrot has said that Fusion GPS and Mr. Simpson were not required to register under FARA. See Isaac Arnsdorf, “FARA Complaint Alleges Pro-Russian Lobbying,” POLITICO, Dec. 8, 2016, available at <http://www.politico.com/tipsheets/politico-influence/2016/12/fara-complaint-alleges-pro-russian-lobbying-217776>.

reported work, on behalf of *other* clients, to investigate the ties of Donald J. Trump, his campaign and their associates to Russia. Indeed, others have noted the absurdity of the allegation that Mr. Simpson and Fusion GPS were working as Kremlin agents when reportedly investigating the Russian government's influence on the 2016 presidential election, as a desperate attempt to cast doubt on ongoing inquiries into possible Russian collusion with the Trump campaign.<sup>2</sup>

Separately, your broad and intrusive requests for documents and information have compelled Mr. Simpson and Fusion GPS to assert privileges under the First Amendment and other well-established legal doctrines. On March 24, 2017, you issued and made public broad requests for information from Fusion GPS, Mr. Simpson's company, demanding it divulge the identities of its clients and produce all of its documentation of its reported engagement in "opposition research" during the 2016 presidential campaign. These requests are an affront to the First Amendment. On April 7, 2017, we asserted privileges under the First Amendment, *inter alia*, because these requests called for the production of materials and information that are protected by the rights of Fusion GPS and its clients to engage in political speech and political activity, to associate freely with others, to exercise press freedoms, to speak anonymously and to petition the government. We also preserved Fusion GPS' confidentiality obligations to its clients and the attorney work product privilege. On June 23, 2017, at your request, we sent you a letter further discussing the assertion of these privileges and obligations. While you have made public your requests for information and documents, you have not made public our June 23, 2017, response. We have enclosed that letter, as we hope each Committee Member will be advised of our prior assertions of privilege.

On July 19, 2017, you sent Mr. Simpson another broad, and in many respects duplicative and cumulative, request for documents and information, which you posted on the Committee's website and to which all privileges previously asserted apply. Through that letter, you have expanded your requests to seek all documents related to Fusion GPS' "acquisition or creation of information relating to Donald J. Trump and his associates," and you have posed new requests related to Fusion GPS' work on behalf of Prevezon, as well as a fishing expedition for any documents related to a host of characters. Although a response to that request is not called for until August 2, and we have not yet met and conferred with staff with regard to this latest request, this request is subject to the same privileges asserted in response to the March 24 request.

Given the limitless scope of the hearing,<sup>3</sup> as well as the privileges that Fusion GPS has already asserted, Mr. Simpson cannot risk a waiver of those privileges at the hearing. In the event of a subpoena,

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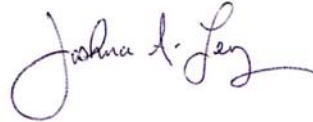
<sup>2</sup> See Jessie Schulberg, *A Top Republican Wants You to Believe Russia Was Behind That Famous Trump Dossier*, HUFFINGTON POST, Jul. 20, 2017, available at [http://www.huffingtonpost.com/entry/chuck-grassley-trump-russia-dossier\\_us\\_596e6ce8e4b0000eb19694fa](http://www.huffingtonpost.com/entry/chuck-grassley-trump-russia-dossier_us_596e6ce8e4b0000eb19694fa).

<sup>3</sup> Your staff has twice informed us that the Chair cannot limit what Members ask of the witnesses, and the *Washington Post* reported the same, when discussing this hearing:

"Speaking very realistically, senators are going to ask whatever questions they want of any witness who's there," Senator Richard Blumenthal (D-Conn.) said. "And no senator

Mr. Simpson will assert applicable privileges, including but not limited to those under the First and Fifth Amendments. We therefore ask that he be excused from appearing.

Sincerely,



Joshua A. Levy  
Robert F. Muse

cc: The Honorable Diane Feinstein  
Ranking Member, U.S. Senate Committee on the Judiciary

Enclosure

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can be ruled out of order because he's asking a question, she's asking a question, on a relevant but not directly germane topic."

Karoun Demirjian, *Senate Judiciary Committee to Seek Testimony from Trump, Jr. and Manafort*, WASH. POST, Jul. 18, 2017, available at [https://www.washingtonpost.com/powerpost/senate-judiciary-committee-to-seek-testimony-from-trump-jr-and-manafort/2017/07/18/d3d8d052-6bf4-11e7-b9e2-2056e768a7e5\\_story.html?utm\\_term=.b87ab693907d](https://www.washingtonpost.com/powerpost/senate-judiciary-committee-to-seek-testimony-from-trump-jr-and-manafort/2017/07/18/d3d8d052-6bf4-11e7-b9e2-2056e768a7e5_story.html?utm_term=.b87ab693907d)