

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

INTERVIEW OF: THOMAS CATAN

Wednesday, October 18, 2017

Washington, D.C.

The interview in the above matter was held in Room HVC-304, the Capitol,
commencing at 10:43 a.m.

Present: Representative Rooney.

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

For THOMAS CATAN:

JOSHUA A. LEVY, ESQ.,
RACHEL CLATTENBURG, ESQ.,
CUNNINGHAM LEVY MUSE LLP
1250 CONNECTICUT AVE NW, SUITE 200
WASHINGTON, D.C. 20036 10:43 a.m.

██████████ Good morning. This is an unclassified transcribed interview of Mr. Thomas Catan. Thank you for speaking to us today. For the record, I am ██████████ staff member of House Permanent Select Committee on Intelligence. Others present today 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, laptops, iPads, recording devices, cameras, wireless headsets, pagers, and any fancy watches.

I also want to say 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. 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're entitled to have lawyers present for you for this interview, although

you are not required to do so. I see that you have counsel present today. At this time, would counsel please make their appearances.

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

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

 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 as 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 that, the majority will be given 15 minutes to ask questions, and then the minority will be given 15 minutes to ask questions until -- rounds will be taken until the questioning is complete.

These time limits 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 and 1-minute remark.

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

pursuant to a subpoena issued on October 4, 2017. 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 and in a non-argumentative manner. If you or your counsel raise an objection, the interview will proceed, and testimony is taken 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 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. Do you swear -- excuse me. Mr. Catan, do you swear to tell the truth, the whole truth, nothing but the truth?

MR. CATAN: I do.

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

And if I did not advise you earlier, could you please just make sure that green light is on when you speak into the microphone so that the reporter can transcribe everything you're saying.

EXAMINATION

BY ██████████

Q Could you please spell your name.

A C-a-t-a-n, Thomas, T-h-o-m-a-s.

Q Thank you. Mr. Catan, where are you currently employed?

MR. ROONEY: Hold on.

██████████ Oh, sorry.

MR. ROONEY: Mr. Catan, just for the record, your attorneys have heard my opening spiel a few minutes ago with regard to the purpose of this investigation. I'd ask you to refer to them so we don't have to waste time after the hearing to sort of outline the parameters of why we're here today.

So with that, ██████████

██████████ Thank you, Mr. Chairman.

BY ██████████

Q Mr. Catan, 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 Let the record reflect that the witness has invoked his First and Fifth Amendments constitutional privilege not to testify.

So we can be clear for the record, are you executing your Fifth Amendment privilege not to testify because the answer would solicit an incriminating response?

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

Q As in relation to the First Amendment privilege, which you have also invoked, the Supreme Court has held that the protections of the First Amendment do not afford a witness the right to resist inquiries in all circumstances before Congress. Therefore, please be specific as to why you believe there is a testimonial privilege deriving from the First Amendment that applies to the

question I just asked.

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

Q Mr. Catan, what is the nature off your relationship with former British SIS officer Christopher Steele?

MR. LEVY: Objection.

BY [REDACTED]

Q Mr. Catan, what is your answer to that question?

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

Q And Mr. Catan, is it Catan or Catan? Sorry. Catan?

Mr. Catan, how long have you been conducting opposition research on behalf of Fusion GPS and/or at the behest of Christopher Steele?

MR. LEVY: Objection.

BY [REDACTED]

Q What is your answer to that question, sir?

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

Q And under the Fifth Amendment protection afforded to you against self-incrimination, is your response to the question I just asked because the answer would solicit incriminating information?

MR. LEVY: Objection.

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

BY [REDACTED]

Q And Mr. Catan, how much -- excuse me. Strike that.

Mr. Catan, who paid Fusion GPS for what has now become known as the information provided in the Trump dossier?

MR. LEVY: Objection. This is the fourth or fifth question counsel has asked the witness after he has clearly invoked his First and Fifth Amendment privileges and after counsel, on his behalf, has submitted the same intention in writing to the committee at least twice. We ask that the witness be excused.

BY [REDACTED]

Q Mr. Catan, what is your answer to the question I asked?

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

Q Mr. Catan, is your position that the answer to the question I just asked in relation to the information in the Trump dossier and the relationship you have with Mr. Christopher Steele and Fusion GPS that the answer would be incriminating? Is that your continued position?

MR. LEVY: Objection for the reasons set forth in support of the prior objection. Additionally, the legal claim under the First Amendment and other constitutional privileges has been set forth, in part, in the letter submitted to the committee on October 16, 2017, by Mr. Catan's counsel. I'll refer the committee to it.

This is a committee investigation. You are asking questions, and he has the right to invoke his Fifth Amendment privilege as well as his First Amendment privilege. And we'd ask that he be excused.

[REDACTED] Thank you, counsel.

And on behalf of Mr. Catan, so it is your understanding, Mr. Levy, that the

questions that we have put forth are within the parameters of the scope of this --

MR. LEVY: It's Levy.

██████████ Levy.

-- are within the scope of parameters of this investigation as indicated by your last response?

MR. LEVY: Can you repeat that question, please.

██████████ Sure. Pursuant to your last response on behalf of your client, Mr. Catan, to my prior question of Mr. Catan regarding his relationship with Fusion GPS, Christopher Steele, and the nature of any transactional relationships between them, you responded that your client has a right to execute his First and Fifth Amendment privilege because some of the answers may be self-incriminating, and there are other privileges that may apply to that arena.

Are you also stating there that your answers, or your client's answers, would be within the scope of the investigation as outlined by the bipartisan publicly announced parameters of this investigation?

MR. LEVY: You've summarized quite a bit there or attempted to, ██████████ And I'm not sure that -- and I can tell you that some of what you just summed up, or attempted to, is not accurate, at least not an accurate recapitulation of what I said to you at any point today.

Mr. Catan is invoking his constitutional privileges not to testify under the First and Fifth Amendments. We've explained why, and this shouldn't go on further. I'll refer you to the D.C. legal ethics opinion number 358, which says that when a witness, through counsel or himself, intends to invoke his privileges, a congressional committee should not as an ethical matter require him to be here when the summons serves no other purpose, no substantive purpose, other than

to embarrass, delay, or burden the witness. And I'd ask respectfully that you excuse the witness.

██████████ Mr. Levy, are you --

MR. ROONEY: I will just say, before we continue, to embarrass, delay, or, I'm sorry, burden, that is, in no means, the reason why he's here. For -- obviously, for embarrassment purposes, this is a closed hearing. There's no press, media, or any other witnesses besides the attorneys here.

Delay, believe me, I want to get out of here as soon as possible.

And I forgot what the last one was. Burden. Hopefully you do not consider being called before this committee a burden, but it's -- you don't have to answer that, obviously. But there is a purpose. I assure you there's a purpose of these questions and why you're here, regardless of whether the minority believes that or not or counsel believes that, but if you bear with us, we will be wrapping up shortly.

MR. LEVY: May I have a privilege to address what you said, Congressman?

MR. ROONEY: Sure.

MR. LEVY: There is an indignity in having an American citizen come before a committee simply to invoke his constitutional privileges. And even the Senate Watergate Committee used prudential restraint, appropriate restraint in not having anybody come before the committee when it had notice that those individuals were going to invoke their constitutional privileges.

This committee, as I understand, has employed the same correct practice until today. And we are simply asking that we receive the same courtesy that this committee has extended to other witnesses, that the Senate Watergate Committee

extended to individuals, and that many other congressional committees have extended to individuals similarly situated.

██████████ Counsel, and for the record, I'd just like to make clear -- ██████████ with the majority -- that the written invocation -- or the written correspondence provided before this committee, both your letters of October 16 and your emails of October 17, refer to multiple potential privileges.

It is the position of the House and of this committee that questions should be answered unless there's a specific testimonial privilege that applies. One of the purposes of having Mr. Catan here to ask specific questions is to try to understand which privileges -- privilege or privilege may apply to particular questions.

And so that is the reason for having him here today for this interview, and for asking questions that attempt to illicit substantive answers or to the extent that he is unwilling to provide substantive answers, to understand with specificity the reason for his refusal.

MR. ROONEY: Mr. Catan, based on your attorney's statement, I would just ask this one last question: Is it your intention to decline to answer all questions put to you by the committee on the basis of the Fifth Amendment right against self-incrimination?

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

MR. ROONEY: Does the minority have any questions?

██████████ The minority, Congressman, acknowledges the witness' invocation of his constitutional rights under the First and Fifth Amendments. And we appreciate you appearing today, but we have no questions for the witness.

MR. ROONEY: Thank you. I also appreciate your appearance today. I appreciate your coming in as part of our subpoena. And this hearing is -- yes,

[REDACTED]

[REDACTED] Just before we recess, I want to state for the record that there have obviously been numerous objections named today, which as we stated at the beginning, are subject to a subsequent ruling by the chairman.

If the chairman overrules the objection, and directs the witness to answer any questions to which a testimonial privilege has been lodged, such a ruling will be filed with the clerk of the committee and provided to the members and 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.

[REDACTED] If I could just ask one question in response to that to my colleague, when you refer to the chairman making a ruling, could you just please clarify for the record whether we're referring to Mr. Nunes, Mr. Conaway, or the Congressman, Mr. Rooney, who is here today? Gentlemen.

[REDACTED] Just give us a moment.

MR. ROONEY: I don't think that these guys need to hear what our procedures are.

With that, Mr. Catan, you are excused. The committee is adjourned:

MR. LEVY: May I go back on the record for one second, Congressman. I'd just also like to note an objection to rule 7 in the 115th Congress staff deposition authority procedures as in the abstract and as applied today. Thank you.

MR. ROONEY: Duly noted. We adjourn.

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[Whereupon, at 10:59 a.m., the interview was concluded.]

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