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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
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February 8, 2018

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

Dear Ranking Member Feinstein:

I am writing to address the issues raised in your February 1, 2018, letter, as well as from other Members, and discuss a timeline for the release of the remaining June 9th meeting transcripts, a necessary predicate to holding any future hearings.

To date, our staffs have interviewed six witnesses as part of the investigation into the circumstances surrounding the June 9, 2016, meeting at Trump Tower in New York City. Those transcripts have been available to all Members of the Committee and their staffs. Now, the public must also see the testimony of all six of the witnesses interviewed as part of our investigation. Thus, my priority is to finalize and release all the remaining transcripts for those present at the June 9th meeting: Anatoli Samochornov, Donald Trump Jr., Irakly Kaveladze, Rob Goldstone, and Rinat Akhmetshin.

As we have previously discussed, all transcripts generated as a result of witness interviews must be reviewed for errata and appropriate redactions before their release. Our staffs still need to discuss final errata review for Rinat Akhmetshin and Rob Goldstone. I expect that to happen soon. After doing so, counsel for the witnesses will then have two weeks to conduct their review. When all errata review is complete, our respective staffs must make appropriate redactions before the transcripts can be made public.

Following this timeline, it may be a few weeks until the remaining transcripts can be released, but I am committed to working as quickly as we can, consistent with a careful and deliberate process so information that we would agree should be redacted does not accidentally get released because we acted in haste. Remember, we have thousands of pages of transcripts and exhibits to review to ensure that we do not unnecessarily violate someone's personal privacy. As you know, many of the documents contain detailed phone records with innocent third parties' phone numbers, information about people's personal family lives that happened to be mentioned in an interview, or personal health information. None of this is necessary for the public to understand witnesses' testimony about matters related to the Committee's investigation.

After the review, finalization, and release of these transcripts, we can determine when hearings should take place, and which witnesses should be called to testify. When the public knows what we know, that will be the proper time for public hearings. We will also need to discuss possible use of compulsory process if a witness declines to voluntarily appear once an invitation to testify has been extended.

I would also note that all discussions about public hearings have always included other witnesses, including Glenn Simpson of Fusion GPS. So, any discussions going forward about such hearings should be aimed at providing the public the benefit of all sides to this story, not only one side. True transparency should provide adequate context.

The same considerations should also apply to efforts to obtain responses to document requests. In your letter, you raised several document requests that you consider to be outstanding. The first are drafts of Mr. Trump Jr.'s July 2017 statements about the June 9th meeting, and non-privileged communications relating to these drafts. However, Mr. Trump Jr.'s attorney emailed a response to that request:

As we have previously advised staff on a conference call, we do not consider the Committee's July 19, 2017 requests concerning the June 9, 2016 meeting with Ms. Veselnitskaya and others, to encompass material relating to the response or reaction to the publication of that meeting on or about July 8, 2017 and thereafter.

Second, you requested a copy of the notes Mr. Trump Jr. used to refresh his recollection while testifying in the Committee's transcribed interview. Your staff requested that his attorney consider waiving any assertion of attorney-client privilege over these notes. On October 4, 2017, his attorney declined.

Notably, your letter did not raise the incomplete response to our joint document request to Glenn Simpson. We have been waiting nearly a year for Mr. Simpson to produce responsive documents to the Committee about Fusion GPS's activities relating to the Steele dossier. Time and again, however, Mr. Simpson has refused to provide anything but thousands of pages of news clippings and blank pages, making only specious attorney client and work product privilege claims without articulating any explanation for the basis of such claims. In fact, we have both pressed Mr. Simpson for the material, to no avail. We must renew our claims for the unproduced material. It would be inappropriate to press for some witnesses to produce records over which they claim privileges while allowing other productions to remain outstanding.

As you note in your letter, I have consistently expressed support for as much transparency as possible in this investigation. Transparency is paramount, but true transparency means providing the full context for the public. It deeply concerns me that there so far does not appear to be any interest from my friends on the other side of the aisle in ensuring the American people have *all* the facts, not just those that tell one side of the story. The American people deserve to know whether there has been *any* improper political influence brought to bear under any administration, in any investigation surrounding the 2016 election. I am very confused as to why there has not been more support for pursuing clearly responsive documents that we have

requested, together, for example from Mr. Simpson – even before learning who really funded the dossier. The lack of interest here has grown more and more concerning, particularly since we have learned more about the deep political motivations behind both the dossier and its author, whose unverified information was used to gain approval for intrusive surveillance of an American citizen.

I have been working very hard with the FBI and the Department to ensure that as much as possible of the referral that I wrote with Senator Graham could be made available to the public. Following that consultation and the President’s declassification of the House Permanent Select Committee on Intelligence majority staff memorandum, the FBI provided a much more transparent, unclassified version of the referral. I moved as quickly as possible to make that version public. Now, the public knows much of what we know about the dossier – not only that the Democratic National Committee and the Clinton Campaign ultimately funded the dossier, but also that Mr. Steele received “intelligence” through longtime Clinton allies and may have lied to the FBI regarding his communications with the press about the dossier.

In the interest of true, complete transparency, I will continue to press for all relevant facts. I will also continue to work with the FBI and the Department to declassify the remainder of the referral memorandum and all underlying documents that remain classified. And I am committed to following an orderly, deliberate, and responsible process to release the remaining transcripts of interviews we have thus far conducted, so that the American people can know what we know. At that time, I am also committed to holding discussions regarding the contours of any possible future hearings, so that the public can get the whole story.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Richard Blumenthal
United States Senator

The Honorable Patrick Leahy
United States Senator

The Honorable Richard J. Durbin
United States Senator

The Honorable Sheldon Whitehouse
United States Senator

The Honorable Amy Klobuchar
United States Senator

The Honorable Christopher A. Coons
United States Senator

The Honorable Mazie Hirono
United States Senator

The Honorable Cory A. Booker
United States Senator

The Honorable Kamala D. Harris
United States Senator