

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

INTERVIEW OF: DAVID KRAMER

Wednesday, January 10, 2018

Washington, D.C.

The interview in the above matter was held in Room HVC-304, the Capitol, commencing at 2:05 p.m.

Present: Representatives Conaway, Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, and Heck.

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

For DAVID KRAMER:

LAWRENCE ROBBINS, ESQ.

ALAN E. UNTEREINER, ESQ.

DANIELLE ROSENTHAL, ESQ.

LAURIE RUBENSTEIN, ESQ.

ROBBINS, RUSSELL, ENGLERT, ORSECK, UNTEREINER & SAUBER, LLP

1801 K Street NW

Suite 411 L

Washington, D.C. 20006

██████████ Good afternoon. This is an unclassified transcribed interview of David Kramer.

Thank you for being here today.

For the record, I am ██████████ a staff member for the House Permanent Select Committee on Intelligence. Others present will introduce themselves when they speak, although I understand you've had an opportunity to speak with several of us before.

Before we begin, I just want to confirm that everyone has left their electronic devices outside.

I also want to state a few things for the record.

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 is being transcribed. There is a reporter making a record of these proceedings so that we can easily consult a written compilation of your answers. Because the reporter cannot record gestures, we ask that you answer verbally. 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 are not required to do so. I see that you have counsel present and would ask your attorneys to make an appearance for the record at this time.

MR. ROBBINS: I'm Lawrence Robbins from the firm of Robbins Russell, representing the witness.

MR. UNTEREINER: Alan Untereiner from the same firm.

MS. RUBENSTEIN: Laurie Rubenstein from the same firm.

MS. ROSENTHAL: Danielle Rosenthal from the same firm.

██████████ Thank you.

To ensure confidentiality, we ask that you do not discuss the interview with anyone other than your attorneys.

Consistent with the committees'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 as follows: The majority will be given 45 minutes to ask questions. The minority will be given 45 minutes to ask questions. Immediately thereafter, we will take a break if you desire, after which the majority will be given 15 minutes to ask questions, and then the minority will be given 15 minutes to ask questions. These time limits will be strictly adhered to, with no extensions being granted.

Our record today will reflect that you have been compelled to appear

pursuant to a subpoena issued on December 27th, 2017.

Objections must be stated concisely in a nonargumentative manner. 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 to preserve a testimonial privilege, the objection may be ruled on by the chairman of the committee after the interview has recessed.

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

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

Mr. Kramer, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. KRAMER: I do.

██████████ The record will reflect that the witness has been duly sworn.

MR. CONAWAY: Mr. Kramer, thank you. Appreciate you coming back in to visit with us this afternoon.

Adam, any opening remarks?

MR. SCHIFF: Yes, Mr. Chairman. I have a number of grave concerns about today, which I want to just express at the outset.

The first is that you and I received a letter from counsel for Mr. Kramer informing us that very shortly after Mr. Kramer's last appearance before the committee his lawyer was contacted by a lawyer for Michael Cohen, who informed him that someone from the committee had contacted them and urged them to reach out to Mr. Kramer, that his testimony might be of benefit to Mr. Cohen.

That not only is in complete violation of our committee rules, it's completely unethical, and it's also antithetical to the interests of the investigation. And it's bad enough that people are leaking things, but this is a qualitative step worse than anything we have seen to date, in that we now have someone from the committee acting to affirmatively subvert the investigation. And I don't know how to more strongly express my alarm about this.

And that's not even getting to the second issue, which I'll wait till we get into the questioning to pursue. But I find this disturbing beyond measure and wanted to put that on the record.

Someone affirmatively reached out to another witness to share information about this witness, in the expectation it would be of benefit. And now we have seen, in the last day or two, Mr. Cohen has filed a lawsuit. Clearly, part of the design was to facilitate that litigation as well. So, just deeply, deeply disturbing.

MR. CONAWAY: Well, I share your angst and being disturbed about it. We canvassed each one of our lawyers, and none of them did it. So your allegations in the letter and your allegations as you stated them as if they were true, I don't know how to proceed to prove them incorrect.

I assume that the lawyer from Cohen didn't give you guys any names, or did they?

MR. ROBBINS: No, he didn't. But I may be able to help.

MR. CONAWAY: Well, then shed some light on that.

MR. ROBBINS: I'd be glad to, because the leak to which the ranking member just referred is not the only one. And the next one in the series I think rather narrows the field of potential suspects. So I'd like to share that with you in the event that our subsequent letter of January 5th has not found its way to you.

So let me answer that question.

Mr. Schiff is quite right that I was contacted by Mr. Ryan, Steven Ryan, a lawyer for Mr. Cohen, who told me that he -- and, by the way, this happened only 3 days after our appearance before this committee. We were here on a Tuesday. On a Friday morning, I received an email asking me to talk to Mr. Ryan.

When I spoke to him, he said that a little birdie --

MR. CONAWAY: The email came from Ryan?

MR. ROBBINS: Yes, sir.

MR. CONAWAY: Okay.

MR. ROBBINS: It said: Your -- this is what it said. It said -- and, by the way, I've attached it in the letter of December 23rd to this committee. It said: Your client, David Kramer, my client, Michael Cohen, a House -- someone from the House told me to call you.

He then called me. I explained to him that he and I could not have a jointly privileged conversation, that our clients do not share a common interest, and that before he said anything to me of a substantive nature he should understand that I would not be able to honor any request for privilege or protection.

He nevertheless forged ahead and said that a, quote, little birdie from the House had told him that Mr. Kramer had testified when he appeared on the prior Tuesday that Mr. Steele had said something about the portion of the dossier relating to Mr. Cohen to be inaccurate, and would I be willing to share with him, in his capacity as Mr. Cohen's lawyer, the facts about which Mr. Kramer had purportedly testified.

I said, would you be willing to tell me who your source was? Not surprisingly, he declined. I said, well, I'm not willing to enable their agenda in any

UNCLASSIFIED, COMMITTEE SENSITIVE

way. I am not going to say anything about what Mr. Kramer did or didn't say. I neither confirm nor deny the truth of whatever you were told. And I'm not going to say anything more.

So he said, well, I hope we can at least keep this between us and that you won't apprise the committee that we had this conversation. I said, perhaps you remember, at the outset of our conversation, I told you we are not having a jointly privileged conversation. I'm going to do what's in my client's best interest. That prompted me to write the letter of December 23rd laying out what I've just told you.

Sadly, that was not the end of the matter. No sooner did we send the December 23rd letter than we got the subpoena of December 29th telling us that -- I'm sorry, December 27th, saying that Mr. Kramer would have to appear to answer a particular question. That subpoena came to my inbox at 2:49 in the afternoon. All of this, by the way, is spelled out in my subsequent letter about leaks dated January 5th.

The letter came to my -- the subpoena came to my inbox, Congressman, at 2:49 p.m. And I'm very particular about the time, and let me tell you why. Because at 2:59 p.m., only 10 minutes later, Byron York of the Washington Examiner posted online a detailed account, stating at least three things that struck me as very demoralizing: first, that Mr. Kramer had received a subpoena, something which I only learned 10 minutes, to the dot, earlier; second, that the reason he received the subpoena was because this committee wanted to know the names of the purported sources of Mr. Steele's dossier; and, three, the reason they wanted that information from Mr. Kramer is because he had declined to provide that answer in his voluntary interview. That all appeared on the web exactly, to the dot, 10 minutes after the subpoena issued.

UNCLASSIFIED, COMMITTEE SENSITIVE



So I sent this letter to the committee on January 5th, and in the penultimate paragraph, I suggested to the committee that it shouldn't be that hard to fathom who the leaker is. Because, after all, given the complexity of Mr. York's posting, he was surely apprised of these details before I even received the subpoena at 2:49, unless he is the fastest journalist known to man, and I have no reason to think he is.

So, obviously, what happened is someone who knew the subpoena was being issued called Mr. York, told them the subpoena was going to come out, and told them to simply embargo the information until it actually did come out. Mr. York then waited 10 minutes, and he posted it.

I, therefore, suggested in my letter of January 5 to this committee that perhaps you could begin your investigation with presumably the very small subset of committee members and staff who were aware of the issuance of this subpoena a sufficient amount of time before 2:49 p.m. that day to have provided that much information to the Washington Examiner.

I had hoped that at least one of these letters would persuade this committee to withdraw the subpoena. Obviously, it didn't. But that brings me to the next point I want to share with you, because I have to believe, Mr. Conaway, that you're not aware of this history either.

The subpoena, as originally issued, was returnable on January 11th, tomorrow. I called [REDACTED] and I apprised him -- and he couldn't have known this, after all -- that January 11th happens to fall on the [REDACTED] [REDACTED], and I can't move it. [REDACTED]

He was kind enough to say, okay, well, we won't do it on January 11th.

UNCLASSIFIED, COMMITTEE SENSITIVE

And I said, tell you what, I'll give you 2 full weeks to choose from in January. You can have any day in the week of the 22nd. You can have any day in the week of the 29th. He said the 10th.

I said, well, wait a minute, the 10th is the day before I have to go to [REDACTED] [REDACTED] And what's more, my client, Mr. Kramer, who lives in [REDACTED] is teaching his first college class the night of January 9th -- that is to say, last night -- which, in fact, he did teach, because he honored his teaching obligation. So I said, can we work out a reasonable date? We'll give you any one of these days in 2 full weeks in the same month.

On January 4th, I got a pair of emails that made me think that reasonable people would behave reasonably, one from somebody named [REDACTED] whom I'm given to believe is the majority [REDACTED], and one from [REDACTED] I'd like to have them entered on the record as exhibits today, but let me tell you what they say.

MR. CONAWAY: Without objection.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

UNCLASSIFIED, COMMITTEE SENSITIVE

MR. ROBBINS: What they say is -- and they each say the same thing in substance -- we're going to call you tomorrow to try to work out a date. They each said that.

And I thought, great, that's how reasonable professional lawyers who actually care about their standing in the bar and expect to have a future as a lawyer, that's how they behave to one another. I, nevertheless, never heard from them. Not an email. I gave them my cell phone number. Not a cell phone call, not a letter. Total, complete radio silence.

So I thought, well, they must be trying to find a date. They're busy. They're going to find a date that can work for everyone. So imagine my surprise when, 10 minutes out of [REDACTED] [REDACTED] last night, going back to my house in [REDACTED] [REDACTED] with Mr. Kramer in [REDACTED] teaching his class already, imagine my surprise when I got an email from the clerk of this committee telling me that the subpoena was not withdrawn and that we would need to show up today after all.

So we scrambled to make arrangements to do that. Mr. Kramer took the first flight out of [REDACTED] this morning. I took one of the earliest Acelas out of [REDACTED] [REDACTED]

I have to believe, sir, that you did not know this. I have to believe, [REDACTED] that you did not know this. I have to believe that the people who do know this and who did behave this way are not here today to explain their conduct, because reasonable lawyers do not treat one another this way.

Now, we're here. We moved heaven and earth to be here. But I have to tell you, sir, in all candor, before we move to the substantive portion of today's events, this junior varsity gamesmanship about the return date of the subpoena,

UNCLASSIFIED, COMMITTEE SENSITIVE

followed, as it is, closely on the heels of a pattern of leaks, the likes of which are wholly unfamiliar to me in 40 years of law practice, suggests to me that somebody doesn't actually really want to engage this issue.

What they really want is an opportunity to tell some false narrative to the press about Mr. Kramer's unwillingness to cooperate with this committee, which everyone in this room knows to be false.

It's deeply, deeply distressing. And before we got to the substantive part of the conversation, I wanted to put all of this on the record.

MR. CONAWAY: Well, thank you.

MR. ROBBINS: And I'd like to mark as exhibits --

MR. CONAWAY: Yep.

MR. ROBBINS: -- the two January 4th emails from [REDACTED] and [REDACTED] and the email from last night at 7:33 p.m. from [REDACTED] if I'm pronouncing his name correctly, the chief clerk, apprising me that, notwithstanding the radio silence from and after January 4th, we were to appear here as scheduled.

And I'd like to hand these up in whatever way the format works.

MR. CONAWAY: Sure. Thanks.

First off, thank you very much for all that you did to get here on the 10th.

I actually came in here a few minutes ago thinking it would be just Adam and I putting paper on today's lack of an appearance and making comments in the record that we would need to work with the witness to get them in here at a point that makes some sense, at the same time preserving whatever equities we had in a subpoena, because I just didn't want to ignore the fact that we had a subpoena out here.

So I didn't think you all were coming. Now, I came by that information

UNCLASSIFIED, COMMITTEE SENSITIVE

UNCLASSIFIED, COMMITTEE SENSITIVE

based on my team. We were aware of your [REDACTED] tomorrow and that Mr. Kramer was in [REDACTED] so I thought -- I didn't think you were coming. And so you showed up. Fantastic. We'll ultimately get to why you're here, and hopefully that's the last time that will have to happen.

With respect to first of the leaks and that, again, I've queried our guys as to who was on our side who would have -- I mean, if they're lawyers, they probably broke some sort of rule. I'm a CPA, not a lawyer, but it would seem to me that ex parte communication like that with somebody else's lawyer would have been against the rules, at a minimum, but maybe not.

With respect to the subpoena and all that, I will need to -- because this is the first time I've seen the January 5th letter. I'll need to run the traps on that -- and you have my commitment that, in fact, I will do that -- to know who all was aware of the subpoena, when they were aware of it, and kind of lay out a timeline and see if there's a way we can backtrack the contact that apparently Byron York got.

With respect to the first deal with Ryan, if you're Machiavelli, maybe you could figure out he tried to do that on his own, trying to bluff you into doing something. I don't know.

MR. ROBBINS: He's not that clever.

MR. CONAWAY: Maybe he's that smart, maybe he's not. But I don't know how we pursue that one further than just taking my team's word at face value. I think Adam will query his guys to make sure none of them did it, and we'll go forward.

The little birdie, we don't have anybody on staff by that name. We don't have -- I don't know how to --

UNCLASSIFIED, COMMITTEE SENSITIVE

UNCLASSIFIED, COMMITTEE SENSITIVE

MR. ROBBINS: I took that to be an epithet.

MR. CONAWAY: Say again?

MR. ROBBINS: I took that to be a colloquialism.

MR. CONAWAY: No, I know what you took it for. I was being sarcastic.

So it would be hard to check the personnel records looking for a little birdie to see who might be the guy that confessed it. But on both of those, we'll keep looking at them.

And, again, I thought all we were doing today was preserving our authorities under the subpoena and that we would make contact with you, get you in here at an appropriate point in time, and get these answers. It didn't happen that way. I apologize for that.

And so, Adam, any further comments before we move on?

MR. SCHIFF: Yes, Mr. Chairman.

Mr. Conaway has been a good-faith partner of mine. I do think there's an easy way to find out who called Mr. Cohen's attorney, and that is to bring Mr. Cohen in. There's nothing privileged about the conversation that he apparently had with somebody from the House and probably somebody from the committee. This, you know, as I mentioned, goes beyond just an issue of a leak, but goes to the issue of somebody actually working to subvert what we're doing.

And with respect to the second leak, which is I think probably not unrelated to the first, of course the minority gets no advance consultation on subpoenas. We think that's in violation of the rules, but that is the situation.

So, counsel, our notice about the subpoena was about at the same period as your notice of the subpoena and effectively rules anyone from the minority out as a source for the Washington Examiner. That doesn't tend to be the paper we

UNCLASSIFIED, COMMITTEE SENSITIVE

read, anyway.

But it does certainly, from the timing, look like material was provided and embargoed until we were notified and you were notified. That requires organization. And that's not something that someone says on a lark or they're not being guarded about what they say. That is something that is done by design.

And the other thing I do want to say, Mr. Chairman, is, in my view, this is the second time that a subpoena has been used to punish a witness for a letter the majority didn't like. I raised this issue before in the context of a different witness. The majority staff was well aware of both counsel's treatment as well as Mr. Kramer's teaching schedule, and this could have easily been avoided.

And, you know, the fact that there was an expectation that the witness was going to ignore the subpoena doesn't excuse having issued it and established this time without any regard for the witness or his counsel.

And it just seems to be exactly what I think it is, which is punitive, designed to be punitive. There's no reason that we needed to have this particular interview on this particular date when there were 2 other weeks we could do it in the same month.

So I wanted to put that on the record as well.

MR. CONAWAY: All right. Well, you and I will litigate these other issues that don't relate to the witness, in terms of getting you an answer.

I am as offended by the concept of giving somebody something to embargo like that if -- that's just not the way to do business. It's counter to everything I've done since April, in terms of trying to maintain confidentiality of what we are doing in here. And I am offended by that, just like you are. And so, if that's how it happened, we'll get to the bottom of it.

UNCLASSIFIED, COMMITTEE SENSITIVE

But let's now move on to the issues at hand, which I think is going to be pretty straightforward, and we can let these folks get on about their lives and get us out of their hair.

MR. ROBBINS: All right.

MR. CONAWAY: All right. So 45 minutes for our side.

MR. ROBBINS: Well, I think I can -- we have a substantive statement to make, now that we've covered the procedural issues.

MR. CONAWAY: All right.

MR. ROBBINS: And we have some materials to support it that we're going to make available to the committee.

Do we have those available? Is that what these are? You guys want to make sure that these are available?

If circumstances had been different, we doubtless would have been able to provide these in advance. I hope you can appreciate that we've had to do a lot of scrambling in the last --

MR. CONAWAY: Is this a set or one each?

MR. ROBBINS: It's one set each.

MR. CONAWAY: Okay.

MS. ROSENTHAL: I can't guarantee there will be enough.

MR. CONAWAY: You can't guarantee what?

MS. ROSENTHAL: You may have to share.

MR. ROBBINS: I think we'll have as many as we need.

As I said, if circumstances had been different, we would have furnished this in advance of today's appearance. This was obviously the soonest we could manage, given that we learned only last night at 7:33 p.m. that we would be here

UNCLASSIFIED, COMMITTEE SENSITIVE



today.

So let me just tell you very quickly what you have in front of you.

When Mr. Kramer was here, you'll recall, voluntarily, he answered every question presented to him, including questions that put him in harm's way in the parallel civil litigation brought by people who claimed to have been injured by the dissemination of the dossier.

He declined to answer only a single question. That is the question of what were the names on the list of purported sources provided by Mr. Steele in the London meeting that Mr. Kramer had with Mr. Steele.

He explained at that time to the committee that the reason for his refusal was that Russia and the Putin regime have a well-entrenched track record of eliminating people who are inconvenient to the regime and that, in fact, Mr. Kramer himself is in harm's way, having been the victim of hacking on more than one occasion, and that, for these reasons, it was highly unwise to provide this information.

It was clear that the subpoena that he then received was only for the purpose of forcing him to provide this one answer. Indeed, [REDACTED] called me and said he was authorized to withdraw the subpoena if I was only willing to send him a letter giving him the names that he wanted. We said, no, we want to appear in person. And that's why we're here.

We're here so that the record will reflect three separate legal objections to the provision of this information. I'm not going to take you through this entire document, because we're leaving it with you, but I do want the record to reflect the substance of each of these objections.

The first is the very one that Mr. Kramer put into the record on his last visit.

UNCLASSIFIED, COMMITTEE SENSITIVE

The release of these names, coupled with the fact that this committee has now a demonstrated history of leaking to the press time and time again, can give us no confidence, that the names that Mr. Kramer might be forced to reveal will be in mortal peril, as well as Mr. Kramer himself.

We have listed in this document -- and you'll find it at great length with numerous citations -- person after person after person who have been killed, injured, or otherwise damaged by Putin and his regime precisely because they found themselves in the exact straits that you would ask -- that this subpoena, rather, would ask Mr. Kramer to put yet additional people in that same position. And we list them.

And we explain at some considerable length that the common law has long recognized what defense lawyers call a necessity defense, that sometimes complying with a lawful order can be more damaging to life and limb than disobeying. And that is such a well-entrenched principle in our American common law that it is actually a defense to Federal felonies in a great many instances.

And for those reasons, we believe no court, no judge, and no prosecutor would enforce a subpoena of the sort that's been issued today, given that it is seeking only a single piece of information.

Beyond that, we have two constitutionally rooted objections, and they, too, are set forth in this paper.

First, we are asserting the privileges under the Speech or Debate Clause.

The committee will recall that, when Mr. Kramer went to London to meet with Mr. Steele, he did so at the explicit request of Senator McCain, chairman of the Armed Services Committee, who was acting in his capacity as such and

UNCLASSIFIED, COMMITTEE SENSITIVE

pursuing an investigation well within his jurisdiction.

In discharging his function of going to see Mr. Steele, of meeting with him, of getting the names that he got, at every one of those stages, Mr. Kramer was acting at the direction and for the benefit of the responsibilities of Chairman McCain. These are core investigative functions well within the Senator's jurisdiction.

And by asking Mr. Kramer, who was at the time a de facto assistant or aide to Senator McCain, asking him about such conduct in the House when it is conduct committed by a Senator constitutes an inquiry in, quote, "another place" for purposes of the Speech or Debate Clause.

And we lay out that argument at greater length. Under cases such as the Gravell cases from the United States Supreme Court, there's no question that the privileges attendant to the Speech or Debate Clause extend, likewise, to assistants to Senators and Congressmen and assure that they will not be questioned in another place.

Finally, we are asserting the privilege conferred under the Fifth Amendment.

This requires a slight bit more of explanation, because you might ask yourself, why would someone like David's lawyers, who emphatically believe him to be guilty of nothing except patriotism, why would we be asserting a privilege against compulsory self-incrimination? I'll tell you why.

Because even though what David did, in my view, is worthy of nothing but praise, the fact remains that the Nation's chief law enforcement official, the President of the United States, has repeatedly characterized the dossier and its dissemination as a hoax calculated to undermine the administration of his

UNCLASSIFIED, COMMITTEE SENSITIVE

Presidency. He has said it on more than one occasion.

He has said that the Justice Department is within his control. And, indeed, recent events disclose that the Justice Department is responsive to the suggestions of the President. And what's more, only recently did two Senators from the Judiciary Committee refer Christopher Steele and the dossier to the Justice Department as a criminal referral.

Under the longstanding precedent of the United States Supreme Court, in a case called *Hammerschmidt*, dating back to 1924, 18 U.S.C. 371, there is a prong of that statute that criminalizes conspiracies to defraud the United States. And that has been, surprisingly but quite broadly, construed to include conduct that undermines the operations of the government.

And so, while I emphatically insist, as we all do on David's behalf, that he has done nothing wrong and everything right, no one in the present circumstances, with a President who has the view of the Justice Department that he does and a view of the dossier that he does, no one in David's position who has had a hand in disseminating this document could fail to recognize that he is in harm's way and has a good-faith, founded apprehension of prosecution, which this question that you propose to ask him and any question that under compulsion you propose to ask him would tend to put him in harm's way and incriminate him.

And so, for that additional reason, Mr. Conaway, we are asserting a Fifth Amendment privilege in addition to a Speech or Debate Clause privilege. And, in addition, we insist on the principles inherent in the doctrine of necessity.

All of this -- and I appreciate that I've gone on a long time, and I wouldn't have had to if I could have sent this to you in advance, but circumstances precluded that.

UNCLASSIFIED, COMMITTEE SENSITIVE

We have laid this out in more detail in the paper. We hope you will read it before taking any further actions in this matter. We hope it will persuade you, on reflection -- taken together with the history of leaking and with the other things that led up to today's appearance, we hope it will cause this committee to revisit the provenance of this subpoena.

And, with that, I yield the floor.

MR. CONAWAY: All right. Well, in that vein, why don't you give us a few minutes to consult with my legal staff.

MR. ROBBINS: Of course.

MR. CONAWAY: And we will get back together at, say, 3 o'clock. And we'll leave the room.

[Recess.]

MR. CONAWAY: Back on the record.

So, Mr. Kramer, of the three arguments, the first one, let me just challenge that. This committee, in its other work, is charged with far greater risky information than the names of these gentlemen. And the House trusts us to maintain that, and we do maintain that.

So, while arm-waving and all about leaks, I got that, but the truth of the matter is, with respect to classified information and other data that could really get people killed and would, we're charged with protecting that, and we do. So the system protects us with that.

The Speech or Debate Clause, pretty novel, but you were there on your own nickel, and, you know, you probably should have said something about that before you started talking to us at all with respect to that.

So, with respect to your Fifth Amendment plea, I will ask my lawyer to walk

you through the qualifying questions to make that happen. And then we can get out of here.

MR. ROBBINS: Okay.

MR. CONAWAY: [REDACTED]

[REDACTED] Thank you, sir.

And thank you again for being here. I'll try to make this as concise as possible.

BY [REDACTED]

Q Mr. Kramer, when you previously testified on a voluntary basis, you said that Christopher Steele showed you five names of individuals who he identified or intimated as sources for the dossier. Who were those individuals?

A On advice of counsel and for the reasons stated in the January 10th letter to this committee from my lawyer, I respectfully decline to answer that question.

Q Just to be clear, are you declining to answer the question put to you solely on the ground that you believe the answer will incriminate you?

A On advice of counsel and for the reasons stated in the January 10th letter to this committee from my lawyers, I respectfully decline to answer that question.

Q Are you able to correlate for us any of the names that you saw with the sources as they are identified in the document known as the Steele dossier published by BuzzFeed News a year ago today?

A Again, on advice of counsel and for the reasons stated in the January 10th letter to this committee from my lawyers, I respectfully decline to answer that question.

UNCLASSIFIED, COMMITTEE SENSITIVE

Q Of the five names you saw, you previously testified that four were Russian and one was, quote, "from the region." Are you able to refine for us at all what you meant by "from the region"?

A Again, on advice of counsel and for the reasons stated in the January 10th letter to this committee from my lawyers, I respectfully decline to answer that question.

Q Mr. Kramer, 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?

A On advice of counsel and for the reasons stated in the January 10th letter to this committee from my lawyers, I respectfully decline to answer that question.

Q In a moment, I think it will be appropriate to recess this interview. I just want to note that for the record there have been objections made today which are, as I stated at the beginning, 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 filed with the clerk of the committee and provided to members and the witness no fewer than 3 days before reconvening the interview.

The witness will also have the opportunity to appeal such a ruling pursuant to procedures that we will provide to your counsel.

MR. CONAWAY: With that, the interview stands in recess.

MR. SCHIFF: Before we recess, Mr. Chairman, I would like to recommend that before we adjudicate any claim of privilege here that we seek an opinion of the Intelligence Community or the FBI as to the risk that may be posed to any of

UNCLASSIFIED, COMMITTEE SENSITIVE

UNCLASSIFIED, COMMITTEE SENSITIVE

these sources if their identities were disclosed and their advice as to whether we ought to insist that this witness -- this is an unclassified setting. Those identities would be even less protected than if it were a classified setting. And I would urge that we get the advice of the Intelligence Community and law enforcement as to the risk we would be placing these individuals under.

MR. CONAWAY: Well, with taking that under advisement, I'm not sure how anyone could assess those questions not knowing who the folks are, because there are a lot more than just four Russians and somebody from the region that are wandering around out there. But I will take that under advisement, and we will take this whole issue under advisement as well.

MR. SCHIFF: I would only say, Mr. Chairman, that, as the Bureau is, you know, investigating the allegations in the dossier, they clearly have made some effort to identify the veracity of the information in the dossier. So I think they would be well-placed to be able to tell us the danger facing anyone who might be a potential source.

MR. CONAWAY: But if they're unaware of who the five names are, and given the scathing comments that the lawyers made with reference to Justice, the Bureau, and others -- but, nevertheless, we're going to recess. The subpoena remains in effect, and we will recess the interview.

Thank you.

And, again, thank you all for making all of those efforts to get down here. Appreciate that.

We're off the record.

[Whereupon, at 2:54 p.m., the interview was concluded.]

UNCLASSIFIED, COMMITTEE SENSITIVE