

IMPEACHMENT OF PRESIDENT
DONALD JOHN TRUMP

THE EVIDENTIARY RECORD
PURSUANT TO H. RES. 798

VOLUME II, PART 1

Impeachment Inquiry Depositions Before the House Permanent Select Committee on Intelligence, the House Committee on Oversight and Reform, and the House Committee on Foreign Affairs: Transcripts, Statements, and Exhibits



Printed at the direction of Cheryl L. Johnson, Clerk of the House of Representatives, pursuant to H. Res. 798, 116th Cong., 2nd Sess. (2020)

JANUARY 23, 2020.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

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6 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

7 joint with the

8 COMMITTEE ON OVERSIGHT AND REFORM

9 and the

10 COMMITTEE ON FOREIGN AFFAIRS,

11 U.S. HOUSE OF REPRESENTATIVES,

12 WASHINGTON, D.C.

13

14

15 DEPOSITION OF: MARK SANDY

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18

19 Saturday, November 16, 2019

20

Washington, D.C.

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23 The deposition in the above matter was held in Room HVC-304,
24 Capitol Visitor Center, commencing at 10:08 a.m.

25

Present: Representatives Swalwell, Heck, and Wenstrup.

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- 1 Also Present: Representatives Costa, DeSaulnier, Maloney,
- 2 Norton, Raskin, Jordan, Meadows, and Zeldin.

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1 Appearances:

2

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4 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

5

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17

18

19 For the COMMITTEE ON OVERSIGHT AND REFORM:

20

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

1 For the COMMITTEE ON FOREIGN AFFAIRS:

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3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

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[REDACTED]

8

9

10 For MARK SANDY:

11

12 BARBARA VAN GELDER

13 ALLEGRA KAUFFMAN

14 KAREN D. WILLIAMS

15 COZEN O'CONNOR

16 1200 Nineteenth Street NW

17 Washington, D.C. 20036

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1 MR. SWALWELL: Good morning, Mr. Sandy, counsel, and colleagues,
2 and welcome to the House Permanent Select Committee on Intelligence,
3 which, along with the Foreign Affairs and Oversight Committees, is
4 conducting this investigation as a part of the official impeachment
5 inquiry of the House of Representatives.

6 Today's deposition is being conducted as a part of the impeachment
7 inquiry. In light of attempts by the Office of Management and Budget
8 and the administration to direct you to not cooperate with the inquiry,
9 the committee had no choice but to compel your appearance. We thank
10 you for complying with the duly authorized congressional subpoena, as
11 other current and former officials from across the Federal Government
12 have done.

13 Mr. Sandy is currently the Deputy Associate Director for National
14 Security Programs at the Office of Management and Budget, a position
15 that he has held since 2013. He was also the Acting Director of OMB
16 in 2017 until a new OMB Director was confirmed.

17 His over two decades of public service have included roles as the
18 managing director of the Millennium Challenge Corporation, an
19 independent U.S. foreign assistance agency established by Congress in
20 2004 with strong bipartisan support, and staffing three White Houses
21 of both Democratic and Republican Presidents. Mr. Sandy also served
22 over 21 years in the Navy Reserve, under 11 Secretaries and Acting
23 Secretaries of Defense.

24 Mr. Sandy, thank you again for your service. We look forward to
25 your testimony today, including your knowledge of and involvement in

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1 key policy discussions, meetings, and decisions on Ukraine that relate
2 directly to areas under investigation by the committees.

3 Today, we will be primarily focusing on the administration's
4 placement of a hold on Ukrainian security assistance in the summer of
5 this year through the lifting of the hold on September 11. We will
6 also have question about OMB's response to the impeachment inquiry,
7 including the committee's subpoena which OMB continues to defy despite
8 the fact that we know that it has already collected significant
9 documentary evidence that goes to the heart of our inquiry.

10 Finally, to restate what our chairman and others have emphasized
11 in these interviews, Congress will not tolerate any reprisal, threat
12 of reprisal, or any attempt to retaliate against any U.S. Government
13 official for testifying before Congress, including you or any of your
14 colleagues.

15 It is disturbing that the Office of Management and Budget, in
16 coordination with the White House, has sought to prohibit its employees
17 from cooperating with the inquiry and with Congress and have tried to
18 limit what they can say. We find this unacceptable.

19 Thankfully, consummate public servants like you have
20 demonstrated remarkable courage in coming forward to testify and to
21 tell the truth.

22 Before I turn to committee counsel to begin the interview, I
23 invite the ranking member or, in the absence of a ranking member, any
24 member of the Foreign Affairs or Oversight Committee to make an opening
25 remark.

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1 Mr. Jordan?

2 MR. JORDAN: Thank you, Mr. Chairman. I just wanted to welcome
3 Mr. Sandy.

4 And, again, thank you for your service to the country.

5 MR. SWALWELL: Mr. Mitchell?

6 MS. VAN GELDER: He would just like to say two sentences.

7 MR. MITCHELL: Well, I am going to go over the preamble first,
8 and then he can have any opening remarks he wishes.

9 MS. VAN GELDER: Thank you.

10 MR. MITCHELL: This is the deposition of Mark Sandy conducted by
11 the House Permanent Select Committee on Intelligence, or HPSCI,
12 pursuant to the impeachment inquiry announced by the Speaker of the
13 House on September 24th.

14 Mr. Sandy, please state your full name and spell your last name
15 for the record.

16 MR. SANDY: Mark Steven Sandy, S-a-n-d-y.

17 MR. MITCHELL: Along with other proceedings in furtherance of the
18 inquiry to date, this deposition is part of a joint investigation led
19 by the Intelligence Committee in coordination with the Committees on
20 Foreign Affairs and Oversight and Reform.

21 In the room today are majority staff and minority staff from all
22 three committees, and this will be a staff-led deposition. Members
23 of course may ask questions during their allotted time, as has been
24 the case in every deposition since the inception of this investigation.

25 My name is Nicolas Mitchell, senior investigative counsel for

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1 HPSCI. I want to thank you for coming in today to this deposition.

2 I'd like to do brief introductions. To my right is Daniel
3 Goldman, director of investigations for the HPSCI majority staff.
4 Mr. Goldman and I will be conducting most of the interview for the
5 majority.

6 I will let my counterparts from the minority introduce
7 themselves.

8 MR. CASTOR: Good morning. Steve Castor with the Republican
9 staff of the Oversight Committee and HPSCI.

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MR. MITCHELL: This deposition will be conducted entirely at the
unclassified level. However, the deposition is being conducted in
HPSCI's secure spaces and in the presence of staff with appropriate
security clearances. We understand that your attorneys also have
security clearances?

19

MS. VAN GELDER: No.

20

MR. MITCHELL: No.

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24

Nevertheless, it's the committees' expectation that neither
questions asked of you nor answers provided by you will require a
discussion of any information that is currently or at any point could
be properly classified under Executive Order 13526.

25

You're reminded that E.O. 13526 states that in no case shall

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1 information be classified, continue to be maintained as classified,
2 or fail to be declassified for the purpose of concealing any violations
3 of law or preventing embarrassment of any person or entity.

4 If any of our questions can only be answered with classified
5 information, please inform us of that and we will adjust accordingly.

6 Today's deposition is not being taken in executive session, but
7 because of the sensitive and confidential nature of some of the topics
8 and materials that will be discussed, access to the transcript of the
9 deposition will be limited to the three committees in attendance.

10 Under the House deposition rules, no Member of Congress nor any
11 staff member can discuss the substance of the testimony you provide
12 today.

13 You and your attorney will have an opportunity to review the
14 transcript.

15 Before we begin, I would like to go over the ground rules for this
16 deposition. We will be following the House regulations for
17 depositions, which we have previously provided to your counsel.

18 The deposition will proceed as follows. The majority will be
19 given 1 hour to ask questions; then the minority will be given 1 hour
20 to ask questions. Thereafter, we will alternate back and forth between
21 majority and minority in 45-minute rounds until questioning is
22 complete. We will take periodic breaks, but if you need a break at
23 any time, do let us know.

24 Under the House deposition rules, counsel for other persons or
25 government agencies may not attend. You are permitted to have an

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1 attorney present during the deposition, and I see you have brought some.

2 At this time, if counsel could please state their appearance for
3 the record.

4 MS. VAN GELDER: Barbara Van Gelder, Cozen O'Connor.

5 MS. WILLIAMS: Karen Williams, Cozen O'Connor.

6 MS. KAUFFMAN: Allegra Kauffman, Cozen O'Connor.

7 MS. VAN GELDER: Training session.

8 MR. MITCHELL: There is a stenographer taking down everything
9 that is said here today in order to make a written record of the
10 deposition. For the record to be clear, please wait until each
11 question is completed before you begin your answer and we will wait
12 until you finish your response before asking the next question.

13 The stenographer cannot record nonverbal answers such as shaking
14 your head, so it's important that you answer each question with an
15 audible verbal answer.

16 We ask that you give complete replies to questions based on your
17 best recollection. If a question is unclear or you are uncertain in
18 your response, please let us know. And if you do not know the answer
19 to a question or cannot remember, simply say so.

20 You may only refuse to answer a question to preserve a privilege
21 recognized by the committee. If you refuse to answer a question on
22 the basis on privilege, staff may either proceed with the deposition
23 or seek a ruling from the chairman on the objection. If the chair
24 overrules any such objection, you're required to answer the question.

25 Finally, you're reminded that it is under lawful to deliberately

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1 provide false information to Members of Congress or staff. It is
2 imperative that you not only answer our questions truthfully but that
3 you give full and complete answers to all questions asked of you.
4 Omissions may also be considered as false statements.

5 As this deposition is under oath, Mr. Sandy, would you please
6 stand and raise your right hand to be sworn?

7 Do you swear that your testimony provided here today will be the
8 whole truth and nothing but the truth?

9 MR. SANDY: I do.

10 MR. MITCHELL: Let the record reflect that the witness has been
11 sworn.

12 You may be seated.

13 Mr. Sandy, if you have an opening statement or your attorney has
14 any matters to discuss, now would be the time.

15 MR. SANDY: Thank you.

16 Ladies and gentleman, I am here today as a fact witness and as
17 a nonpartisan civil servant and military veteran who proudly serves
18 the Executive Office of the President across administrations. I am
19 not here to advocate for any outcome but simply to honor the oath we
20 all share.

21 Thank you.

22 MR. SWALWELL: All right. Mr. Mitchell?

23 MR. MITCHELL: Thank you. We will now begin our 1-hour first
24 round.

25 BY MR. MITCHELL:

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1 Q So, Mr. Sandy, what's your current title?

2 A Deputy Associate Director for National Security at the
3 Office of Management and Budget.

4 Q Okay. And how long have you had that title?

5 A Since December of 2013.

6 Q And when did you start working for OMB?

7 A Initially, I began in 1993. I worked there until 1997 and
8 then returned in 2011.

9 Q So I take it that you are a career civil servant, not a
10 political appointee, in your current post. Is that correct?

11 A Yes, sir.

12 Q Okay. Can you just generally describe the organizational
13 structure of your particular division or group at OMB?

14 A Certainly. I lead the National Security Division, which
15 includes four branches. And we have responsibility for overseeing the
16 budget and programs of the Department of Defense, the National Nuclear
17 Security Administration, the Intelligence Community, and the
18 Department of Veterans Affairs principally, as well as a few small
19 agencies.

20 Q Okay. And what is above the National Security Division?

21 A The Associate Director, who leads the so-called Resource
22 Management Organization, or RMO.

23 Q And who is that?

24 A Mr. Michael Duffey.

25 Q And is that your immediate supervisor?

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1 A Yes.

2 Q Okay. And how many people do you have working below you in
3 the National Security Division?

4 A Approximately 35 when we are fully staffed, give or take a
5 few detailees.

6 Q Okay. And just generally, without going into too much
7 detail, can you just describe your duties and responsibilities in your
8 current position?

9 A In my position, I lead the division. The division, overall,
10 is responsible for overseeing the agencies and departments that I
11 mentioned, in terms of their budgets and programs and policy priorities
12 of the administration.

13 Q Okay. And before I forget, Mr. Duffey, who's your
14 supervisor, is he a career civil servant or is he a political appointee?

15 A Political.

16 Q Okay. In your current role, have you ever had any
17 responsibilities with regard to apportionments?

18 A Yes.

19 Q And are you familiar with the term "apportionment official"?

20 A We don't use that term very often, but -- if you mean the
21 individual who is responsible for approving apportionments?

22 Q Yes, okay. Were you an apportionment -- did you have the
23 responsibility of approving apportionments at any given time during
24 this current role?

25 A Yes, I did.

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1 Q Okay. Generally, what is an apportionment?

2 A An apportionment is a legal document, consistent with
3 provisions in Title XXXI of U.S. Code, which basically sets parameters
4 on agencies' use of appropriated funds.

5 Q So, once funds are appropriated by Congress, is an
6 apportionment required for those funds to be spent?

7 A Yes. With very few exceptions, for nearly all accounts, an
8 apportionment is required.

9 Q And, just generally, what does an apportionment look like?
10 It's a physical document, presumably?

11 A Well, when printed -- most of our work is now electronic,
12 of course, but when printed, it would have basically columns of
13 information about budgetary sources and then the application or uses
14 of those sources, as well as a number of accompanying -- if you look
15 at it as a spreadsheet, you would have accompanying tabs with footnotes,
16 for example, a signature block, et cetera.

17 Q Okay. And, again, during this current role, there was a time
18 where you were responsible for signing apportionments. Is that
19 correct?

20 A For approving them, yes.

21 Q Approving them and physically signing them?

22 A The signature is automatically loaded into the system, so
23 it will appear on any apportionment that I approved.

24 Q Okay. Can you just generally describe the process for
25 reviewing and approving apportionments?

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1 A The agency typically submits a request, which comes into us
2 electronically. It would have an agency request column, and then it
3 will have a separate column for OMB action.

4 The examiner -- and that's the staff level at OMB -- would first
5 review that apportionment request, go back to the agency with any
6 questions, and then, when he or she had completed their review, would
7 route that forward to a branch chief, who would conduct a review and
8 then route it forward to the approving official.

9 Q Okay. And the examiner and branch chief, are those among
10 the 35 individuals that you oversee?

11 A Correct.

12 Q And when you said the approving official, here we're talking
13 about you, correct?

14 A Previously, yes.

15 Q Okay. And you indicated that the examiner, he or she, might
16 consult with the agencies that are submitting the request?

17 A Certainly.

18 Q Okay. Can you just generally describe the nature of those
19 conversations, how that back-and-forth would work?

20 A Well, the examiners have contacts at their respective
21 agencies. And so, if they had questions or concerns about the
22 requested allocation of funds -- so, for example, a common allocation
23 would be an allocation across the four quarters of the fiscal year.
24 And if an examiner was concerned about ensuring that enough resources
25 were left for, say, the fourth quarter, the examiner may ask how the

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1 agency came up with the allocations that it's requesting.

2 Q Okay. And would those communications between the examiner
3 and the agency typically be documented in one form or another?

4 A It really depends. There could be email questions and
5 answers, or it could simply be a phone call.

6 Q Okay. And then you indicated that the examiner would then
7 provide some sort of report or recommendation to the branch chief?

8 A Correct.

9 Q And what form would that take?

10 A That would be an electronic note with whatever information
11 the examiner deemed relevant that would be routed forward in our online
12 system.

13 Q What's the name of your online system?

14 A MAX.

15 Q Do the examiners communicate with branch chiefs about their
16 review solely through MAX, or could it also be done through email as
17 well?

18 A It could also be done via email, but MAX auto-generates
19 emails to alert people that information is awaiting their action.

20 Q Okay. So if an examiner had any concerns about a particular
21 request by an agency, would those be reflected in the MAX system?

22 A They could be. It depends on how the examiner chooses to
23 communicate that information.

24 Q Well, where else could it be?

25 A It could also be in an email or in a conversation.

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1 Q Okay. Once the branch chief receives, either through email,
2 the MAX system, or some sort of oral communication, an examiner's report
3 or concerns, what does the branch chief do next?

4 A The branch chief has responsibility for reviewing the
5 apportionment, a second review and, again, if the branch chief has
6 questions, going back to the examiner, or if he or she supports the
7 apportionment, routing it forward.

8 Q Okay. So it's an iterative process between a branch chief
9 and the examiner, or it can be?

10 A It can be. The branch chief has authority, for example, to
11 basically send an apportionment back to an examiner or route it forward.

12 Q Okay. And then, once the branch chief -- or how does the
13 branch chief go about routing it forward?

14 A That, again, would be within the electronic MAX system.

15 Q Okay. Also through email as well, possibly?

16 A Again, if the branch chief wanted to communicate additional
17 information, email is an option, but the system auto-generates emails
18 to the approving official.

19 Q Okay. So you, as the approving official, when you did have
20 that role --

21 A Yes.

22 Q -- would you see the recommendations of the branch chief as
23 well as the comments or recommendations of the lower-level examiners?

24 A Yes.

25 Q Okay. Did you typically accept the recommendations of your

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1 staff with regard to whether to approve an apportionment or not?

2 A Generally. The vast majority of apportionments are quite
3 routine.

4 Q Okay. Can you recall an instance when you disagreed with
5 your staff's recommendations?

6 A Yes.

7 Q Okay. Without getting into specifics, necessarily, can you
8 just generally describe the circumstances under which you would
9 disagree or have questions about what was presented to you?

10 A Well, one key example is, if you have an apportionment, you
11 cannot change the allocations for a previous quarter. So if you're
12 in the second quarter of a fiscal year and the agency submits a request
13 and it changes the allocation for the first quarter, you can't do that.
14 So if the examiner or the branch chief didn't catch that error, I would
15 just catch the error and have it corrected.

16 Q Okay. All right. And was that sort of thing a frequent
17 occurrence?

18 A No. Generally, by the time it reached the third level of
19 review, those sorts of issues have been resolved.

20 Q It sounds like what you're describing is kind of more of a
21 technical issue that was mere oversight, not a larger issue that
22 required further consultation with any other entity within OMB. Is
23 that generally accurate?

24 A Generally, that's the case, yes.

25 Q Okay.

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1 What is OMB's Budget Review Division?

2 A The Budget Review Division coordinates exercises across the
3 entire agency, particularly with respect to the development of the
4 annual President's budget, but it also runs number of drills to collect
5 information, often at the behest of policy officials. It also has
6 experts in many of our circulars -- for example, Circular A-11.

7 Q Okay. To your knowledge, have you or branch chiefs or any
8 examiners ever consulted with OMB's Budget Review Division about
9 particular apportionments just to seek advice?

10 A Absolutely.

11 Q Okay. And when you were responsible for reviewing and
12 approving apportionments, how often would you receive an apportionment
13 to approve?

14 A I received hundreds every year. And they came in large
15 tranches, depending upon, for example, when we had a new appropriation.
16 You could always expect heavy volume at the end of the fiscal year and
17 at the beginning of a fiscal year or around key events such as the
18 enactment of appropriations or a continuing resolution.

19 Q Okay. And when you received these apportionments, is it
20 fair to say that -- well, tell me. Was it a matter of routine that
21 you would simply sign them? Or would you carefully scrutinize them
22 and potentially have discussions with branch chief, examiners, and
23 others about the apportionments, if appropriate?

24 A I'd certainly have discussions if I had questions or they
25 had flagged anything we needed to discuss. But the vast majority of

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1 these are quite routine, particularly if you've done this -- you've
2 seen them before.

3 Q Okay.

4 All right. So today we're going to focus on two different types
5 of security assistance, specifically to Ukraine. The first is the DOD
6 Ukraine Security Assistance Initiative, USAI, and then the second is
7 the State-administered foreign military financing.

8 Can you just generally describe and compare USAI versus FMF? And
9 I'm also going to ask you what your experience is with respect to both.

10 A Okay. Let me say at the start that FMF is not within the
11 purview of my division. So I will not speak to that, because that is
12 handled by our counterpart division, the International Affairs
13 Division. But I'm glad to speak to USAI.

14 USAI, as appropriated in the defense appropriations bill and as
15 authorized in the National Defense Authorization Act, broadly is
16 designed to provide training, equipment, and other forms of assistance
17 to Ukraine. I know in fiscal year 2019 there was an appropriation for
18 \$250 million.

19 Q Okay. I understand that your current role does not involve
20 FMF, but at any point during your career did you have any exposure to
21 FMF issues?

22 A I previously worked in the International Affairs Division,
23 but FMF was not handled by my branch.

24 Q Okay. All right.

25 So you mentioned the \$250 million in USAI funds for 2019. Are

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1 you generally aware of the congressional notifications that went out
2 with regard to this \$250 million in 2019?

3 A Yes.

4 Q So the first notification was around March 5th. Is that
5 correct?

6 A I recall the month of March.

7 [Majority Exhibit No. 1
8 was marked for identification.]

9 BY MR. MITCHELL:

10 Q I'm going to hand you exhibit No. 1. Do you recognize what
11 this is, sir?

12 A Yes.

13 Q And what is it?

14 A It looks to be a congressional notification consistent with
15 the statutory requirements vis-a-vis USAI.

16 Q And this was for the first tranche of USAI aid in 2019. Is
17 that correct?

18 A Correct.

19 Q Were you all --

20 MS. VAN GELDER: Excuse me.

21 Have you ever seen this before?

22 MR. SANDY: I have not seen the actual document. I'm just
23 recognizing it based upon doing a quick scan.

24 BY MR. MITCHELL:

25 Q Okay, but you're familiar with the fact that there was a

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1 congressional notification for two different tranches of aid in 2019
2 related to USAI?

3 A Yes.

4 Q Okay. And exhibit No. 1 is the first tranche. Is that your
5 understanding?

6 A Yes, that's my understanding.

7 Q Okay. Have you seen the congressional notification for the
8 second tranche?

9 A I have not.

10 [Majority Exhibit No. 2
11 was marked for identification.]

12 BY MR. MITCHELL:

13 Q Okay. Well, just so the record is complete, I'm handing you
14 exhibit No. 2.

15 A Thank you.

16 Q And what's the date of this particular document? There
17 should be two dates up at the top.

18 A I see the dates stamped as May 23rd and May 28th.

19 Q Okay. And it's your understanding that there was a second
20 congressional notification, which was in the May time period, for the
21 second tranche of USAI funds. Is that right?

22 A Yes.

23 Q Okay. Are you aware of, generally, the interagency process
24 that led up to these two CNs?

25 A I don't participate in the interagency process, so I don't

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1 have detailed knowledge.

2 Q Okay. But are you aware of any concerns that were raised
3 either during the interagency process or during your time at OMB during
4 the spring of 2019 that led up to either of these congressional
5 notifications regarding the CNs for the first and second tranche of
6 USAI?

7 A I was not aware of anything prior to the notifications.

8 Q To the best of your recollection, did OMB issue any
9 apportionments for USAI funds between March, which was the first CN,
10 and mid-June of 2019?

11 A The USAI funds are actually included in a larger account.
12 That account is the Defense-wide operation and maintenance account.
13 So we would have issued apportionments for that account earlier in the
14 fiscal year.

15 Q Okay. And do you know -- so can you distinguish between USAI
16 funds that would've been included in an apportionment versus the larger
17 funds that were in that account, or are they all commingled?

18 A They were commingled.

19 Q Okay.

20 When did you first learn that security assistance funds related
21 to Ukraine were being withheld or might be withheld?

22 A I'm just consulting my calendar. I was on leave through July
23 17th. I returned to the office on July 18th. And I learned of that
24 shortly after my return, so I would say it was either July 18th or July
25 19th.

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1 MS. VAN GELDER: And I'd just like the record to reflect, this
2 is a blank calendar, just for his -- when he says "my calendar," it's
3 not his actual office calendar.

4 BY MR. MITCHELL:

5 Q Okay. When did you go on leave?

6 A I was out of the office starting on Monday, July 8th.

7 Q So you did not hear anything about Ukraine security
8 assistance possibly being on hold at any time during the month of June
9 or during that first week of July?

10 A No.

11 Q Did you hear of any questions that were being raised by OMB
12 about Ukraine security assistance at the end of June or the beginning
13 of July?

14 A Yes.

15 Q Can you describe what you heard?

16 A I heard that the President had seen a media report and he
17 had questions about the assistance.

18 [Discussion off the record.]

19 BY MR. MITCHELL:

20 Q When did you hear that the President had seen a media report
21 and had questions about the assistance?

22 A On June 19th.

23 Q Do you know what media report that was?

24 A I don't recall the specific article.

25 Q Who told you that the President had these concerns or these

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1 questions?

2 A Mike Duffey.

3 Q And that was the conversation that you had with Mr. Duffey
4 on June 19th?

5 A I believe it was an email.

6 Q Okay. Can you describe what that email said?

7 A The email expressed an interest in getting more information
8 from the Department of Defense.

9 Q And what kind of additional information?

10 A A description of the program.

11 Q What exactly did Mr. Duffey say, to the best of your
12 recollection, in that email?

13 A That the President had questions about the press report and
14 that he was seeking additional information.

15 Q Anything else in that email?

16 A Not that I recall.

17 Q Did you have a conversation with Mr. Duffey about this
18 request?

19 A I only recall the email.

20 Q Okay. Did you have a conversation with anyone else
21 following this email from Mr. Duffey?

22 A The email was directed to the Department of Defense, and I
23 received information the following day.

24 Q Okay. So you were copied on this email?

25 A Correct.

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1 Q Okay. And who did Mr. Duffey send the email to at DOD?

2 A As I recall, Ms. Elaine McCusker.

3 Q And who was she?

4 MS. VAN GELDER: Do you want to spell that last name for the
5 reporter?

6 MR. SANDY: Sure. M-c-C-u-s-k-e-r.

7 BY MR. MITCHELL:

8 Q And who was she?

9 A Deputy Comptroller.

10 Q Okay. Is that someone that you communicate with as part of
11 your normal course of business?

12 A Yes.

13 Q Did you have any conversations with Ms. McCusker following
14 this request by Mike Duffey?

15 A She provided me with a hard-copy summary the following day.

16 Q And when you say she provided you with a hard copy, she
17 physically gave you a hard copy?

18 A She did, because she was attending a meeting at OMB.

19 Q Okay. Did she ever send you any electronic communication
20 as well in response to Mike Duffey's email?

21 A I only recall the hard copy.

22 Q Okay. And what was that hard copy?

23 A It was an overview of USAI.

24 Q Had you seen this overview before? Was it a precooked
25 document?

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1 A I hadn't seen it before, so I can't speak to its origin.

2 Q Okay. And what did you do with this hard-copy document that
3 Ms. McCusker gave you?

4 A We shared it with Mike Duffey.

5 Q Who's "we"?

6 A Sorry. When I say "we," I generally refer to NSD staff.

7 Q Okay. And how did you share it with him? Did you physically
8 give it to him, or did you scan it and email it to him?

9 A I recall he was out of the office that day, so I don't recall
10 exactly how it was shared.

11 Q Okay. Did you eventually have a conversation with
12 Mr. Duffey about the information that Ms. McCusker gave you?

13 A I don't recall a specific conversation on that.

14 Q What about email exchanges?

15 A Not that I recall.

16 Q Did Mr. Duffey come back to you with any additional
17 questions?

18 A He came back to members of my staff.

19 Q Okay. Can you describe what you know about that?

20 A He had a number of followup questions related to the program.

21 Q And what were those?

22 A And I don't recall all the specifics, but more information
23 on the financial resources associated with the program, in particular.

24 Q I don't -- what does that mean?

25 A Oh, sorry. It would be in terms of the history of the

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1 appropriations, any more details about the intent of the program.

2 Q And was that information provided to Mr. Duffey?

3 A Yes.

4 Q And how?

5 A So one of my staff members provided that information
6 electronically.

7 Q Were you copied on those emails?

8 A Yes.

9 Q Okay.

10 Are you aware that OMB has received a subpoena from Congress for
11 documents related to some of the topics that you've already discussed
12 here today?

13 A Yes.

14 Q Have you undertaken any sort of efforts to gather documents
15 that might be relevant to the subpoena?

16 A Those efforts within OMB are led by our Office of the General
17 Counsel.

18 Q Have you personally gone through any of your emails or other
19 records to find documents that might be responsive to the subpoena?

20 A My understanding from counsel is that they --

21 [Discussion off the record.]

22 MR. SANDY: I have not undertaken that in response to such a
23 request.

24 [Discussion off the record.]

25 MR. SANDY: Sorry. I just want to explain that when OMB decides

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1 to collect information electronically, it is done centrally.

2 BY MR. MITCHELL:

3 Q Okay. Is it possible that you also -- well, have you seen
4 the subpoena that was issued?

5 A I have seen the subpoena --

6 Q Okay.

7 A -- yes.

8 Q And so you're generally aware of the information that the
9 committees are seeking. Is that correct?

10 A Yes.

11 Q Okay. Do you generally keep hard-copy notes in your office?

12 A Some notes. And we were advised to retain all that
13 information.

14 Q Okay. Do you know whether those notes -- did you provide
15 copies of those notes to anyone?

16 A I have not been requested to do so.

17 Q Okay. So they've been preserved. Is that correct?

18 A Correct.

19 Q Okay. But no one has actually collected them, to your
20 knowledge.

21 A Correct.

22 Q All right.

23 Now, you indicated that Mr. Duffey had some additional questions
24 and members of your staff provided additional information to him
25 electronically. Is that correct?

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1 A Correct.

2 Q Okay. Were you copied on those communications as well?

3 A Well, I was copied on them, yes.

4 Q Okay. And did you have any conversation with Mr. Duffey
5 about any of the additional information that was provided to him?

6 A Not that I recall.

7 Q Do you know what Mr. Duffey did with that information?

8 A I do not know.

9 Q Do you know whether he provided that information back to the
10 White House?

11 A I was not copied on any sharing of that information, so the
12 short answer is I don't know.

13 Q Okay. Well, have you had any conversations with anyone
14 about whether Mr. Duffey shared that information with the White House?

15 A I do not recall.

16 Q Okay. All right.

17 So Mr. Duffey has these questions on June 19th, and there is a
18 back-and-forth between Mr. Duffey -- a request from Mr. Duffey to DOD.
19 Is that correct?

20 A The initial request was to DOD, yes.

21 Q And DOD responds through you with this hard-copy document,
22 correct?

23 A Correct.

24 Q And then Mr. Duffey asks for additional information, which
25 your staff then gathers and submits to Mr. Duffey. Is that right?

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1 A Correct.

2 Q And you don't have any conversations with Mr. Duffey about
3 any of these requests, either on email or in person or over the phone,
4 during this time period?

5 A I don't recall the specifics.

6 Q Okay. So Mr. Duffey never provided any more color on what
7 the President had concerns about or questions about with regard to USAI?

8 A Later he did.

9 Q Okay. When was that?

10 A When I returned from leave July 18th, I was informed of the
11 President's direction to hold military support funding for Ukraine.

12 Q Who communicated that to you?

13 A Mike Duffey.

14 Q How?

15 A I recall a conversation.

16 Q Can you describe that conversation?

17 A He communicated that that was the direction he had received.

18 Q Okay. I want to know everything that you can possibly recall
19 about that conversation with Mr. Duffey on or about July 18th or 19th
20 in which he told you that the President had decided to put a hold on
21 Ukraine security assistance.

22 A Okay. On the 19th, he shared that he had communicated this
23 direction to the Department of Defense.

24 Q "He" being Mr. Duffey?

25 A I'm sorry. Yes. Mr. Duffey.

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1 Q Okay.

2 A He also expressed a desire to create an apportionment that
3 would implement the hold.

4 Q What else?

5 A And he --

6 MS. VAN GELDER: Go ahead. Are you done?

7 Are you ready?

8 MR. GOLDMAN: I am.

9 MS. VAN GELDER: Any more dentist jokes over there?

10 MR. SANDY: And we had a conversation about that request on Friday
11 the 19th.

12 MR. SWALWELL: Mr. Sandy, where was the conversation?

13 MR. SANDY: I recall a conversation in the Eisenhower Executive
14 Office Building. And then he also followed up with me by phone later
15 that day, on the 19th.

16 MR. SWALWELL: So the first conversation was on July 19 in the
17 EEOB. Is that right?

18 MR. SANDY: I returned on the 18th, and so I don't recall exactly
19 what happened on the 18th versus the 19th in terms of getting caught
20 up after having been on leave for nearly 2 weeks. But I do recall
21 specifically the nature of that request.

22 MR. SWALWELL: And could you set the scene for us? Is this in
23 a common space? Your office? His office? Where was the
24 conversation?

25 MR. SANDY: As I recall, it was in a hallway after a meeting where

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1 we had an initial conversation, but the specific request was
2 communicated to me via phone later on the 19th. So I was in my office,
3 and I presume he was in his.

4 MR. SWALWELL: Okay. And you received a phone call from
5 Mr. Duffey to you in your office.

6 MR. SANDY: He sent me an email saying we needed to connect. I
7 probably called him.

8 MR. SWALWELL: And, in the email, did he reference what you needed
9 to connect about, or did he just say he wanted to connect?

10 MR. SANDY: As I recall, it was about Ukraine.

11 MR. SWALWELL: Okay.

12 Mr. Mitchell?

13 BY MR. MITCHELL:

14 Q But it sounds like you had a subsequent conversation with
15 him on the 19th. Is that right?

16 A So that was the conversation I was describing with the
17 specific request.

18 Q All right. And you indicated that Mr. Duffey said he wanted
19 to create an apportionment that would implement the hold. Can you
20 describe the conversation surrounding how to create this apportionment
21 or what that apportionment might look like with Mr. Duffey on that day?

22 A Right. So, on that day, I emphasized that that would raise
23 a number of questions that we would need to address. And so I advised
24 that we would want to consult with our Office of the General Counsel
25 on those questions first.

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1 Q When you were speaking with Mr. Duffey, putting aside any
2 subsequent conversation you might have had with legal counsel, what
3 were those questions that you raised with him?

4 A I just made a general reference to the Impoundment Control
5 Act --

6 Q Okay.

7 A -- and said that we would have to assess that with the advice
8 of counsel before proceeding.

9 Q Okay. And you're not an attorney, correct?

10 A That is correct.

11 Q What is your training with -- your professional training
12 with regard to accounting, for example?

13 A Well, I would say, all career staff who work in these resource
14 management offices generally have general awareness of, for example,
15 in this case, the Impoundment Control Act --

16 Q Okay.

17 A -- enough knowledge to know when to ask for advice.

18 Q Okay. So, in these specific circumstances --

19 A Yes.

20 Q -- when you raised the Impoundment Control Act with
21 Mr. Duffey during this conversation on July 19th, why did you think
22 that a modification to the apportionment to account for the hold might
23 implicate the Impoundment Control Act?

24 A Ah. Because these moneys are what we call 1-year funds,
25 which means that their period of availability was expiring on September

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1 30th. And consistent with a layman's understanding of the Impoundment
2 Control Act, we need to ensure that agencies are able to obligate funds
3 before they expire.

4 Q And what is your understanding of, if those funds cannot be
5 obligated before they expire, what happens?

6 A Then they basically expire and they return to the Treasury.

7 Q And there could be a violation of the Impoundment Control
8 Act if they expire in that way?

9 A Potentially.

10 Q Okay. And that was your concern July 19th when you had this
11 conversation with Mr. Duffey?

12 A My concern was that there was -- I asked about the duration
13 of the hold and was told there was not clear guidance on that. So that's
14 what prompted my concern.

15 Q Okay. So you asked Mr. Duffey about the duration of the
16 hold.

17 A That is correct.

18 Q Okay. What was Mr. Duffey's reaction when you mentioned the
19 Impoundment Control Act?

20 A I think he appreciated my concern and acknowledged that I
21 offered to take the lead in terms of following up with the Office of
22 General Counsel.

23 Q Okay. So did he direct you to consult with General Counsel?

24 A I was doing that in my own initiative, but he certainly didn't
25 object.

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36

1 Q Okay.

2 Now, Mr. Duffey, you indicated, was a political appointee. Is
3 that correct?

4 A Yes, he is.

5 Q Do you have general understanding of Mr. Duffey's
6 familiarity with apportionments and the Impoundment Control Act at the
7 time that you had this conversation on July 19th?

8 A I was not aware of any previous experience of his.

9 Q All right. Just to be clear, are you saying that you don't
10 believe that he had any prior experience on July 19th regarding the
11 Impoundment Control Act or apportionments generally?

12 A I was not aware of any prior experience that he had.

13 Q Okay.

14 This conversation that you had with Mr. Duffey, did you document
15 it in any way?

16 A No.

17 Q Okay. Did you have any followup emails or any sort of
18 memoranda that would reflect the fact of the conversation on July 19th
19 with Mr. Duffey?

20 A No. I followed up by phone with the Office of General
21 Counsel.

22 Q Okay. What about in a calendar? Is there any sort of
23 calendar record of this meeting on July 19th?

24 A No.

25 MR. SWALWELL: What day did you follow up by phone with General

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1 Counsel?

2 MR. SANDY: I followed up with an initial conversation that
3 evening and then scheduled a subsequent call for Monday morning, the
4 22nd.

5 MR. SWALWELL: So July 19, in the evening, by phone, you contact
6 General Counsel.

7 MR. SANDY: Correct.

8 MR. SWALWELL: Okay.

9 BY MR. MITCHELL:

10 Q You indicated, when you got back from leave, I think you said
11 you received an email from Mr. Duffey saying, "Call me." Is that
12 right?

13 A Yes.

14 Q Okay. Do you know whether anyone told Mr. Duffey to talk
15 to you about the hold?

16 A So he shared with me an email that described the desire -- the
17 President's direction with respect to the hold.

18 Q How did he share this email with you? Did he forward it to
19 you?

20 A Yes, he did.

21 Q What was the date of that email?

22 A As I recall, the date of the email was July 12th.

23 Q While you were on leave?

24 A Correct.

25 Q And who was that email from?

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1 A Office of the Chief of Staff.

2 Q Which Chief of Staff?

3 A Oh. Chief of Staff of the White House, that office.

4 Q So Mick Mulvaney's office?

5 A Correct.

6 Q And who from the Office of Chief of Staff sent this email?

7 A Mr. Robert Blair.

8 Q Who is Robert Blair?

9 A He is a senior advisor to the Acting Chief of Staff.

10 Q Have you ever had any interactions with Mr. Blair during the
11 course of your duties?

12 A Yes. Previously, he was the Associate Director for National
13 Security Programs -- in essence, Mike Duffey's predecessor.

14 Q Okay. So he was your immediate supervisor for some period
15 of time at OMB?

16 A Correct.

17 Q And then did Mr. Blair go to the Office of Chief of Staff
18 more or less when Mr. Mulvaney went from OMB to Office of Chief of Staff?

19 A Shortly thereafter, as I recall.

20 Q And Mr. Mulvaney was also, during this time period, the
21 Acting Director of OMB, correct? He was dual-hatted? Let me be
22 precise about my time period. In mid-July of 2019.

23 A So he retains the title of Director of OMB, but he does not
24 perform those functions.

25 Q Okay.

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1 So this July 12th email from Mr. Blair, what did it say?

2 A To the best of my recollection, that the President is
3 directing a hold on military support funding for Ukraine.

4 Q What else was in that email?

5 A Nothing that I recall.

6 Q Was any other country mentioned?

7 A No.

8 Q Any other security assistance package?

9 A No.

10 Q Any other aid of any sort?

11 A Not to my recollection.

12 Q Any other topic at all in this email?

13 A No.

14 Q Who did Mr. Blair send this email to?

15 A Mr. Duffey.

16 Q Who else was on the email?

17 A I don't recall anybody else being copied.

18 Q And you indicated that Mr. Duffey forwarded this email to
19 you?

20 A Correct.

21 Q To the best of your knowledge, has that email been retained
22 by OMB?

23 A Yes.

24 Q Was there anything else in this email string, or was it just
25 that one communication that you've already described?

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1 A The only -- that was just the one communication.

2 Q Okay. And what did you do with that email?

3 A I retained it.

4 Q Anything else? Did you forward it to anyone?

5 A I am pretty confident that I would have forwarded that to
6 members of my staff.

7 Q Okay. All right. And remind me again when you received
8 this July 12th email.

9 A So he had made a reference to that direction, but, as I
10 recall, I didn't actually receive it until Monday the 22nd.

11 Q Monday the 22nd. Okay. So between -- well, let's take back
12 the clock a couple of days.

13 A Uh-huh.

14 Q You had this communication with Mr. Duffey on July 19th at
15 EOB. You indicated that there might be -- you had concerns about the
16 Impoundment Control Act. And did you then consult with OMB counsel?

17 A I did.

18 Q Okay. I don't want to -- I'm not going to get into what they
19 might've told you. But did you -- I think you indicated that you called
20 OMB counsel. Is that correct?

21 A Yes. I spoke to OMB counsel Friday evening and arranged for
22 a conference call Monday morning.

23 Q All right. I don't have the calendar in front of me. What's
24 the date of that Friday?

25 A Friday the 19th.

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1 Q Okay. And you arranged for a conference call?

2 A Yes, for Monday morning.

3 Q The 22nd.

4 A Correct.

5 Q Okay. At the time that you spoke with OMB counsel, did you
6 have copy of this July 12th email from Rob Blair?

7 A No. As I recall, I received the actual email on the 22nd.

8 Q Okay. After your conference call with legal counsel?

9 A I don't recall the specific time of day that I received the
10 email.

11 Q Okay.

12 Between July 19th and July 22nd, including July 22nd, did
13 Mr. Duffey provide you any explanation as to why the President wanted
14 to place a hold on Ukraine security assistance?

15 A No.

16 Q Did you ask?

17 A Yes.

18 Q And what was the response?

19 A He was not aware of the reason.

20 Q To the best of your recollection, what precisely did he say
21 to you when you asked for the reason for the President's decision to
22 place a hold on security assistance?

23 A That he was not aware.

24 Q He simply said, "I don't know"?

25 A Yes.

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1 Q Did he indicate that he was going to try to get more
2 information as to why the President was placing a hold on security
3 assistance?

4 A I am pausing because I -- there was certainly a desire to
5 learn more about the rationale.

6 Q Whose desire?

7 A A desire on the part of Mike Duffey, myself, and other people
8 working on this issue. So I want to answer your question accurately
9 in terms of saying, that desire was acknowledged.

10 Q All right. Did Mr. Duffey say that he was going to try to
11 get additional information as to the reason for the hold?

12 A Yes. He certainly said that if he got additional
13 information he would share it with us.

14 Q Okay. At any point in time, from the moment that you walked
15 into the SCIF to anytime in history, has Mr. Duffey ever provided to
16 you a reason why the President wanted to place a hold on security
17 assistance?

18 A I recall in early September an email that attributed the hold
19 to the President's concern about other countries not contributing more
20 to Ukraine.

21 Q What was the date of this email? You said early September.

22 A I don't recall the specific date.

23 Q Who was the email from?

24 A Mike Duffey.

25 Q To who?

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- 1 A To me.
- 2 Q Was anyone else on the email?
- 3 A I don't recall.
- 4 Q Do you recall whether this email was before September 9th
5 or after September 9th?
- 6 A Before.
- 7 Q How do you know that?
- 8 A I recall early September, but not the precise date.
- 9 Q Was there anything else in this email?
- 10 A Not that I recall.
- 11 Q Was it in response to an email that you had sent?
- 12 A No, not that I recall.
- 13 Q Do you know what prompted this email from Mr. Duffey to you?
14 If you know.
- 15 A I don't know. We have had multiple conversations
16 throughout -- starting in July and continuing about what the reason
17 for the hold was.
- 18 Q Well, do you know whether -- did you have any followup
19 conversations with Mr. Duffey about this email?
- 20 A No.

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1 [11:07 a.m.]

2 BY MR. MITCHELL:

3 Q Was this the first time that you heard that the hold might
4 be about some sort of concern that other countries are not providing
5 sufficient support to Ukraine?

6 A We had received information requesting -- sorry. We had
7 received requests for additional information on what other countries
8 were contributing to Ukraine.

9 Q Okay. Did you have any other conversations with Mr. Duffey
10 following this email in early September about this email or about the
11 fact --

12 A May I consult with counsel?

13 Q Sure. Let me finish the question, though. Or about the
14 substance of the email, the fact of the other countries not providing
15 sufficient assistance?

16 [Discussion off the record?]

17 MR. SANDY: I just want to clarify, I do recall in early September
18 that we got requests for information on what additional countries were
19 contributing to Ukraine. I would want to be accurate in recollecting
20 the precise date of the email, so I'd like to amend my previous comment
21 and say, I just don't want to provide something false, because I don't
22 remember the specific date.

23 BY MR. MITCHELL:

24 Q Okay. So it may have been before or it may have been after
25 the 9th of September. You just recall that it was the beginning of

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1 September.

2 A That's correct, yes.

3 Q Okay. And you indicated that there were some communications
4 or requests at the beginning of September, generally, about what other
5 countries were contributing to Ukraine?

6 A Yes.

7 Q Can you describe how those came about?

8 A I don't recall all the details. We often -- and when I say
9 "we," sorry, I mean the National Security Division staff and I -- will
10 often receive requests, and I do recall those requests for information.

11 Q From whom?

12 A The requests were from Mike Duffey.

13 Q Did he indicate who the requests were coming from?

14 A As I recall, the information was going to be shared with Rob
15 Blair.

16 Q Okay. Do you recall seeing any emails from Mr. Blair about
17 this topic at the beginning of September? Or was Mr. Duffey the one
18 who was the messenger?

19 A Mr. Duffey was the messenger.

20 Q Okay. And were these email communications, or were they in
21 some other form?

22 A Email communications.

23 Q Okay. Did you or your staff diligently respond to Mr.
24 Duffey's requests?

25 A Yes.

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1 Q Okay. And what were those responses?

2 A Data on other countries' contributions to Ukraine.

3 Q Okay. And, again, was that an email?

4 A Yes.

5 Q And what did Mr. Duffey do with that information, to the best
6 of your knowledge?

7 A I presume he shared it with Rob Blair.

8 Q Okay. But you don't know that for a fact?

9 A I do not recall whether I was copied on that email.

10 Q Okay.

11 When you say it's information about other countries'
12 contributions, can you just put a little bit more color on that?

13 A Well, multiple countries are providing various types of
14 assistance to Ukraine. So it would've been data on the magnitude and
15 types of assistance that other countries are providing.

16 Q Okay. And what's your understanding of that?

17 A I don't recall all the specific numbers.

18 Q Okay. Do you generally recall how the assistance from other
19 countries compared to the assistance provided by the United States,
20 both in magnitude and type?

21 A I do not recall the details.

22 Q Okay. Were you the one who was responsible for gathering
23 this information, or was it one of your staff members?

24 A One of my staff members.

25 Q And that information was provided to you, but you weren't

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1 the one who was actually compiling the data or researching it or
2 necessarily reviewing it in a great amount of detail. Is that fair
3 to say?

4 A That's correct. And that's common at OMB, where we are a
5 very flat organization. So, often, examiners will take the lead in
6 responding to what are purely information requests.

7 Q Okay. Did you have any conversations with Mr. Duffey about
8 why this request was coming from Mr. Blair?

9 A Not that I recall.

10 Q Does Mr. Duffey work in the same building as you?

11 A No.

12 Q So where does he work, physically, in respect to where your
13 office is located?

14 A So my staff and I work in the New Executive Office Building,
15 and he works in the Eisenhower Executive Office Building, which is
16 across Pennsylvania Avenue.

17 Q Okay. So, as far as personal interactions are concerned,
18 is it fair to say that you see your staff far more frequently than you
19 see Mr. Duffey?

20 A Correct.

21 Q And, presumably, you interact with your staff far more
22 frequently than you interact with Mr. Duffey as well. Is that correct?

23 A Yes.

24 Q Okay.

25 MR. SWALWELL: Mr. Sandy, how many times did you follow up with

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1 Mr. Duffey to ask for a rationale on why the security assistance was
2 being held?

3 MR. SANDY: It was an open question over the course of late July
4 and pretty much all of August, as I recall.

5 MR. SWALWELL: And were these in-person questions you were
6 raising? On the phone? Email? Or all of the above?

7 MR. SANDY: Typically, the discussions were in person in late
8 July. And then I think we were more just awaiting any updates that
9 we would receive. So it wasn't as though it came up every day.

10 MR. SWALWELL: And why were you asking Mr. Duffey so often for
11 a rationale? Why were you in need of a rationale?

12 MR. SANDY: I think we just wanted to understand and --

13 MR. SWALWELL: But was it for your curiosity, or was it for
14 concerns that you had about why and legal justification?

15 MR. SANDY: And when you say "so often," it came up mostly in early
16 July, and then we were awaiting updates.

17 I think, in order to execute policy, we often -- it's helpful for
18 us to understand what the underlying goal is, but we execute based upon
19 direction, even if it's not always explained to us.

20 MR. SWALWELL: You said "early July" -- sorry. Go ahead.

21 [Discussion off the record.]

22 MR. SWALWELL: When you said "early July," did you mean July 18,
23 19 when you first --

24 MR. SANDY: I'm sorry. Yes. I meant earlier in this period,
25 meaning when I returned from leave in late July.

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1 MR. SWALWELL: Can you recall another time in your duties at the
2 Office of Management and Budget where a significant amount of
3 assistance was being held up and you didn't have a rationale for as
4 long as you didn't have a rationale in this case?

5 MR. SANDY: Not that I recall.

6 MR. SWALWELL: All right.

7 We're going to kick it over to the minority. If you want to take
8 a brief break to go to the bathroom, you're welcome to, get a drink,
9 but I'm inclined to keep going if you want to keep going.

10 MR. SANDY: That's fine.

11 MR. SWALWELL: One hour to the minority.

12 MR. SANDY: Yes, sir.

13 BY MR. CASTOR:

14 Q Good morning, sir.

15 Could you just pick up the story from -- on Monday, July 22nd,
16 you had a -- was it an in-person meeting with OGC? And I'm not going
17 to ask you about what OGC told you. I understand those are subject
18 to privilege. I'm just trying to understand the mechanics here.

19 So, on Monday, July 22nd, you had a conference call with OGC?

20 A Correct.

21 Q And you didn't meet with them in person; it was just over
22 the telephone?

23 A Correct.

24 Q And you were seeking legal advice, presumably, on
25 whether -- or how to implement the next step?

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1 A Correct.

2 Q And did you get that advice? Not asking you what the advice
3 was, but did OGC provide you with guidance?

4 A [Nonverbal response.]

5 Q And when did they do that?

6 A So those conversations lasted over several days.

7 Q Okay.

8 A And the answer to your question is yes.

9 Q Okay. And was the guidance -- not asking about the content
10 of the guidance, but did it come over email? Was it an official letter?
11 And when did it arrive, finally?

12 A There were email exchanges, and I recall an email that
13 concluded those exchanges on Wednesday, July 24th.

14 Q Okay. And I believe you indicated the question was relating
15 to the Impoundment Control Act.

16 A My questions, yes.

17 Q Right. Okay. And the issue is resolved on Wednesday, July
18 24th. And, obviously, because of what happened, the hold was
19 implemented. Is that correct?

20 A The issues addressed questions that I had vis-a-vis an
21 apportionment.

22 Q Right.

23 A And so -- I just want to answer your question precisely.

24 Q Uh-huh.

25 A So that apportionment was finalized on July 25th.

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1 Q Okay. And --

2 MS. VAN GELDER: Can I talk to him for a second?

3 MR. CASTOR: Of course.

4 [Discussion off the record.]

5 MR. SANDY: So I also had conversations with DOD during this
6 period as well.

7 BY MR. CASTOR:

8 Q Okay. And what can you tell us about those conversations?

9 A I wanted to get their insights on these same questions
10 vis-a-vis the Impoundment Control Act.

11 Q Okay. And who were you speaking with at DOD?

12 A Ms. Elaine McCusker.

13 Q Okay. And did you ask her to seek -- did you seek
14 information from her, or did you ask her to get a legal opinion from
15 her lawyers? Or what did you ask her? Or what was she asking you?
16 What was the nature of the communication?

17 A The nature of the communication was that -- how could we
18 institute a temporary hold consistent with the Impoundment Control Act.
19 And, yes, to your question, we also discussed including DOD counsel
20 in those conversations.

21 Q Okay. And these communications with Ms. McCusker were
22 occurring when?

23 A I initially called her Monday evening, July 22nd.

24 Q So the same timeframe?

25 A Same timeframe. And they also extended over the course of

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1 those 4 days.

2 Q Okay. And were there any other conversations going on at
3 any other agency or any other -- you're talking to DOD, you're talking
4 to OMB OGC. Any other communications of this sort with other entities?

5 A I was not, no.

6 Q Okay.

7 A Those were the only.

8 Q And OMB issued its first written apportionment with the USAI
9 footnote restricting the obligations on July 25th, correct?

10 A Correct.

11 Q And, in effect, that is the technical terminology for
12 implementing the hold, correct?

13 A Correct.

14 Q Okay.

15 And then what can you tell us as the next step in this issue?

16 A And when you say "this issue," I just --

17 Q Well, the funds are held.

18 A Correct.

19 Q And so what is the next event involved here? Are you just
20 waiting for the authorization to lift the hold, or are you continuing
21 to do work on the program?

22 A So we are continuing to work with our policy officials to
23 get additional guidance.

24 Q Okay. And policy officials inside of OMB or policy
25 officials at DOD?

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1 A Chiefly through Mike Duffey --

2 Q Okay.

3 A -- but also in the interagency processes of the National
4 Security Council.

5 Q Okay. And did you get additional guidance?

6 And just to be clear, the footnote restricting the obligations,
7 how long is that in effect for? Is that a 2-week hold?

8 A It was through August 5th, as I recall.

9 Q Okay.

10 [Discussion off the record.]

11 BY MR. CASTOR:

12 Q So the first written apportionment with the footnote
13 restricting the funds goes out on July 25th.

14 A Yes, sir.

15 Q And that's holding the funds, in effect, until August 5th;
16 that's the next date?

17 A Correct.

18 Q Okay. And during that time period, you said you were seeking
19 guidance from policy officials, and you mentioned DOD and the National
20 Security Council?

21 A Through the National Security Council process.

22 Q Okay.

23 A Yes.

24 Q And what can you tell us about those communications? Like,
25 who were you dealing with at the NSC?

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1 A So we were -- we prepared Mike Duffey for a meeting that was
2 scheduled on Friday, July 26th. He represented OMB.

3 Q At the PCC?

4 A No. That would've been at a deputies level.

5 Q Okay. And so there was a meeting on Friday, July 26th?
6 Mike Duffey represented OMB?

7 A Correct.

8 Q And what can you tell us about that meeting?

9 A We prepared Mike by raising a number of questions that we
10 thought it would be useful to discuss.

11 Q Okay. What were those questions?

12 A Our principal questions were: What was the reason for the
13 hold? The extent? The duration?

14 And, depending upon the ultimate policy decision, we also said
15 that at the appropriate time the policy process should address a
16 congressional affairs approach, a diplomatic approach, and potentially
17 a public affairs -- again, depending upon when there was a policy
18 decision.

19 Q Okay. So if the policy decision was to permanently withhold
20 the money, then you'd have to interact with Congress, you'd have to
21 interact with the Ukrainians, and you'd have to interact with the
22 public. Is that right?

23 A These would be general points that we would make for any
24 significant policy.

25 Q Okay.

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1 A And, finally, we also raised legal questions that would need
2 to be addressed by attorneys.

3 Q Okay. And the legal questions relate to whether the money
4 would have to go through the rescission process or reprogramming?

5 A Correct. Depending upon the policy decision, it would raise
6 legal questions about implementation.

7 Q Okay. But if the hold was lifted, then --

8 A Then those questions would become moot.

9 Q Okay.

10 A So those were the four areas you prepared Mike Duffey? Reason
11 for the hold, extent of the hold, duration of the hold, and, depending
12 on the outcome, what would come next.

13 A Those were what we saw were the key questions. To my
14 knowledge, going into that meeting, he only had knowledge of the
15 President's guidance.

16 Q Okay. And did you attend that meeting?

17 A I did not.

18 Q Okay. Did you get a readout from Mr. Duffey about the
19 meeting?

20 A Yes. He expressed the support of other agencies for
21 providing the assistance.

22 Q Okay. So everybody was -- as we understand it from talking
23 to other witnesses, everyone was of the same mind, that they were hoping
24 the hold would be lifted?

25 A Correct.

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1 Q Okay.

2 Did any other decision or information come out of the July 26th
3 meeting, or was it just a gathering to take stock of the situation?

4 A I think it was a gathering at that level, but there was no
5 resolution.

6 Q Okay. And did you ever get answers to the first three
7 questions -- the reason for the hold, the extent of the hold, and the
8 duration of the hold?

9 A Well, I'll go back to my previous response about information
10 that I received vis-a-vis the rationale for the hold, but that wasn't
11 until September. We did not get immediate responses on the duration.

12 Q Okay.

13 A With regard to the extent, in my area, it only affected USAI.

14 Q Okay. Was FMF involved too, to your knowledge?

15 A Yes.

16 Q Okay. But that just isn't your area.

17 A That's not my area, so I'm --

18 Q So you can't provide testimony.

19 A Correct. Correct.

20 Q Okay.

21 After the July 26th meeting, what's the next meeting or decision
22 point?

23 A So, after that, we were awaiting what we presumed would be
24 a, what I'll call principals-level discussion.

25 Q Okay. And was that scheduled ever?

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1 A I don't recall. There were multiple instances in which we
2 heard the topic may come up --

3 Q Okay.

4 A -- but I don't recall there ever being a definitive
5 meeting --

6 Q Of the principals?

7 A Correct.

8 Q Are you aware if there was a meeting on July 31st with any
9 of the relevant components here?

10 A I'm not aware of that meeting.

11 Q Okay. Any other meetings you're aware of, other
12 than -- obviously, there's the 7/18 and then the 7/26 meeting that you
13 just described.

14 A Again, we often heard that there was a possibility that this
15 topic would come up as part of another meeting, but we did not get a
16 definitive guidance.

17 Q Okay. So you prepared Mike Duffey for the 7/26 meeting, and
18 that's the last PCC type of meeting that you prepared him for?

19 A For an NSC meeting, yes, but we also provided information
20 for our Acting Director.

21 Q Okay. And what information was that, and what date was that?

22 A I recall information that we initially drafted on August 2nd
23 and then information that we drafted for the Acting Director on August
24 7th.

25 Q And you say "drafted." Was it also transmitted to Mr.

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1 Vought?

2 A My understanding is the information on August 7th was, yes.

3 Q But not August 2nd?

4 A I don't recall whether that went beyond Mike Duffey.

5 Q Okay. And what was included in the August 7th
6 communication? Was it by email?

7 A It was a memorandum.

8 Q Okay. And who was the drafter of the memorandum?

9 A It was a joint effort by National Security Division;
10 International Affairs Division, which oversees State and USAID; and
11 Office of Legal Counsel.

12 Q What was the content of the memo?

13 MS. VAN GELDER: With respect to what he provided.

14 MR. CASTOR: The ultimate memo.

15 MS. VAN GELDER: Right, but it contains sections from OGC and what
16 he provided. And so I'm saying, as long as we go with what he provided
17 as opposed to what he knows OGC provided.

18 MR. CASTOR: Okay.

19 MS. VAN GELDER: You got that?

20 MR. SANDY: Yes. Yes.

21 Within our area, it was a description of the current state of play
22 vis-a-vis USAI.

23 BY MR. CASTOR:

24 Q And what was the current state of play?

25 A The funds were still on hold at that point, but -- because

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1 there had been a subsequent apportionment.

2 Q When was the subsequent apportionment? That was on August
3 5th, you said?

4 A It would've come shortly after the first one, which expired
5 on August 5th. So I believe it was on August 5th.

6 Q How long was the memo? Do you remember?

7 A Oh, maybe three or four pages with content from those
8 different contributing components.

9 Q Okay. Three or four pages, and each of the three components
10 had a piece to the memo?

11 A That's correct.

12 Q Okay. And for your piece, do you remember anything more
13 about it?

14 A I do remember that we provided our recommendation.

15 Q Okay. And what was the recommendation?

16 A The recommendation was to --

17 [Discussion off the record.]

18 MR. SANDY: The recommendation was to remove the hold --

19 MR. CASTOR: Okay.

20 MR. SANDY: -- on certain policy arguments.

21 BY MR. CASTOR:

22 Q Okay. Do you remember what the policy arguments were?

23 A One was that the assistance to Ukraine is consistent with
24 the national security strategy --

25 Q Okay.

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1 A -- in terms of supporting a stable, peaceful Europe. Second
2 was the benefit from the program in terms of opposing Russian
3 aggression. Another argument pertained to the bipartisan support for
4 the program.

5 Q At this point in time, everyone -- and by "everyone," I mean
6 the National Security Council, DOD, OMB -- were hopeful that the hold
7 would be lifted?

8 A I don't want to speak for my policy officials. That was,
9 again, staff-level recommendation. And so I will not speak for my
10 policy officials in terms of their position.

11 Q Your policy officials being Mr. Duffey and his --

12 A And the Acting Director.

13 Q Okay. Who does Mr. Duffey report to?

14 A At that time -- well, he reports to the Acting Director. We
15 did not have an Acting Deputy at that point.

16 Q Okay.

17 And the memo that went on August 7th to Acting Director Vought,
18 did he have an action item, or was it informational?

19 A It was informational in anticipation of a principals-level
20 discussion to address this topic.

21 Q Okay. Now, at that point in time, did Mr. Duffey have a
22 different view than you? You said you didn't want to speak for
23 Mr. Duffey or Mr. Vought. You prepared the memo. Did the memo go
24 through Mr. Duffey?

25 A It did.

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1 Q And did he okay it, approve it?

2 A Yes.

3 Q Okay. So you shared the same views as Mr. Duffey on this
4 issue at this time?

5 A In terms of --

6 Q In terms of policy recommendation?

7 A In terms of that recommendation.

8 Q Okay.

9 And then what happened next, after the memo was transmitted to
10 Mr. Vought?

11 A I don't recall getting clarity.

12 Q And was there a meeting that Mr. Vought was preparing for,
13 to represent OMB at the --

14 MS. VAN GELDER: My apology.

15 [Discussion off the record.]

16 MS. VAN GELDER: Again, not trying to take sides here, but I think
17 we've jumped from the 25th of July to the 7th of August, and you might
18 want to ask if anything intervened vis-a-vis my client between those
19 two dates.

20 MR. CASTOR: All right.

21 MR. GOLDMAN: You don't want to stay here all day?

22 MS. VAN GELDER: I just lost my 2 o'clock Pilates.

23 BY MR. CASTOR:

24 Q Yeah. I'm trying to hit the relevant --

25 A I understand.

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1 Q -- you know, the relevant events that happened. The hold
2 is issued on the 25th, or the footnote restricting the obligations.

3 A Correct.

4 Q And then July 26th, you walked us through preparing for the
5 meeting.

6 A Correct.

7 Q No real clarity came out of the meeting, as I understood your
8 testimony.

9 A Correct. My understanding was that the President's
10 guidance --

11 Q Right.

12 A -- remained the same.

13 Q Okay. And then, from July 26th, my next understanding of
14 facts relevant here was you began drafting a memo, and a draft was sent
15 on August 2nd, presumably to Mr. Duffey?

16 A I know that there was information that was shared with him
17 on August 2nd, but more prominent in my recollection is the August 7th.

18 Q Okay. And have we missed anything between the July 26th and
19 August 2nd?

20 A Well, in terms of the apportionment process, you mentioned
21 the subsequent apportionment, but that was not -- I did not sign that
22 apportionment --

23 Q Okay.

24 A -- because there had been a change in the delegation.

25 Q Okay. So up to August 2nd, though, we're still good, right?

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1 We've covered all the relevant facts? We had the meeting on July 26th,
2 which was a Friday, right?

3 A Correct.

4 Q Okay. So any relevant facts between Friday, July 26th, and
5 the August 2nd?

6 A Yes. So, on Tuesday, July 30th, the delegation for
7 approving apportionments made Mike Duffey the approver.

8 Q Okay. And what can you tell us about that?

9 A The delegation is from the President to the Acting Director,
10 and then the Acting Director issued a change in delegation.

11 Q Okay. And do you know why?

12 A We met with Mike Duffey -- sorry -- "we" is my
13 division -- met with Mike Duffey on the 31st, in which he explained
14 that there was interest among the leadership in tracking the uses of
15 moneys closely. He had an interest -- sorry -- "he," Mike Duffey, had
16 an interest in being more involved in daily operations.

17 Q Okay.

18 A And he regarded this responsibility as a way for him to learn
19 more about the specific accounts within his area.

20 Q And you are the Deputy Associate Director. And, as I
21 understand it, there's another Deputy Associate Director that reports
22 to Mr. Duffey?

23 A Yes.

24 Q And was he taking that authority from both or just your --

25 A Yes, the change applied to both National Security Division

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1 and International Affairs Division, both of which report to Mike
2 Duffey.

3 Q Okay. And was this change -- did it have anything to do with
4 the Ukraine funds?

5 A I'm not aware of a connection.

6 Q Okay. So this decision of Mr. Duffey was just an
7 organizational decision, unrelated to this particular hold, to the best
8 of your knowledge?

9 A I shared with you the reasons that he provided.

10 Q Okay.

11 A And, also, just to be clear, the memorandum is signed by the
12 Acting Director to make that change.

13 Q Okay. And did you have any meetings with him where he
14 explained the rationale to you?

15 A Just those three reasons that he shared with my entire
16 division when we discussed this on the 31st.

17 Q Okay. But, prior to the meeting with the entire division,
18 did he have a personal communication with you, whether it's in-person
19 or on the phone?

20 A He had alerted me in person earlier that week, but basically
21 had explained it in the same terms.

22 Q Okay. And did you express any concern to him?

23 A Yes.

24 Q And what were those concerns?

25 A The concerns that staff and I expressed included that it's

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1 a substantial workload, and we usually are very protective of the
2 Associate Director's time, so we were concerned about how much time
3 this would consume.

4 Q Okay.

5 A I think people were curious what he thought he would learn
6 from apportionments about the accounts as opposed to the other, you
7 know, sources of information. And staff wanted to ensure that this
8 did not reflect any sort of loss of trust.

9 Q Okay. And did he communicate to the group that it did not,
10 in fact, constitute a loss of trust, that he was just trying to learn
11 more about his job?

12 A Yes, he did.

13 Q Okay. So it had nothing to do with the competence of your
14 team.

15 A Correct. He said it had nothing to do with that.

16 Q Okay. And did you feel like he was being straight with you?

17 A Yes, I took him at his word.

18 Q Okay. And so he became the approving official through this
19 delegation?

20 A Correct, as of July 30th.

21 Q Okay. And the approving official is the third level of
22 review, I think you mentioned?

23 A Yes.

24 Q There's the examiner, the branch chief, and the approving
25 official?

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1 A Correct.

2 Q Did this add, in effect, a fourth level?

3 A No, it did not. The way it was implemented was that he
4 basically replaced me as the third level.

5 Q Okay. And did that loss of job responsibilities -- was that
6 okay with you?

7 A It removed an administrative -- largely administrative
8 task --

9 Q Okay.

10 A -- so I was not upset about the -- I mean, I shared the same
11 concerns about the burden it would place on him. We also prioritized
12 the timeliness of our responses to agencies, so we wanted to ensure
13 that we could continue to support that.

14 Q Okay. And after the branch chief completes his or her
15 assessment work, it went straight to Mr. Duffey, then, under the new
16 arrangement?

17 A Correct, once that was implemented.

18 Q So you didn't review it at all?

19 A Correct. Apportionments no longer flow to me.

20 Q Okay. Okay. Unless, of course, a particular branch chief
21 had questions and wanted to lean on your expertise?

22 A Correct.

23 Q Okay.

24 And, as you sit here today, it's, you know, been a number of
25 months. Do you genuinely believe that Mr. Duffey's stated reasons

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1 were, in fact, what he said they were?

2 A Again, I took him at his word. He also has the option to
3 delegate further, and we simply said, particularly if the workload
4 becomes overwhelming, that he always has that option, which can be the
5 case at the end of the fiscal year and the beginning of the fiscal year.

6 Q Okay. And has he?

7 A To date, he has not.

8 Q Okay. So has the arrangement worked out okay, in your
9 opinion, or is it problematic?

10 A I mean, we are -- we continue to process apportionments.

11 Q Okay. It hasn't created a problem in the organization in
12 terms of delay?

13 A There was a slight delay because we had to get him set up
14 in the system.

15 Q Okay.

16 A But it seems to be working smoothly now.

17 Q Okay.

18 So he communicates that to the group on Wednesday, July 31st.

19 A Correct.

20 Q So, back to the calendar --

21 A Okay.

22 Q -- did anything relevant happen between Wednesday, July
23 31st, and -- you mentioned the memo, drafts of the memo, were occurring
24 on Friday, August 2nd. Any other relevant --

25 A Nothing comes to mind, other than that there was another

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1 apportionment in that period.

2 Q Okay. So Friday, August 2nd, you started working on the
3 memo, or at least a draft of the memo, to the Acting Director, which
4 was ultimately transmitted on August 7th?

5 A Just to clarify, I recall some information went to Mike
6 Duffey on the 2nd. I recall more clearly the information that was
7 prepared on the 7th for the Acting Director.

8 Q Okay. And, on August 5th, the second hold occurred, and
9 Mr. Duffey signed that one?

10 A That's correct.

11 Q Okay. What's the next key event in this matter?

12 [Discussion off the record.]

13 BY MR. CASTOR:

14 Q And maybe I should do a regular check-in. Have I missed any
15 key events?

16 MS. VAN GELDER: I am sorry. I just --

17 MR. CASTOR: You wanted to walk through the --

18 MS. VAN GELDER: No. I'm just saying that, since he's now
19 removed from the process, you would have to define what a "key event"
20 is. You're assuming he knows what a key event is.

21 BY MR. CASTOR:

22 Q Do you have any firsthand knowledge of other facts related
23 to this matter after Mr. Duffey takes the authority?

24 A So I was aware of the series of apportionments.

25 Q Okay.

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1 A I don't have all the dates memorized.

2 Q Okay. So we go from August 5th, and then there's
3 subsequent --

4 A Yes.

5 Q -- apportionments?

6 A Correct.

7 Q How many, approximately? Every week? Every 2 weeks or 10
8 days?

9 A The time periods varied, but I recall at least another
10 half-dozen apportionments --

11 Q Okay.

12 A -- from the period of early August until September 12th.

13 Q Okay.

14 MR. MEADOWS: Mr. Sandy, I want to make sure I -- you said a
15 half-dozen? Another half-dozen?

16 MR. SANDY: Another half-dozen.

17 MR. MEADOWS: As it relates to Ukraine?

18 MR. SANDY: Yes, sir, with the footnote.

19 MR. MEADOWS: Okay.

20 BY MR. CASTOR:

21 Q And did you have any communications during this timeframe
22 with Mr. Duffey about that decision, or was it just the same set of
23 information, the money is on hold and --

24 A That was kind of the status quo, as I recall, through much
25 of August --

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1 Q Okay.

2 A -- in terms of, there was processing of the subsequent
3 apportionments; we were waiting to hear of a policy decision; and, of
4 course, the subsequent apportionments continued the hold on USAI funds,
5 obligations.

6 Q Okay. And did you have any meetings during that timeframe?

7 A I mean, we meet frequently on a range of different topics.

8 Q About the Ukraine --

9 A I don't recall a significant meeting specifically on this
10 topic.

11 Q But did you ever get any feedback from the
12 Associate Director -- I'm sorry, the Acting Director, Mr. Vought, from
13 the memo on August 7th?

14 A No. Our understanding was that both Mike Duffey and Russ
15 Vought would alert us if there were any updates.

16 Q Okay.

17 A But we were awaiting information.

18 Q And just to go back to the change in delegation --

19 A Yes.

20 Q -- you stated Mr. Duffey told you that he just wanted to learn
21 more about the process. And it was never, in your mind, some sort
22 of -- his reasoning had nothing to do with political considerations,
23 did it?

24 A Again, I took Mike at his word.

25 Q Okay.

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1 [Minority Exhibit No. 3
2 was marked for identification.]

3 BY MR. CASTOR:

4 Q I'm going to mark as exhibit 3 -- this is a three-page
5 document. The first two pages are identical letters to the Budget
6 chairman and the Appropriations chairwoman in the House, and then the
7 third page is an attachment.

8 And I'll just read the cover letter portion to identify this.
9 It's dated October 3rd. And this is a letter from the Leg Affairs
10 department at OMB?

11 A Yes.

12 Q "Mr. Chairman" -- reading the Yarmuth letter dated October
13 3rd -- "The Office of Management and Budget received your September
14 27, 2019, letter requesting information and documents about OMB's
15 apportionment actions. Per your request, please find enclosed a
16 preliminary response. We will be in contact about the remaining
17 requests in your letter."

18 And there's an attachment that walks through a two-paragraph
19 explanation. And I'm going to identify -- or read the sentence about
20 halfway down the first paragraph beginning with "in its apportionment."
21 And it comes right after the cite to the DOD account TAFS 97-0100/2019.

22 A Yes.

23 Q I'm going to read this sentence.

24 A Yes.

25 Q "In its apportionment, OMB noted that it 'understands from

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1 the Department that this brief pause in obligations will not preclude
2 DOD's timely execution of the final policy direction. DOD may continue
3 its planning and casework for the Initiative during this period.' The
4 remaining unobligated USAI funds were made available for use by DOD
5 for FY 2019 on September 12, 2019."

6 A Yes.

7 Q Have you seen this letter or explanation before?

8 A Yes, I have.

9 Q Okay. And is this consistent with your understanding of
10 what had happened, that --

11 A Yes.

12 Q Okay. So the pause in funds didn't preclude DOD from
13 continuing its planning and casework?

14 A Correct.

15 Q Okay. And so, during this time period, if the hold was
16 lifted, then the work that needed to be performed would have, in fact,
17 been performed?

18 A So the hold pertained explicitly to obligations.

19 Q Uh-huh. So do you interpret this that the hold would
20 ultimately, hopefully, be lifted? I mean, if it was going to go through
21 a rescission or a reprogramming effort, the planning and casework
22 probably would not continue. Is that fair?

23 A So let me answer -- the footnotes, again, only restricted
24 obligation, and the footnotes all allowed for the continued work on
25 planning and casework, and the footnotes all had distinct periods of

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1 time.

2 Q Okay. Did you consult with the Leg Affairs office before
3 they sent this letter out?

4 A Yes.

5 Q Okay. And did you help prepare this --

6 A Yes.

7 Q -- or just review it?

8 A I reviewed it and provided edits.

9 Q Okay. And were your edits reflected in the final outcome?

10 A Yes.

11 Q Okay. And this is accurate, to the best of your knowledge?

12 A Yes. I'm speaking to the first paragraph because the second
13 is not within my purview.

14 Q Okay. Is there any other information that I haven't asked
15 you about this letter and the attachment that you want to tell us about?

16 A Again, as I said, this is a summary of multiple
17 apportionments --

18 Q Right.

19 A -- so -- and I believe you've received the apportionments.
20 Is that correct?

21 Q Yes.

22 A Okay.

23 Q Were there any briefings with the Hill on this?

24 A Not to my knowledge.

25 Q Okay. Was there any other information transmitted to the

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1 Hill?

2 A Transmitted when?

3 Q Subsequent to this.

4 A Not to my knowledge.

5 Q Okay. Is it fair to say that holds of this type do happen
6 from time to time for any number of reasons?

7 A I guess it depends on when you say "of this type." So,
8 consistent with title 31 of U.S. Code, apportionments can restrict
9 funds based upon a time period, a purpose, or a combination of the two.

10 Q Uh-huh.

11 A So, in many of the routine apportionments, we would, for
12 example, apportion the moneys by quarter. Another example would be
13 apportioning by specific purpose. And another would be apportioning
14 subject to, for example, an agency providing a spend plan.

15 Q Uh-huh. Okay.

16 MS. VAN GELDER: Spend, s-p-e-n-d?

17 MR. SANDY: Spend.

18 BY MR. CASTOR:

19 Q Did your communications with Elaine McCusker -- did you have
20 subsequent communications after the apportionment that you were
21 responsible for?

22 A I was copied on communications that she had with Mike Duffey.

23 Q Okay. And what do you remember about those communications?
24 How often, and what were the content?

25 A So, again, setting aside -- I had several communications

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1 prior to the apportionment that I signed.

2 Q Correct.

3 A So setting that aside?

4 Q Yes.

5 A Okay. I know that she and Mike Duffey were in communication
6 surrounding the subsequent apportionments, and there was a concern
7 about -- she expressed a concern about the impact of the continued
8 periods restricting obligation.

9 Q Okay. And what were her concerns? That the money wouldn't
10 be able to be spent if the hold was lifted?

11 A Yes, that was the concern.

12 Q Okay.

13 A That it fully -- fully obligated.

14 Q Okay. And what do you recall from the nature of those
15 concerns? Like, what did she say? And this is on email?

16 A Correct. Well, I'm aware of the emails, obviously, on which
17 I was copied.

18 Q Right.

19 A I'm also aware that they had phone conversations of which
20 I was not a part.

21 Q Okay. And did you receive readouts of those phone
22 conversations or no?

23 A No.

24 Q Did you ever, for the apportionment that you were responsible
25 for, did you object? Did you object to implementing it?

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1 A No. I worked very carefully on the footnote to address the
2 questions that I had and then was confident in signing it with that
3 footnote.

4 Q Okay. And your decisions were also based in part on
5 consultations with the lawyers, right?

6 A Absolutely.

7 Q Okay.

8 MR. CASTOR: I want to make sure that there are some Member
9 opportunities here.

10 Mr. Meadows?

11 MR. MEADOWS: Thank you, Mr. Sandy, for your testimony. And so
12 I'm going to try to understand this process that is so foreign to me,
13 and I appreciate that it's not foreign to you.

14 So what you're saying is, the first apportionment -- and for
15 layman terms, the first hold that was put on Ukraine -- would it be
16 accurate to say a hold instead of apportionment? Or the first hold
17 was put on sometime in July. Is that correct?

18 MR. SANDY: That is correct. I signed that on July 25th.

19 MR. MEADOWS: And the word "hold," is that, for a layman's
20 term -- I know you're more sophisticated on this, but from a layman's
21 term, is that an accurate reflection of --

22 MR. SANDY: Yes.

23 MR. MEADOWS: -- an administrative hold?

24 MR. SANDY: Yes. I would say that the apportionment held the
25 funding insofar as DOD could not obligate the funds, but it was very

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1 explicit about allowing the planning and casework to continue.

2 MR. MEADOWS: So the holds that were placed on there said: Go
3 ahead and plan on as if you're going to obligate these funds. We're
4 not going to stop you from doing your planning process to obligate.
5 We're just going to put a hold on you making that final declaration
6 to obligate. Is that correct?

7 MR. SANDY: Yes, sir.

8 MR. MEADOWS: Okay. And you mentioned a half-dozen holds that
9 were put on in the months of August and September. Is that correct?

10 MR. SANDY: At least a half-dozen, yes.

11 MR. MEADOWS: Okay. So I guess the -- and, again, from a
12 layman's term, the first holds were longer than that, were they not?
13 Because if we had a half-dozen that happened in a 34-day period, it's
14 almost like they were saying, well, we're going to hold it for a few
15 more days to see if we get a resolution, a few more days. Is that what
16 happened?

17 MR. SANDY: Yes, sir. They were of varying lengths.

18 MR. MEADOWS: Okay. So these varying lengths that they're
19 putting these holds on, they're saying, well, we're hopeful that not
20 only can we continue to plan, but we want to obligate, and so we were
21 doing these in a few days or a week or smaller time periods than the
22 original hold. Is that correct?

23 MR. SANDY: Sir, I don't recall all the specific timeframes. I
24 would have to check records to know the exact dates, but they were of
25 varying lengths and --

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1 MR. MEADOWS: But you're a math guy. So let's take 35 days or
2 so from the time period that we're looking at until ultimately the funds
3 were allowed to be obligated on September the 11th.

4 MR. SANDY: Right.

5 MR. MEADOWS: And you divide that by six. The average would've
6 had to have been just a few days in duration. Is that correct?

7 MR. SANDY: Yes.

8 MR. MEADOWS: Okay. And so, if we have a few days in duration
9 and we're going with this process and you're having all of these -- then
10 all of a sudden, sometime in September, you get a request for additional
11 information that says, "By the way, what are other countries
12 contributing to Ukraine in terms of aid?" Is that correct? That was
13 reflected in your previous testimony. Is that correct?

14 MR. SANDY: That is correct.

15 MR. MEADOWS: All right. And so, all of a sudden, we're having
16 these short-term holds. The whole time, the DOD is planning to
17 obligate these funds. You're not working on any rescission packages.
18 Is that correct?

19 MR. SANDY: I was not.

20 MR. MEADOWS: Okay. So would you normally work on a rescission
21 package if the administration had made a final determination that these
22 funds were never going to be obligated?

23 MR. SANDY: There was no decision to propose a rescission.

24 MR. MEADOWS: Right. But I guess, previously, throughout your
25 entire career, have you ever worked on a rescission package?

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1 MR. SANDY: I'm not sure that I've worked on one, but I'm familiar
2 with them.

3 MR. MEADOWS: But would that be under your area of
4 responsibility?

5 MR. SANDY: Oh, certainly. No, if there had been a request to
6 rescind --

7 MR. MEADOWS: All right.

8 MR. SANDY: -- the fund, we would've worked on it.

9 MR. MEADOWS: So I'm just, again, trying to get the context of
10 all of this. What we have is, we have a period of time where these
11 short-term holds are being placed on. There's the planning process
12 that allows them to continue to work on their due diligence, is what
13 a real estate guy would say. They can still work on their due
14 diligence. Is that correct?

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1 [12:08 p.m.]

2 MR. SANDY: Yes, the planning and casework.

3 MR. MEADOWS: Okay. And so they are working on their due
4 diligence. They just can't make that final obligation. You're making
5 short-term holds on it with the anticipation that one day that hold
6 will get pulled off because everybody was in agreement that that was
7 in the United States' best interest to do that. Is that correct?

8 MR. SANDY: Just I want to clarify --

9 MR. MEADOWS: Were you in agreement that that was what you were
10 hopeful that the hold would be removed? Was that your personal view?

11 MR. SANDY: Yes.

12 MR. MEADOWS: I thought that was a softball question so -- and
13 so, as we look at this, I guess what I'm trying to take all of this,
14 the last 2 hours, and boil it down into just one area for me, and that
15 is that we had the short-term holds. And, all of a sudden, we get some
16 additional information that's provided in terms of what other countries
17 contribute to Ukraine aid, and then the aid was released. Is that a
18 fair characterization?

19 MR. SANDY: In terms of the sequencing, yes.

20 MR. MEADOWS: Okay. And so, as we look at the other countries,
21 would you say that the United States has a disproportionate role in
22 Ukrainian aid or aid to the Ukraine Government, a disproportionate role
23 based on the research that was provided. Do we provide more aid than
24 our European counterparts?

25 MR. SANDY: Sir, I'm sorry I probably should have studied those

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1 data before coming. I don't recall the specifics, and I would defer
2 to other departments and agencies.

3 MR. MEADOWS: All right. Would it surprise you that we've had
4 other witnesses that have told us under sworn testimony that, indeed,
5 the United States plays a larger role in Ukraine aid than our European
6 counterparts? Would that surprise you?

7 MR. SANDY: A larger role individually or collectively?

8 MR. MEADOWS: Well, financially. Would we provide more than say
9 Germany or France?

10 MR. GOLDMAN: Are you talking about the military aid or all aid?

11 MR. MEADOWS: What we're talking about is -- well he is only able
12 to talk to this particular DOD aid. So let's just keep it specifically
13 in terms of what he's there -- I would place it in a -- since
14 Mr. Goldman's the attorney and I'm not, why don't we look at it as
15 security assistance. How about that? Do you believe -- is it your
16 personal belief that the United States provides more security
17 assistance to Ukraine than say Germany or France?

18 MR. SANDY: I am aware that other countries provide other types
19 of aid. Sir, I'm reluctant to ask, just as a data person, because I
20 don't have the --

21 MR. MEADOWS: Well, I only want your informed opinions. So we'll
22 go on to one other final question, and then I will yield back.

23 MR. SANDY: Okay.

24 MR. MEADOWS: When we look at the key events in September and that
25 information and by that information, the information that would say

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1 that the administration made a request for additional information from
2 OMB in terms of what other countries provided to the Ukraine, you
3 followed up on that request. Is that correct?

4 MR. SANDY: My staff did, yes.

5 MR. MEADOWS: And your staff provided that information. And you
6 would say that that information was provided some -- sometime in the
7 first week of September.

8 MR. SANDY: As I recall, yes.

9 MR. MEADOWS: All right. I would yield back.

10 MR. CASTOR: Any other member questions?

11 Mr. Zeldin.

12 MR. ZELDIN: Mr. Sandy, thank you for being here.

13 MR. SANDY: Yes.

14 MR. ZELDIN: Can you speak to what other countries there
15 have -- and programs -- there have been holds placed on aid during your
16 time at OMB?

17 MR. SANDY: None that I'm aware of within my purview. So, again,
18 I'm not speaking for anything in the State USAID.

19 MR. ZELDIN: But you're not aware -- I mean, open source,
20 publicly reported of many different countries and programs getting
21 holds placed on aid since the President's been there, correct?

22 MR. SANDY: Oh, in State and AID I'm aware of that reporting, but
23 again I don't oversee those programs.

24 MR. ZELDIN: Well, it would just be in a different department of
25 OMB.

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1 MR. SANDY: Yes, it would be in a different division.

2 MR. ZELDIN: Okay. But you are aware of all -- what reporting
3 are you aware of?

4 MR. SANDY: I'm aware of -- again internal conversations but I'm
5 not -- this is not within my purview with respect to other countries.
6 But I can't speak to the specific nature of how those -- how funds were
7 restricted. So --

8 MR. ZELDIN: And you got to your current position what year?

9 MR. SANDY: In December 2013.

10 MR. ZELDIN: You've been serving the same position since October
11 2013?

12 MR. SANDY: December.

13 MR. ZELDIN: December 2013.

14 MR. SANDY: Yes.

15 MR. ZELDIN: Can you fill me in on, towards the end of the Obama
16 administration, fiscal year 2016, there was an appropriation for this
17 pot of money that we're discussing today, correct?

18 MR. SANDY: For USAI?

19 MR. ZELDIN: Yes.

20 MR. SANDY: Yes. There's been an appropriation for multiple
21 years.

22 MR. ZELDIN: Were you involved at all in the decisionmaking
23 process? Are you familiar with the decisionmaking process with
24 regards to not providing lethal aid towards the end of the Obama
25 administration?

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1 MR. SANDY: I do not have a recollection of that. I think that
2 was principally -- well, I do not have a recollection.

3 MR. ZELDIN: Those conversations just didn't take place with you?

4 MR. SANDY: That is correct.

5 MR. ZELDIN: After the hold was lifted, are you involved at all
6 with the process of obligating funds by September 30th, or is that done
7 outside of your department?

8 MR. SANDY: Involved with the process of obligation so the
9 Department of Defense takes the lead on the actual implementation of
10 the program in terms of obligation. Our role was principally in terms
11 of the apportionments. So the apportionment on September 12th removed
12 the restriction, which enabled DOD to proceed with obligations.

13 MR. ZELDIN: And the funds had to be obligated by September 30th,
14 but the hold was lifted almost 3 weeks beforehand in order to obligate
15 by September 30th.

16 MR. SANDY: That is correct.

17 MR. CASTOR: Our hour is complete. It was an exciting hour, and
18 we'll turn it back to you.

19 MR. SWALWELL: So, actually, we will return at 12:25.

20 [Recess.]

21 MR. SWALWELL: Back on the record. It is 45-minute block with
22 majority, Mr. Mitchell.

23 BY MR. MITCHELL:

24 Q We're going to cover much of the same ground as Mr. Castor
25 with regard to the time period.

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1 A Yes.

2 Q But I am going to try to ask some followup questions. So
3 I do apologize that it might sound a little bit repetitive, but we are
4 going to try to see if we can get a little bit more information about
5 some of these key events.

6 So my understanding is that mid-June you learn of these questions
7 from the President about Ukraine security assistance through an email
8 that Mr. Duffey sent to DOD. Is that correct?

9 A That's correct.

10 Q And you and your staff gather information in response to
11 Mr. Duffey, and you provide it to him.

12 A That is correct.

13 Q And then you go on leave?

14 A Correct.

15 Q At the beginning of July through July 17th?

16 A I returned on the 18th, yes to the office.

17 Q And then, on July 18th and 19th, you have several
18 conversations with Mr. Duffey regarding specifically Ukraine security
19 assistance. Is that right?

20 A That is correct.

21 Q Okay. And you have this one conversation where you suggest
22 that you have concerns about the Impoundment Control Act and that you
23 wanted to confer with legal counsel and specifically OMB General
24 Counsel's Office. Is that correct?

25 A That is correct.

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1 Q Did you also consult with OMB's Budget Review Division about
2 any of your concerns about any of your concerns about the Impoundment
3 Control Act at the end of July?

4 A Yes. My staff was in contact with the Budget Review Division
5 the week of July 22nd.

6 Q Okay. And what was the nature of those conversations with
7 the Budget Review Division?

8 A It was similar to the conversations with Office of General
9 Counsel.

10 Q I don't want to know anything about your conversation with
11 the Office of General Counsel, but I do want to hear everything you
12 have to say about the communications with OMB's Budget Review Division?

13 A Okay. Well, and I appreciate your respecting of
14 attorney-client privilege. Let me focus in terms of questions about
15 crafting a footnote.

16 Q Well, let me interrupt you. Were these conversations solely
17 to do with crafting the footnote?

18 A Yes, they were.

19 Q Okay. And, again, can you explain what the purpose of the
20 footnote was?

21 A So the purpose of the footnote was to preclude obligation
22 for a limited period of time but enable planning and casework to
23 continue. And the footnote explicitly referenced the concurrence of
24 the Department of Defense that this would not impinge upon their ability
25 to fully obligate by the end of the year.

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1 Q Okay. And the effect of the apportionment, an approved
2 apportionment is to allow, in this case DOD, to actually put money on
3 the contract, correct?

4 A You mean a normal apportionment?

5 Q Correct.

6 A Okay, without this type of --

7 Q Correct.

8 A Correct. Normally apportionments enable departments and
9 agencies to obligate their funding.

10 Q Okay. When you first learned of this hold in mid-July, prior
11 to that date, had you ever had to deal with adding a footnote to an
12 apportionment to implement a hold of this sort?

13 A I don't recall an example just like this.

14 Q Have you ever worked on any holds that came after a
15 congressional notification?

16 A Not to my recollection.

17 Q And you've been dealing with apportionments for how long in
18 your career?

19 A At this level since -- well, since I took this position in
20 terms of approving apportionments since December 2013.

21 Q What about in any position?

22 A Any position, well, also in my prior experience as a branch
23 chief and as an examiner, I also worked on apportionments. So, across
24 my 12 years -- roughly 12 years of OMB experience.

25 Q So is it fair to say that this was an unusual event for you?

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1 A Yes.

2 Q A unique event?

3 A I do not recall another event like it.

4 Q In mid-June, as we've discussed, there were questions coming
5 from the White House about the hold -- excuse me -- about the Ukraine
6 security assistance, but at that time period, you weren't aware of any
7 hold, correct?

8 A That is correct. And you asked a question before, and I want
9 to be clear because, again, I'm not speaking for the State component
10 of this assistance.

11 Q All right.

12 A I do recall there were questions about our -- is there
13 guidance forthcoming related to this. So I do recall questions, but
14 I don't -- I know I did not see anything that was definitive guidance
15 until I returned from leave on the 18th and 19th.

16 Q Questions from whom?

17 A Questions from staff within NSD to Mike Duffey.

18 Q And what did he respond?

19 A I don't have any recollection of guidance on a hold until
20 I returned on the 18th.

21 Q And when you returned on the 18th and you learned
22 definitively there was a hold in place for Mr. Duffey, you said you
23 expressed concerns about the implications of that hold on the
24 Impoundment Control Act, but was the fact of the hold unexpected at
25 that point to you, or did you see this coming?

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1 A Let me just also clarify your remarks. My concern was about
2 implementing it via an apportionment, that's the specific concern that
3 came to mind on the 19th.

4 Q But your concern was not just a technical one on how to
5 implement an apportionment, but was it also with regard to the whether
6 the funds would be able to be obligated prior to the close of the fiscal
7 year?

8 A Yes, it raises those legal questions.

9 Q Okay. So, again, was the fact of the hold when you came back
10 from vacation was that a complete surprise to you, or did you have a
11 sense that this was coming?

12 A Well, we're well aware that the President is not a fan of
13 foreign assistance. So, to the extent that we were getting questions
14 about a foreign assistance program, again, this administration has not
15 been a fan of foreign assistance in some ways so.

16 Q Okay, but the circumstances of this particular hold --

17 A Right.

18 Q -- were unique in so far as this is was after a congressional
19 notification. And, therefore, you needed -- OMB needed to figure out
20 a way to actually implement this hold and deal with the apportionments
21 issue and how that might affect the Impoundment Control Act. Correct?

22 A That is correct.

23 Q And is it your understanding that the President also signed
24 the law that appropriated these funds previously, prior to the CN?

25 A That is correct. These funds were appropriated as part of

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1 the defense appropriations for fiscal year 2019.

2 Q Which was signed by President Trump?

3 A Yes, enacted legislation.

4 Q Now, you returned from vacation on July 18th. Are you aware
5 of a sub PCC that occurred that same day?

6 A Yes, I am.

7 Q Did you attend that sub-PCC?

8 A I did not.

9 Q Did you get a readout of that sub-PCC?

10 A Yes.

11 Q And what was in that readout?

12 A The readout was that two colleagues had attended and that
13 they had shared the President's direction to hold military support
14 funding for Ukraine.

15 Q Now you were on vacation. Did you help prepare your
16 colleagues for that sub PCC?

17 A I did not.

18 Q There was a PCC on July 23rd.

19 A Yes.

20 Q Are you -- did you attend that PCC?

21 A I did not.

22 Q Did you prepare anyone for it?

23 A I was aware of a member of my staff who was attending.

24 Q Did you help prepare that person?

25 A No.

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1 Q Did you get a readout of the PCC that occurred on July 23rd?

2 A Yes, I did.

3 Q What was the readout?

4 A The readout was quite similar to the previous, which was that
5 he had simply indicated that remained the guidance as we understood
6 it from it the President, that we did not know the reason for the hold,
7 and that other agencies had expressed concerns.

8 Q And what was your understanding of those concerns?

9 A Concerns about understanding why -- what the rationale for
10 the hold was. Concerns about the implications for our assistance and
11 overall policy toward Ukraine and concerns about how similar legal
12 questions vis-a-vis a hold on appropriated funds.

13 Q And during the same time period around July 23rd is when you
14 were having -- you and your staff were having communications with the
15 DOD comptroller Ms. McCusker about these very same issues. Is that
16 right?

17 A Yes. I was having those conversations.

18 Q And what sorts of concerns was Ms. McCusker raising?

19 A Similar to those that I had raised, which was, how would we
20 implement a hold consistent with the Impoundment Control Act, number
21 one, but also the need for policy clarity during that timeframe.

22 Q And you had those communications with Ms. McCusker between
23 July 22nd and July 24th, as well as with Office of General Counsel.
24 And the result of those communications was a July 25th apportionment?

25 A That's correct. And the communications with DOD extended

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1 through the 25th.

2 MR. MITCHELL: Handing you exhibit No. 4.

3 [Majority Exhibit No. 4

4 was marked for identification.]

5 MR. MITCHELL: This is a three-page document I'll represent to
6 you it as, if not the entire apportionment, it consists of the first
7 page is a signature page and the following two pages are footnotes.
8 I'll direct your attention to the first page here -- oh, I'm sorry.
9 I think I may have handed you the wrong one. Let's mark this as No.
10 5.

11 Let's go off the record.

12 [Discussion off the record.]

13 BY MR. MITCHELL:

14 Q So you have in front of you exhibit No. 4, it is dated July
15 25th on the first page. Do you see that, sir?

16 A Yes.

17 Q Do you recognize this document?

18 A Absolutely.

19 Q And what is it?

20 A This is the apportionment I signed on July
21 25th -- sorry -- that I approved, and so it reflects my signature.

22 Q And that's your signature here on the first page?

23 A Yes.

24 Q And below that it says: Sent by [REDACTED]. Who is
25 that?

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1 A She is an examiner in my division.

2 Q And what's her job? She is not the branch chief?

3 A She is not. Though, I don't recall if she was acting as a
4 branch chief. During summer, it is a common time for people to take
5 leave, so it is also the case that sometimes people are in acting
6 positions.

7 Q Did [REDACTED] talk to you any concerns that she might have
8 had about this particular apportionment in the application of the hold
9 to the best of your recollection?

10 A No, I don't -- no, I don't recall that. Among the staff
11 working on this issue, we had talked about the issues associated with
12 the apportionment through the course of the week.

13 Q All right. Were concerns expressed by your staff over the
14 course of the week generally?

15 A So I think they had the same questions that I had in terms
16 of developing an apportionment that would not run into issues with the
17 Impoundment Control Act.

18 Q And these were career staffers with long-time experience?

19 A Yes, they are.

20 Q Turning to the footnote on page 2 of exhibit No. 4, turning
21 to footnote A4. Do you see that, sir?

22 A Yes.

23 Q Is this the footnote that you were describing earlier in your
24 testimony today?

25 A Yes, it is.

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1 Q Okay. And it reads: Amounts apportioned but not obligated
2 as of the date of this reapportionment for the Ukraine Security
3 Assistance Initiative are not available for obligation until August
4 5th, 2019, to allow for an interagency process to determine the best
5 use of such funds.

6 I will stop there, August 5th, 2019. Where did that date come
7 from?

8 A That date reflected consultations with both Mike Duffey and
9 Elaine McCusker about what was a reasonable timeframe for an
10 interagency process in hopes of getting clear guidance, number one.
11 And, also, that date helped inform the very next sentence.

12 Q So the interagency process is the second part of that
13 sentence.

14 A Right.

15 Q And the interagency process, is that the July 18th, sub-PCC,
16 the July 23rd PCC that we were just discussing, as well as the July
17 26 deputies committee meeting that you were talking about earlier with
18 minority counsel?

19 A Yes. I think our understanding of that is that it would be
20 an NSC-led process.

21 Q Okay. But that's what this footnote means by an interagency
22 process.

23 A That is correct.

24 Q And then the next sentence says, based on OMB's communication
25 with DOD on July 25th, 2019, OMB understands from the Department that

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1 this brief pause in obligations will not preclude DOD's timely
2 execution of the final policy direction. Explain what is meant by that
3 sentence.

4 A Well, that gets to the heart of that issue about ensuring
5 that we don't run afoul of the Impoundment Control Act, which means
6 that you have to allow for the timely execution. And this reflects
7 my conversation with -- conversations plural with Elaine McCusker that
8 they can confirm that, during this brief period, they would not foresee
9 any problem fully executing the program by the end of the fiscal year.

10 Q When you say "fully executing the program" or you say "allow
11 for timely execution," what you mean is to allow time for DOD to put
12 funds under contract -- in other words, to obligate those funds -- prior
13 to the end of the fiscal year, which is September 30th of 2019?

14 A That is correct.

15 Q So this sentence and this date of August 5th was based on
16 feedback provided by DOD as to how much time DOD required in order to
17 put funds under contract, in other words to put -- to obligate those
18 funds. Is that right?

19 A Well, let me put it this way, she said that basically she
20 didn't foresee any issue with, and I'm going to say 2 weeks because
21 we had started these conversations at the beginning of this week. So
22 we were always talking about a 2-week timeframe. And as I recall, her
23 assessment was there certainly shouldn't be any issues for that brief
24 period of time.

25 Q Okay. And "she" being?

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1 A Elaine McCusker.

2 Q The comptroller for DOD?

3 A Deputy comptroller.

4 Q So the next sentence says: DOD may continue its planning
5 and casework for the initiative during this period.

6 I think you have mentioned a couple of times during your testimony
7 planning and casework. What is your understanding of what is meant
8 by that?

9 A So I am not an expert on the implementation of USAI, but I
10 am aware that it is -- it represents a number of different so-called
11 cases that pertain to different types of assistance and equipment, for
12 example, and that multiple military services are involved in those
13 components. So that would be the planning in terms of what sort of
14 materiel it would be envisioned to provide and the casework in terms
15 of the actual contracting process for example.

16 Q But it does not include actually spending those funds or
17 obligating those funds, correct?

18 A That is correct, up to the point of obligation.

19 Q Okay. The day after you signed this apportionment was the
20 deputies committee meeting on July 26th, correct?

21 A Correct.

22 Q And you indicated earlier during testimony that you helped
23 prepare Mr. Duffey for that DC?

24 A Correct.

25 Q And you indicated that there were at least six different

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1 areas that you helped Mr. Duffey prepare on. The first was the reason
2 for the hold, correct?

3 A When you say "prepare," these were what we envisioned as six
4 critical questions in which we would -- it would be helpful to get
5 policy guidance.

6 Q Okay. So these were questions to be raised at the meeting.
7 But did OMB have an understanding of the reason for the hold on July
8 26th?

9 A No.

10 Q Was there any discussion about the amount of money that was
11 being contributed by other countries on July 26th?

12 A Not within OMB.

13 Q You said that duration was another question. Did you know
14 what the duration of the hold was on July 26th?

15 A No.

16 Q You said extent of the hold was also a question. Do you know
17 what the extent of the hold was on July 26th?

18 A Within DOD, our understanding -- I'm sorry, within DOD
19 programs, our understanding was just USAI, but that question pertained
20 perhaps more to State programs.

21 Q And was it -- now you did not have responsibility for the
22 apportionments regarding FMF. That fell under a different division.
23 That fell under the International Affairs Division of OMB. Is that
24 right?

25 A Correct.

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1 Q But Mr. Duffey oversaw that division as well, correct?

2 A Yes.

3 Q Was it your understanding on July 26th that this hold applied
4 to FMF funds as well?

5 A Yes, that is how I would have interpreted military support
6 funding.

7 Q For Ukraine?

8 A For Ukraine, yes.

9 Q There was also a public affairs question. What did that
10 mean?

11 A So these are just general questions that we would flag for
12 the policy level to say, depending on or once we have policy guidance,
13 people should also think through those components of implementing any
14 policy.

15 Q On July 26th, the hold was not public yet, as far as you know.

16 A As far as I know, correct.

17 Q You said congressional affairs was also a consideration.
18 Could you explain what you mean by that?

19 A So we, again, depending upon what the policy was, would
20 always ask the question of what is the strategy for updating
21 congressional stakeholders.

22 Q And what was the strategy?

23 A We were not aware of one.

24 Q So was Congress notified?

25 A Not to my knowledge.

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1 Q Was there any discussion that you recall about whether to
2 notify Congress?

3 A No, I didn't attend the DC so --

4 Q In preparation for the DC?

5 A No, because it was all predicated on getting clarity on the
6 policy first.

7 Q Well, did you get a readout of the July 26th DC?

8 A I got readout that it was not conclusive.

9 Q Well, not conclusive, but is it your understanding that OMB
10 was the only agency who attended that meeting that was insisting that
11 the hold continue?

12 A Yes, that's my understanding.

13 Q And that was the case for the July 23rd PCC and the July 18th
14 sub-PCC as well, correct?

15 A In those PCCs, yes, OMB was communicating the guidance that
16 we had received.

17 Q Had all the other agencies there wanted the lifting of the
18 hold?

19 A That's my understanding.

20 Q And OMB is not a policymaking entity, correct?

21 A We do weigh in on policy matters so we are part of the
22 interagency policy process led by NSC.

23 Q But here OMB wasn't expressing its policy views, rather they
24 were relaying the President's decision to withhold security assistance
25 for Ukraine, correct?

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1 A That is correct.

2 Q And in fact I think you testified at least as of early August,
3 Mr. Duffey and you, as well as your staff, all believed that the hold
4 should be lifted. Is that correct?

5 A Yes, we supported the continuation of a USAI program.

6 Q And lifting of the hold?

7 A Yes, yes.

8 Q You indicated there was -- you recall an email on August 2nd
9 to Mr. Duffey related to, I believe, some guidance or a memo that
10 would -- whose purpose was to be transmitted to Acting Director Vought.
11 Do I have is that right?

12 A For August 2nd?

13 Q Yes.

14 A I recall that that information went to Mike Duffey. I do
15 not recall whether it was intended to go beyond him.

16 Q Okay. What is that information?

17 A It was just an update on the state of play.

18 Q And what was the state of play?

19 A Well, for USAI, it was that the funds were currently on hold
20 pending a policy decision or, you know, direction from the President.

21 Q Was this in the form of a memo this August 2nd communication?

22 A No, it was written so, yes.

23 Q Well, was it an email or --

24 A No, it was not; it was a written document. Excuse me.

25 Q And you describe in some detail the August 7th memo that was

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1 transmitted to Vought with certain policy recommendations. Were there
2 policy recommendations in the August 2nd memo as well?

3 A Not that I recall.

4 Q So it simply described the state of play?

5 A Correct.

6 Q Did anything happen between July -- well, you indicated that
7 I think you said at the end of July your duties as approver of
8 apportionments was removed from you and that was delegated to
9 Mr. Duffey. Is that right?

10 A That's correct, effective July 30th.

11 Q And you had some conversation with Mr. Duffey by telephone
12 prior to July 30th or in person?

13 A About that?

14 Q Yes.

15 A I recall his alerting me the day before on July 29th in
16 person.

17 Q In person.

18 A Yes.

19 Q Can you describe that conversation? What did he say to you?

20 A He relayed to me that there was going to be a change in the
21 apportionment approval delegation. And he relayed basically the
22 justification that I shared earlier in testimony.

23 Q Did he tell you --

24 A -- or the explanation, excuse me.

25 Q Did he tell you that he petitioned for this change, i.e.,

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1 Mr. Duffey petitioned for this change?

2 A No, he did not say that. And let me just answer what I
3 anticipate your next question to be, which is, when asked about that,
4 he said it was in essence a joint decision reflecting both guidance
5 from the Acting Director and also his support.

6 Q Prior to July 29th, had you -- had Mr. Duffey ever expressed
7 an interest to you in being the approver of apportionments?

8 A No.

9 Q Had he ever taken an interest generally in apportionments,
10 in the process of reviewing and approving apportionments?

11 A I think he had gotten involved on some issues related to
12 apportionments with my counterparts in the International Affairs
13 Division. But again, I don't know the specifics there.

14 Q Were those related to FMF for Ukraine?

15 A They pertained to congressional notifications, but that's
16 the extent of my knowledge.

17 Q Okay. Are you aware that there was a congressional
18 notification that was held up by OMB on or about June 21st regarding
19 FMF funds to Ukraine?

20 A I do not have knowledge --

21 Q Is it possible that that's the -- what you're referring to
22 with regard to Mr. Duffey's interest in apportionments on the --

23 A He had knowledge of apportionments based upon the
24 congressional notification. But, again, I'm not -- I was not part of
25 those conversations.

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1 Q And prior to the change in delegation of the approval process
2 for apportionments regarding USAI, which took that responsibility away
3 from you, a career official, to Mr. Duffey, a political official, you
4 had raised concerns about the hold on Ukraine security assistance with
5 Mr. Duffey, correct? Prior to July 29th?

6 A Yes. I had raised concerns about the implementation.

7 Q And specifically how to implement it in light of the
8 Impoundment Control Act?

9 A That's correct.

10 Q The August 7th memo that was transmitted to Mr. Vought, you
11 described your portion of it, which had this recommendation to remove
12 the hold, and that was for several different reasons which you described
13 earlier, all of which were shared by Mr. Duffey. Were there other
14 parts of this memo as well?

15 A So there were also sections drafted by the International
16 Affairs Division and by Office of Legal Counsel.

17 Q Okay. I'm not interested in the Office of Legal Counsel
18 section.

19 A Understood.

20 Q What was in the Office of International Affairs Division
21 section?

22 A I do not recall the specifics.

23 Q After this memo was transmitted to Mr. Vought, I believe you
24 indicated that you -- well, what did you hear happened after this memo
25 was transmitted to Mr. Vought?

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1 A We didn't hear any specific readout other than that there
2 was a desire on the part of principals to find an occasion to receive
3 guidance.

4 Q And when you say the principals to receive guidance, you mean
5 guidance from the President, correct?

6 A That is correct.

7 Q Did you ever have any conversations with anyone other than
8 Mr. Duffey about the fact that this apportionment approval authority
9 was being taken away from you?

10 A Certainly with my staff.

11 Q And what was their reaction?

12 A They were surprised, and they were concerned for the reasons
13 I mentioned before.

14 Q Did you talk to anyone at Mr. Duffey's level or above about
15 this issue, other than Mr. Duffey?

16 A Not that I recall. It was -- certainly talked to other
17 deputy associate directors about this.

18 Q In your career at OMB or otherwise, are you aware of any other
19 political appointee being given the responsibility to authorize
20 apportionments as happened here with Mr. Duffey?

21 A The short answer is, no, I am not aware. I would just note
22 for the record that because the apportionment authority comes through
23 the Acting Director, the Acting Director always has retained that
24 authority to exercise it if he so chooses.

25 Q Are you aware of any situations in which the Acting Director

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1 has exercised an authority?

2 A I understand that there was one case in another division in
3 which he signed an apportionment.

4 Q Do you know the circumstances related to that?

5 A I'm not familiar with the details.

6 Q Do you know generally what it was about?

7 A I think it pertained to a deficiency apportionment, but again
8 that's a very technical matter in another division that I do not have
9 expertise on.

10 MR. GOLDMAN: Mr. Jordan, do you mind if I ask a quick
11 question to follow up?

12 MR. SWALWELL: You have 10 more minutes

13 MR. GOLDMAN: But technically one counsel per hour.

14 MR. SWALWELL: Okay.

15 MS. VAN GELDER: I --

16 MR. SWALWELL: Please, save us.

17 BY MR. GOLDMAN:

18 Q Mr. Sandy, without getting into legal advice that you may
19 have received, in that August 7th memo, were you aware of any concerns
20 expressed to Mr. Vought about the legality of doing this -- sorry, of
21 continuing the hold?

22 A I think the best way to characterize this is that we said
23 if there was a desire to continue the hold, that the Office of Legal
24 Counsel would have to opine on any such options.

25 Q And are you aware of whether the Office of Legal Counsel ever

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1 did opine on this topic?

2 A I'm aware that they contributed to this memo.

3 Q The Office of Legal Counsel, the Department of Justice
4 contributed to --

5 A I'm sorry, sorry.

6 Q You're talking about the Office of Legal Counsel at OMB?

7 A Yeah.

8 Q I'm sorry.

9 A I'm sorry. I used the wrong term. It is Office of General
10 Counsel, my apologies. Office of General Counsel would have to take
11 the lead on those questions.

12 Q As of August 7th?

13 A Sorry as -- they contributed to that memo.

14 Q I right. I guess I'm -- they would have to opine on what,
15 the continuation of the hold?

16 A They -- it would pertain to the duration.

17 Q So what exactly would the Office of General Counsel need to
18 do pertaining to the duration after August 7th?

19 A So, if the policy guidance or the Presidential guidance was
20 to have, for example, an indefinite hold, then the Office of Legal
21 Counsel would have to opine on any options to implement that.

22 Q What options would there be, to your knowledge?

23 A That is a legal question.

24 Q But you were not aware -- you did not learn at that time that
25 there were other options?

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1 MS. VAN GELDER: -- is that what he learned was through the memo
2 what the options are, so to say what he learned would be divulging
3 attorney-client information. I think it is sufficient to say that --

4 BY MR. GOLDMAN:

5 Q Well, let me ask you this: Did you hear any concerns from
6 the Budget Review Division about the ongoing legality of this hold?

7 A I did not. We consulted with the Budget Review Division on
8 the first footnote so just to set the record straight. In terms of
9 subsequent apportionments, I do not recall -- I do not recall specific
10 conversations about that.

11 Q All right. I want to just try to whiz through -- I'm going
12 to ask to sort of whiz through -- that same footnote that was in the
13 July 25th call -- apportionment, also it was included on the August
14 6th one. Is that right?

15 A Correct, with a different date.

16 Q Obviously, with a different date.

17 A Correct.

18 Q And that August 6th one was signed by Mr. Duffey?

19 A That is correct.

20 Q Not you?

21 A Correct.

22 Q Thereafter, you mentioned there were a number of different
23 apportionments?

24 A Correct.

25 Q Was that same footnote -- sorry. Okay, so -- all right,

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1 we'll get to this in a second.

2 I want to go back before we go through this; the apportionment
3 process you said is an administrative process?

4 A Largely, yes.

5 Q And one of the concerns that you raised to Mr. Duffey when
6 he told you that he was taking over the approval of that is that, if
7 he really wanted to learn more about this process, there were other
8 better ways of doing that?

9 A Oh, no, it was really more if he wanted to learn more about
10 the accounts.

11 Q So his explanation was that he wanted to learn more about
12 the accounts?

13 A The accounts and the programs.

14 Q The accounts and the programs.

15 A Correct.

16 Q And what was your reaction to -- did you think that by taking
17 over the approval of the apportionments that he would be able to learn
18 more about the accounts and the programs in the most efficient way?

19 A It would not be my choice, but --

20 Q Why not?

21 A Well, the associate director operates at a very -- at a high
22 level with a very broad purview. So I can think of other ways -- other
23 materials that I personally would find more informative. If this was
24 his preference, that was his prerogative. I think we also thought,
25 well, we'll wait and see. If he finds this useful, then okay. And

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1 if he doesn't, then he had the ability to delegate it.

2 Q What -- you said that it takes a fair amount of time. Is
3 that right?

4 A Particularly in certain times of year, yes.

5 Q So, certainly, if you wanted to learn more about the
6 programs, there would be other ways that would be much more efficient
7 and effective than doing that in your estimation. Is that right?

8 A Again, it would not be my choice.

9 Q It would not be your choice because there are other more
10 efficient ways of doing it?

11 A For me, yes.

12 Q So that explanation of his really did not make sense to you
13 at that time. Is that right?

14 A Let me just say people have different ways of learning and
15 different interests. So, again, I took him at his word.

16 Q No, I understood you took him at --

17 MR. SWALWELL: Mr. Sandy, would it be fair to say that his
18 objectives may have been different than your objectives?

19 MR. SANDY: His objectives with respect to?

20 MR. SWALWELL: Why he wanted to put himself in this role.

21 MR. SANDY: To the extent that he was looking to learn about
22 accounts, that would not be my focus of the apportionment process.

23 MR. SWALWELL: Mr. Goldman.

24 MR. MITCHELL: We have 1 minute. I'm going to ask one question.

25 MR. SANDY: I'm sorry. Could I come back to this just for the

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1 record?

2 So I am aware of one member within the Budget Review Division who
3 expressed some general concerns so I just want to --

4 BY MR. GOLDMAN: What

5 Q What general concerns?

6 A Concerns about questions vis-a-vis the Impoundment Control
7 Act and the withholding of funds.

8 Q Meaning concerns that withholding the funds would violate
9 the Impoundment Control Act?

10 A Yes, that was her opinion.

11 MR. SWALWELL: Time --

12 MR. SANDY: It may -- let me just say "may." I just want to make
13 the point that neither my division nor the Budget Review Division are
14 attorneys, and we're just very respectful of the role of attorneys in
15 terms of providing legal advice so --

16 MR. GOLDMAN: True, and we can discuss with your attorney some
17 of the limits here. But, obviously, the whether or not this was deemed
18 by OMB to be legally deficient is of course of concern to the committees.
19 And while we are trying to respect attorney-client privilege as much
20 as we can, even though Congress does not recognize it, we do need to
21 understand the answers to internal concerns about the legality of
22 pursuing this hold.

23 So, with that, I yield to the minority.

24 MR. SWALWELL: Mr. Castor.

25 MR. CASTOR: Mr. Anderson

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1 BY MR. ANDERSON:

2 Q Mr. Sandy, I am Doug Anderson with the Foreign Affairs
3 Committee. Let me make sure I've understood your testimony today
4 correctly. You testified that the apportionment approval authority
5 transferred to Mr. Duffey on July 30th and that are not aware of a
6 Ukraine specific reason for that transfer. Is that correct?

7 A Correct. I was not aware of that.

8 Q Is it true that, at the beginning of August, OMB placed a
9 broad hold on unobligated U.S. foreign assistance, that the
10 administration was contemplating compiling a rescissions package at
11 that time?

12 A Sir, that is my understanding, and I think materials have
13 probably been shared. I just want to be quick to note because that's
14 not my area, my area of responsibility, I don't feel comfortable
15 speaking to the specifics.

16 Q Understood. And I'm glad to deal with your general
17 awareness. In fact, The Washington Post reported, I believe, around
18 August 5th on an August 3rd OMB letter detailing that broader hold that,
19 again, was not Ukraine specific. Are you aware of a decision around
20 that timeframe?

21 A I am aware of that memo being signed.

22 Q And I'm glad to submit it or provide copies if people want
23 to see, although I can hardly read the small type or I'm glad to read
24 into the record.

25 MR. MITCHELL: We would like a copy, please.

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1 This is number 6.

2 [Minority Exhibit No. 6
3 was marked for identification.]

4 BY MR. ARMSTRONG:

5 Q And I just want to read the portion beneath the first break
6 that apparently an advertisement was supposed to be printed in, that,
7 according to this, it said the OMB letter listed eight areas that cover
8 a variety of assistance: international organizations; peacekeeping
9 operations and activities; international narcotics control and law
10 enforcement; development aid; assistance for Europe, Eurasia and
11 Central Asia; economic support funding; foreign military financing
12 programs; and global health programs.

13 So, in so far as you're aware of this discussion of a rescissions
14 package, were you aware that those discussions were going on and related
15 holds?

16 A I was aware that my counterparts in the International Affairs
17 Division were involved in those discussions.

18 Q And were the discussions that were ongoing, were they country
19 specific? In other words, this is broader than Ukraine; this is a
20 global approach reflecting, as I think you said previously, the
21 skepticism of the administration towards foreign assistance generally?

22 A My understanding is it was broader, but again I am not
23 knowledgeable about the details.

24 Q Okay. Are you aware of whether this was the first attempted
25 broad-based foreign assistance rescissions package by this

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1 administration? Are you aware of an effort in I think approximately
2 August of last year also?

3 A Again, I have awareness of that effort.

4 Q And do you know, was that rescissions package attempt
5 consummated or successful? At that point in time, did they
6 submit -- did they finalize and submit a rescissions package?

7 A Not to my knowledge.

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1 [1:15 p.m.]

2 MR. ANDERSON: And so this was the second time around. And
3 roughly the same timeframe that they are contemplating this global
4 rescissions package based on holds on these multiple foreign assistance
5 accounts was roughly the same timeframe that the decisional authority
6 for approving apportionments was transferred to Mr. Duffey?

7 MR. SANDY: Yes, roughly the same timeframe.

8 MR. ANDERSON: Okay. Thank you.

9 MR. MEADOWS: Mr. Sandy, let me just come back, because in the
10 previous 45 minutes, you know, I see my colleagues opposite trying to
11 make some kind of nefarious purpose over the fact that what you've
12 already testified to was just a transition between you and Mr. Duffey
13 in terms of who approves the apportionment.

14 I believe I heard this correct, and I want to make sure it is
15 correct. The Acting Director of OMB has the ability to approve
16 apportionments now. Is that correct?

17 MR. SANDY: Yes, sir.

18 MR. MEADOWS: Has the Director of OMB always had the ability to
19 approve apportionments?

20 MR. SANDY: That is my understanding, yes.

21 MR. MEADOWS: And that's my understanding too. And I
22 guess here's -- you know, because they're trying to make this
23 transition, and they've asked you about 10 different ways for you to
24 opine on this ability to approve apportionments being removed from you
25 and going to Mr. Duffey, as to suggest that there is some kind of

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1 connection.

2 But, indeed, if someone wanted to overrule you in terms of
3 approving an apportionment, that has been there in the process the
4 entire time you've been at OMB, has it not?

5 MR. SANDY: Yes.

6 MR. MEADOWS: And so, when we start to look at this -- Mr. Sandy,
7 I want to thank you for your service. You know, I was trying to figure
8 out who this Mark Sandy -- you know, unfortunately, everybody is going
9 to know who Mark Sandy is pretty soon. But, you know, what came back
10 to me from OMB was a dedicated, career public servant that called balls
11 and strikes. I've seen that here today, trying to answer their
12 questions and my questions equally without a partisan tinge, and I want
13 to thank you for that.

14 I also wanted to go a little bit further, though, into one area.
15 Majority counsel indicated that OMB typically doesn't have any
16 responsibility in the policy side of things. You disagree with that,
17 from your testimony. Is that correct?

18 MR. SANDY: We are certainly involved in the policy process,
19 number one. We are mindful that we are not an implementing agency,
20 but we do have a responsibility, as part of the Executive Office of
21 the President, to ensure that executive branch actions are consistent
22 with the President's direction.

23 MR. MEADOWS: In fact, it's been characterized to me that OMB and
24 this area that most Americans have never heard of, the Office of
25 Management and Budget, indeed is one of the most powerful groups in

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1 the executive branch because they indeed control the purse strings over
2 and over again on almost everything that gets spent in one way or
3 another. Would you agree with that?

4 MR. SANDY: So, as an agency, we do have oversight over basically
5 the entire executive branch.

6 MR. MEADOWS: And then, finally, let me --

7 MR. SANDY: I'm sorry, sir. Just a point of clarification:
8 over the departments and agencies. Obviously not --

9 MR. MEADOWS: Right.

10 MR. SANDY: -- our colleagues within the Executive Office of the
11 President.

12 MR. MEADOWS: Right.

13 You've never acted in a nefarious purpose as it relates to any
14 of the decisions that are the subject of this particular inquiry, have
15 you?

16 MR. SANDY: No, sir.

17 MR. MEADOWS: You've always acted as a professional?

18 MR. SANDY: Yes, sir.

19 MR. MEADOWS: Again, another softball question.

20 MR. SANDY: I appreciate that.

21 MR. MEADOWS: Are you aware of anyone acting in a nefarious
22 purpose? You know, we've asked these questions today, and I think
23 that's where everybody is trying to -- are you aware of anyone within
24 OMB acting in a nefarious way?

25 MR. SANDY: No, sir.

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1 MR. MEADOWS: All right. I'll yield back.

2 BY MR. CASTOR:

3 Q Just to be clear, this decision to take control of the
4 apportionments by Mr. Duffey, you're not aware of any political
5 purpose, you're not aware of any reason other than the stated reason,
6 which was that he wanted to learn more about how to do this?

7 A I, again, take him at his word, in terms of his explanation.

8 Q Okay. And you have no reason to think that there's a
9 different reason, correct?

10 A I do not have a reason, no.

11 Q Okay.

12 And following up on Mr. Meadows's question, the further
13 apportionments that were implemented after Mr. Duffey took over that
14 responsibility, to the extent you have firsthand information about
15 them, do you have any concerns? Or were they implemented in the same
16 way that the one that you signed was?

17 A So my staff and I did have concerns.

18 Q Okay. And what --

19 A Yes.

20 Q -- were those concerns?

21 A So the concerns were basically that the longer you go into
22 the fiscal year with a hold on obligations, the greater risk that you
23 create in terms of the ability to ensure that all the funds can be
24 obligated in a proper fashion before the end of the fiscal year.

25 Q Okay. That decision was being made over Mr. Duffey's

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1 responsibility level, right? That was coming from his superiors.

2 A I'm sorry. Which decision?

3 Q The decision for the apportionment.

4 A Oh. I do not know who was providing -- we received from
5 Mike Duffey each time the request for the specific timeframes for the
6 apportionments.

7 Q Okay.

8 A He did not provide the explicit explanation of where the
9 timeframes were coming from.

10 Q Okay. Was it your understanding that they were coming from
11 Mr. Duffey personally or coming from Mr. Blair or some other higher
12 authority?

13 A So our presumption was it was informed by projections of when
14 we might get final clarity on the overall policy.

15 Q Okay. But the initial implementation of a hold came from
16 higher than Mr. Duffey's authority.

17 A You mean the initial direction?

18 Q Yeah.

19 A It came from the President, as it was communicated to us.

20 Q Okay. So it wasn't a Mr. Duffey decision?

21 A Oh, on the hold? No.

22 Q Okay. And the subsequent holds.

23 A Again, our understanding was those all reflected the
24 direction of the President, which, our presumption was, had not changed
25 because we weren't lifting the hold.

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1 Q Okay.

2 MR. CASTOR: Yield back.

3 MR. SWALWELL: Mr. Sandy, whether or not you have any knowledge
4 of nefarious activities at OMB, you are aware that both Mr. Duffey and
5 Mr. Vought were asked to come in and have refused to do so. Is that
6 right?

7 MR. SANDY: I'm aware of that.

8 MR. SWALWELL: Mr. Meadows, my colleague, referenced that prior
9 to your appearance today he reached out to OMB about who you are. I
10 can assure you that we have not had any conversations with OMB, but
11 I do want you to also know that we will not tolerate, as I said at the
12 beginning, any reprisals for your testimony here today.

13 I'm going to yield, actually, to Mr. Goldman.

14 MR. GOLDMAN: Just to follow up a little bit on what Mr. Meadows
15 was asking you about, whatever the reason that you were provided for
16 why your approval over the apportionment process was changed to the
17 political appointee, Mr. Duffey, am I correct that never in your career
18 at OMB has that precise situation occurred?

19 MR. SANDY: That's correct.

20 MR. GOLDMAN: I am going to turn it over to Mr. Mitchell to go
21 through some of the -- oh, Mr. Heck has a followup.

22 MR. HECK: Thank you.

23 I just want to make sure, Mr. Sandy, that Mr. Goldman's asking
24 of that question is what you understood it to mean. I don't think he
25 meant in your career at OMB have you ever seen or experienced either

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1 National Security or International Affairs having their apportionment
2 authority removed, but have you ever seen any division's apportionment
3 authority ever removed by a political appointee.

4 MR. SANDY: Not to my knowledge.

5 MR. HECK: Thank you.

6 MR. SWALWELL: Mr. Mitchell.

7 BY MR. MITCHELL:

8 Q There was one final interagency meeting that I did not ask
9 you any questions about, which was a July 31st PCC. Are you aware
10 of -- or sub-PCC. Are you aware of that interagency meeting?

11 A Actually, I do not have a recollection of that.

12 Q Okay. So you don't recall getting a readout from that
13 meeting?

14 A I do not.

15 Q And fair to say you didn't prepare anybody --

16 A Right.

17 Q -- for that meeting either?

18 A Right.

19 Q Okay.

20 [Majority Exhibit No. 5
21 was marked for identification.]

22 BY MR. MITCHELL:

23 Q All right. Back to apportionments. So exhibit No. 5 is the
24 August 6th apportionment.

25 I think you have copies already.

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1 MR. CASTOR: Just need one more for the court reporter.

2 BY MR. MITCHELL:

3 Q So this is, again, a three-page document. The first page
4 is a signature page. The next two pages are footnotes. It's dated
5 August 6th, and it's signed by Michael Duffey. Is that correct?

6 A Yes.

7 Q And this is the first one that was signed by Mr. Duffey. Is
8 that right?

9 A That's correct.

10 Q All right. And below, it says "Sent By: [REDACTED]." Who
11 is [REDACTED]?

12 A She is a branch chief within my division.

13 Q Okay. And this apportionment, on the second page, footnote
14 A4 has a very similar footnote to the one that I read you earlier on
15 the July 25th apportionment. Is that right?

16 A Yes. Similar.

17 Q It's almost identical except the dates are slightly
18 different. In the first sentence it says August 12th, 2019, and then
19 in the second sentence it references an OMB communication with DOD on
20 August 6th of 2019. Do you see that?

21 A Yes.

22 Q Okay. What do you know about OMB's communication with DOD
23 on or about August 6th, 2019?

24 A The communications regarding subsequent apportionments were
25 almost exclusively with Mike Duffey.

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1 Q So you were not involved in any communications with DOD
2 regarding apportionments after July 30th when this authority was taken
3 away from you?

4 A Correct. I was copied on emails that pertained to
5 apportionments, but I was not involved in the process for selecting
6 the dates, nor -- so, in the first apportionment, for example, when
7 it references OMB's communication with DOD on July 25th, that was my
8 communication.

9 Q Okay.

10 A This communication would not have been mine with DOD on
11 August 6th.

12 Q Okay. Were you copied on the August 6th communication?

13 A Not that I recall.

14 Q So you were completely out of the loop on this communication
15 with DOD?

16 A Again, I have no recollection of being looped in.

17 Q But, from OMB's side, it's your understanding that it
18 would've been Mr. Duffey?

19 A Yes.

20 Q And from DOD's side, would that be Ms. McCusker?

21 A I presume. Because I wasn't included in this, I can't say
22 that for certain.

23 Q But based on past practice, she would be the natural person
24 to be on this communication?

25 A She -- on the communications on which I was copied, she was

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1 the primary contact within DOD Comptroller.

2 Q And on those communications in which you were copied, you
3 said they were about apportionments. What with respect to
4 apportionments did those communications discuss?

5 A You mean throughout the month of August?

6 Q Yeah. Well, let's start at the beginning of August.

7 A Okay.

8 Q On or around the date of this particular apportionment.

9 A I don't recall any communications on or around this one.

10 Q All right. Well, we'll step through them then.

11 A Okay.

12 Q And the first sentence also says August 12th, 2019. You were
13 not involved in setting that date either then?

14 A No. In the subsequent apportionments, the dates came from
15 Mike Duffey.

16 Q How do you know that?

17 A Because we -- OMB and specifically my staff -- would generate
18 these apportionments for his signature. So he would provide the
19 direction on the periods of the holds.

20 Q Where did he get those dates?

21 A I do not know.

22 Q Did you ever talk to Mr. Duffey about those dates?

23 A Not explicitly. Our understanding was that there were
24 ongoing efforts to get policy clarity. And so our presumption was that
25 each period reflected another short period of time in which we hoped

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1 to have clarity.

2 [Majority Exhibit No. 7
3 was marked for identification.]

4 BY MR. MITCHELL:

5 Q I'm handing you exhibit No. 7. And this is an August 15th
6 apportionment also signed by Mr. Duffey. It's also three pages. Page
7 2 has the footnote A4. This footnote, again, is almost identical to
8 the prior two except the dates are different. Is that right?

9 A Actually, this footnote is, I believe, identical to the
10 previous exhibit you gave me.

11 Q Okay. So it's -- and the --

12 MS. VAN GELDER: You might've given him the wrong copy.

13 BY MR. MITCHELL:

14 Q I think it's actually a typographical error, perhaps, in the
15 footnote itself?

16 A No, actually, it's not.

17 Q Okay. Can you explain to us what's going on?

18 A Sure. So keep in mind that USAI is just one piece of a much
19 larger account. There was, I believe, on this occasion, a need for
20 us to do a reapportionment that pertained to something totally
21 unrelated to USAI. So I think this just was retained. And the key
22 distinction in this apportionment was for another program funded out
23 of operations and maintenance Defense-wide.

24 Q Right. But this particular apportionment is dated August
25 15th, correct?

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1 A Yes, it is.

2 Q And the footnote allows for obligation until August 12th.
3 So isn't there a period of time between the 12th and the 15th for which
4 there was no footnote actually implementing the hold?

5 A That is correct.

6 Q Okay. So this footnote had not been updated to have a date
7 after August 15th to implement the hold.

8 A That's correct.

9 Q All right.

10 A Yep.

11 Q Were you involved in this particular apportionment in any
12 way?

13 A I was not. I'm aware that it was for an internal
14 reprogramming.

15 Q Okay. But were you involved in any discussion about this
16 footnote, A4, which has a date that's prior to the date of the
17 apportionment itself?

18 A No. I anticipate that was just a leftover from the previous
19 apportionment.

20 Q A typographical error?

21 A No, it's just that the apportionment no longer would've
22 constrained anything, and it was probably just left in. Because the
23 point of this apportionment wasn't to update that footnote.

24 Q So, in fact, for this period that we're looking at here on
25 August 15th, there was no hold.

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1 A That's correct.

2 Q Okay.

3 A Right.

4 Q So, for at least a short period of time, from August 12th
5 through the next apportionment, which I'll show you momentarily,
6 August --

7 A Twentieth.

8 Q -- 20th, there actually was no hold in place.

9 A That is correct.

10 Q Do you know whether DOD was obligating funds during that
11 period?

12 A Not to my knowledge.

13 Q Do you know whether there was a change in position with regard
14 to the hold from the President?

15 A No, not to my knowledge.

16 Q So it was your understanding that the hold was still in place
17 during this August-12th-through-August-20th time period, despite the
18 fact that the footnote didn't reflect that.

19 A So my understanding was that the direction remained but it
20 was not an explicit part of the apportionment.

21 Q Okay. Thank you.

22 [Majority Exhibit No. 8
23 was marked for identification.]

24 BY MR. MITCHELL:

25 Q Okay. I'm going to hand you exhibit 8, which is going to

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1 be a series of apportionments from August 20th through September 10th.
2 It's going to be apportionments for August 20th, 27th, 31st; September
3 5th, 6th, and 10th.

4 All of these apportionments were signed by Mr. Duffey as well.
5 Is that right?

6 A That's correct.

7 Q And the first one, the August 20th one, has a different name,
8 [REDACTED], on the "Sent By." Who is that?

9 A Sorry. That's [REDACTED], a branch chief in my
10 division.

11 Q Okay. Also a career employee of OMB?

12 A Yes.

13 Q How long has she been at OMB?

14 A Oh. Over a decade.

15 Q Okay.

16 All of these apportionments in exhibit No. 8 contain a footnote,
17 footnote A4. Is that right?

18 A Yes.

19 Q And the language of these footnotes, however, are different
20 than the last three that we've looked at.

21 A That's correct.

22 Q How are they different?

23 A They do not include the previously included sentence that
24 stated: "Based on OMB's communication with DOD on" -- date -- "OMB
25 understands from the Department that this brief pause in obligations

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1 will not preclude DOD's timely execution of the final policy
2 direction," end quote.

3 Q Why was that portion of the footnote omitted?

4 A DOD stated it could no longer support that sentence.

5 Q When did DOD state that?

6 A Middle of August, at some point prior to the August 20th
7 apportionment.

8 Q And did DOD explain why?

9 A They were concerned about execution risk associated with an
10 ongoing hold and how it might affect their ability to fully obligate
11 by the end of the fiscal year.

12 Q Which raised a potential violation of the Impoundment
13 Control Act?

14 A Which raises concerns, yes.

15 Q So DOD, at some point prior to August -- or between August
16 6th and August 20th, presumably --

17 A Yes.

18 Q -- took the position that there might be insufficient time
19 for DOD to obligate the funds prior to the end of the fiscal year, which
20 could result in a violation of the Impoundment Control Act if there
21 were unobligated funds remaining on the table?

22 A So DOD expressed concerns about its potential ability to
23 fully execute.

24 Q All of these footnotes in exhibit 8, this series of
25 apportionments, also continue to have the language saying, "DOD may

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1 continue its planning and casework for the Initiative during this
2 period."

3 Do you know what DOD was doing?

4 A I'm sorry. When you say do I know what they were doing --

5 Q In their planning and casework?

6 A So I am not familiar with the -- I know there is a lot of
7 preparatory work that goes into this program before they hit the point
8 of obligation, but I'm not an expert on all those individual steps.

9 Q But the DOD was expressing a concern that they still would
10 not have sufficient time to conduct all of those steps and put these
11 moneys on the contract despite the fact that they were allowed to
12 continue with their planning and casework?

13 A That they may not.

14 Q Okay.

15 These footnotes also talk about an interagency process. It says
16 that the hold is being put in place "to allow for an interagency process
17 to determine the best use of such funds."

18 Now, we discussed earlier that the interagency process -- that
19 it was occurring in July of 2019. Are you aware of any interagency
20 meetings that occurred between August 20th and September 10th, during
21 the time of these apportionments?

22 A I'm not aware, but I wouldn't necessarily be aware of every
23 consultation, obviously, at a high policy level.

24 Q But it's your understanding that, at least during this time
25 period that we've just been discussing, the President had not made the

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1 decision to lift the hold. Or, at least, that had not been communicated
2 to you.

3 A Correct.

4 Q And then, finally, on August 12th -- excuse me. During this
5 August-to-beginning-of-September timeframe, August 20th to September
6 10th, did you have any discussions with anyone about this footnote and
7 specifically the removal of that sentence that we just described?

8 A Yes. I had a conversation with [REDACTED] in my
9 division.

10 Q And who is that?

11 A She is a branch chief.

12 Q Oh, the individual who actually sent that first
13 apportionment that we looked at on August 20th?

14 A That's correct.

15 Q Okay. What was that conversation?

16 A We were aware of the concern as expressed by DOD, and we
17 flagged that -- Mike Duffey was also aware of the concern, but we
18 flagged that as an issue in terms of the change that would be required
19 for the footnote.

20 Q Okay. What were her concerns?

21 A Sorry. [REDACTED]?

22 Q Yes.

23 A Well, her concern was that the footnote was going to be
24 changing, and we wanted to make sure that -- two things. And maybe
25 this would be a good opportunity for me to make a general statement

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1 about these apportionments.

2 As the hold was extended, we continued to express concerns about
3 the potential implications vis-a-vis the Impoundment Control Act. We
4 expressed those concerns to Mike Duffey, and, on every occasion, we
5 advised him to speak to the general counsel. We take the general
6 approach that, as I've mentioned before, we are not attorneys in my
7 division, but we were flagging these concerns for Mike Duffey as the
8 apportionment approval official.

9 Q Okay. And you indicated earlier that, as part of the review
10 process and approval process of apportionments, concerns and
11 recommendations are communicated through the -- I think you said the
12 EMAX system?

13 A MAX.

14 Q MAX system. Were the concerns that you just described, as
15 well as your recommendation that Mr. Duffey should seek an opinion from
16 the General Counsel's Office, were those made through the MAX system?

17 A I know at least some were. Because I was no longer in the
18 chain of approval in MAX, I did not see those. But I advised staff,
19 if they had concerns, that they could use that avenue for expressing
20 them.

21 Q And did they?

22 A Again, because I wasn't in the chain, I didn't see them, but
23 my understanding is that people did, yes.

24 Q Well, you worked, I think you testified earlier, right next
25 to your staff --

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1 A Yes.

2 Q -- geographically, correct?

3 A Right.

4 Q Were they on the same hall as you?

5 A The same floor.

6 Q The same floor?

7 A Yeah.

8 Q And you had conversations -- you had an opportunity,
9 certainly, to have conversations with your staff members who were
10 actually responsible for preparing and reviewing these apportionments.
11 Is that right?

12 A Correct.

13 Q Okay. And you had relationships with them, presumably, for
14 a significant period of time, even outside the context of these
15 particular apportionments.

16 A Yes.

17 Q And even if you were outside of the loop with regard to the
18 approval authority, is it fair to say that they -- or is it fair to
19 assume that they came and talked to you on occasion about these
20 particular apportionments?

21 A Yes.

22 Q Like [REDACTED] did?

23 A Yes.

24 Q And did others?

25 A Yes.

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1 Q Okay.

2 MR. SWALWELL: Ms. Holmes Norton.

3 MS. NORTON: I'd just like to clarify the concerns you expressed
4 because of the impoundment statute, because time was running out. Were
5 you ever given any reason for those holds or any reason when the holds
6 were lifted?

7 MR. SWALWELL: Did you hear the question?

8 MR. SANDY: I believe I heard two questions, so, ma'am, confirm
9 if I answer both of them.

10 The first was, were we ever given any reason for the hold? And
11 I would say only in September did we receive an explanation that the
12 hold -- that the President's direction reflected his concerns about
13 the contributions from other countries for Ukraine.

14 MS. NORTON: That was going to be my next question. That was the
15 one and only reason you gave, that other countries -- I think Mr.
16 Meadows raised this notion, tried to link it -- that other countries
17 may not have given their own contributions to Ukraine, and that was
18 the only reason ever given to you as a reason for the hold.

19 MR. SANDY: That was the one definitive reason that I recall
20 seeing during this period.

21 MS. NORTON: Thank you very much.

22 MR. SWALWELL: Thank you, Ms. Holmes Norton.

23 Mr. Mitchell.

24 BY MR. MITCHELL:

25 Q So you indicated that you had a conversation with [REDACTED].

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1 A Yes.

2 Q Was that in the context of this August 20th apportionment?

3 A Yes, it was.

4 Q Was it also throughout the course of the month of August that
5 you were having these conversations with [REDACTED]?

6 A There were multiple conversations, starting at this point,
7 through the lifting of the hold in September.

8 Q With [REDACTED]?

9 A Yes.

10 Q What about with [REDACTED]?

11 A So the other individuals who are responsible for this work
12 all report to [REDACTED], and so [REDACTED] would relay their concerns
13 as well.

14 Q Okay. So she was expressing not only her own concerns but
15 [REDACTED] was expressing concerns of other staff?

16 A That's correct.

17 Q And what were those concerns?

18 A The concerns were vis-a-vis the Impoundment Control Act and
19 the ability of DOD to fully execute the appropriated funds before they
20 expire.

21 Q Did [REDACTED] have any communications with the Budget
22 Review Division about these concerns?

23 A She may have. I was not a part of that if she did, so I can't
24 know definitively.

25 Q What about any other members of your staff? Did they have

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1 any communications with DOD about these same issues?

2 A They very well may have. And, as I said, I'm aware of one
3 individual in BRD who expressed similar concerns.

4 Q Okay. Were those expressed to you?

5 A On one occasion that I definitely recall, yes.

6 Q Okay. And who was that individual at BRD?

7 A [REDACTED].

8 Q What did [REDACTED] tell you?

9 A I think she just -- it was more of a -- it was not, like,
10 a meeting in my office, as I recall. It was a -- we ran into each other,
11 and she just made a general comment that reflected a concern about the
12 apportionments.

13 Q What was her concern about apportionments?

14 A Her concern was vis-a-vis the Impoundment Control Act.

15 Q And when was this conversation with [REDACTED]?

16 A I don't remember that precise date.

17 Q Do you recall whether it was in July or August?

18 A It was definitely not in July. So it was after July.

19 Q Was it August or September?

20 A I think it was September.

21 Q Okay. So it was during this time period where the footnote
22 did not include this language from DOD. Is that right?

23 A That's correct.

24 Q Did you talk about the change in this footnote with
25 [REDACTED]?

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1 A No. I talked about it with my own staff.

2 Q Do you recall ever hearing any concerns from OMB Legal about
3 the footnote post-August-20th?

4 A Directly from OMB Legal. As I mentioned, our advice to Mike
5 Duffey was to consult with the Office of the General Counsel on every
6 single footnote. And I am well aware that the general counsel was in
7 direct communication with the General Counsel's Office at DOD on these
8 topics.

9 Q How are you aware of that?

10 A Because I was copied on emails. I cannot know if I was copied
11 on -- I certainly wasn't included in telephone conversations, but I
12 was copied on emails.

13 Q In August as well?

14 A I recall emails from late August and early September.

15 Q Okay. And what was the topic of discussion in those emails?

16 MS. VAN GELDER: I'm not going to -- it's between counsel. He's
17 aware of OMB counsel and DOD counsel. And so I think you can ask, as
18 a result of those, did anything change, but I am not having him answer
19 those questions.

20 BY MR. MITCHELL:

21 Q As a result of the communications between counsels from OMB
22 and DOD, did anything change with regard to the processing of
23 apportionments with regard to the footnote or with anything else
24 related to this particular issue of Ukraine security assistance?

25 A Part of the communications between OMB and DOD focused on

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1 maximizing the extent to which DOD could lay the groundwork for
2 obligations in advance of obligating. So I think that was part of the
3 focus. In other words, how do you make the most out of the permission
4 to continue planning and casework so that you are prepared to make the
5 obligations as soon as the restriction is lifted. So that was a big
6 part of the communication.

7 And those communications, as well as the broader concerns -- you
8 know, I'm aware of those communications with DOD Comptroller. Again,
9 I'm aware that our general counsel was in direct communication with
10 DOD general counsel.

11 Q Okay. So, as I understand it in layman's terms, one of the
12 issues was what DOD could be doing during this time period in which
13 the communications were being had between counsel in spite of the hold.

14 A Right.

15 Q Okay.

16 [Discussion off the record.]

17 Q To your knowledge, did OMB General Counsel's Office bless
18 the manner in which these apportionments were issued?

19 A With every single apportionment that we sent forward to Mike
20 Duffey, at his request, we advised him to seek general counsel guidance.
21 To my recollection, he confirmed that he did that, consistent with our
22 recommendation.

23 Q So your understanding is that Mr. Duffey -- you recommended
24 that Mr. Duffey seek OGC guidance, correct?

25 A Correct.

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1 Q And he confirmed for you that he, in fact, did consult with
2 OGC, correct?

3 A Correct.

4 Q But you don't know whether he followed OGC's advice or not.

5 A Let me put it this way. I'm not aware of any -- it's hard
6 for --

7 [Discussion off the record.]

8 MR. SANDY: Okay. My understanding from Mr. Duffey was that he
9 had general counsel support with these apportionments.

10 BY MR. MITCHELL:

11 Q Okay.

12 Now, the hold was lifted on September -- it's been reported
13 roughly September 11th, and the first apportionment was September 12th?
14 Is --

15 A Correct.

16 Q -- that correct?

17 A Yes.

18 [Majority Exhibit No. 9
19 was marked for identification.]

20 BY MR. MITCHELL:

21 Q I'm going to give you exhibit No. 9, which is an apportionment
22 signed by Mr. Duffey, dated September 12th, which, if you'll look at
23 page 2, does not contain this footnote that we've been spending the
24 last several hours on.

25 Were you involved in this particular apportionment?

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1 A I was aware of the instruction from Mike Duffey to the team
2 to lift the hold.

3 Q How did you learn that the hold was being lifted?

4 A Via email.

5 Q From whom?

6 A From Mike Duffey.

7 Q When?

8 A It would've been either on the 11th or the 12th of September.

9 Q Okay. Who else was in the email?

10 A I think probably [REDACTED]. Certainly, if it
11 pertained to the apportionment specifically, it would've been [REDACTED]

12 Q Did Mr. Duffey forward an email to you, or was this his own
13 email?

14 A As I recall, it was his own email.

15 Q And that was the first time that you heard that the hold was
16 being lifted, was through that email?

17 A That's correct.

18 Q Did you have any conversations or communications of any sort
19 with Mr. Duffey following this email on September 11th -- or 12th, I
20 think you said?

21 A And this is where -- apologies -- I probably need to go back
22 and confirm the date of the email that attributed the hold to the
23 President's concerns about other countries' contributions. I know it
24 was in early September that we were asked to pull together the data.
25 I would like to confirm whether this was the point at which he shared

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1 that that was the rationale for the hold.

2 Q So you need to confirm, it sounds like --

3 A Yeah.

4 Q -- but it's possible that you learned for the first time that
5 the reason for the hold was the fact that other countries were not
6 providing sufficient assistance to Ukraine at the same time that the
7 hold was lifted?

8 A On or about the same time.

9 Q Did you have any conversations with Mr. Duffey after you
10 received this email about the lifting of the hold?

11 A No. I think we were just relieved, in terms of we had clear
12 direction now, and the presumption was that this was clear guidance
13 going forward.

14 Q But you had no conversations with Mr. Duffey seeking further
15 clarification about why the hold was in place, what precipitated the
16 lifting of the hold, how Mr. Duffey found out about the lifting of the
17 hold? You didn't have any of those conversations with Mr. Duffey?

18 A I don't recall receiving any other information along those
19 lines.

20 Q Okay. Did you speak with anyone else, other than
21 Mr. Duffey or your counsel, about the lifting of the hold?

22 A Yes. Rob Blair stopped by my office one day, and we asked
23 him this question. And we received -- I'm sorry. We asked him the
24 question about why there had been a hold, and we received a similar
25 verbal response, meaning pertaining to the President's concern about

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1 the contributions of other countries.

2 Q When did you have this conversation with Mr. Blair?

3 A That I do not recall, but I'm sure it was in September after
4 the lifting of the hold.

5 Q Had you spoken with Mr. Blair at any point prior to that time
6 about the hold on Ukrainian security assistance?

7 A No. I don't regularly interact with him in his new position.

8 Q How did Mr. Blair come to stop by the office one day?

9 A Well, he used to lead our resource management organization.
10 So I don't know -- and I think he was in the building and he stopped
11 by. This was not his purpose. We were just catching up with him.

12 Q Are you aware of any -- I believe you testified earlier about
13 at least one communication between Mr. Blair and Mr. Duffey during the
14 period of the hold.

15 A Correct.

16 Q Are you aware of any other communications, conversations,
17 email, any discussions between Mr. Blair and anyone else at OMB during
18 the pendency of the holds? So, in other words, from anytime in
19 June through September 11th.

20 A Yes. I'm aware of one other email exchange between Mike
21 Duffey and Rob Blair.

22 Q When was that email exchange?

23 A As I recall, it was on or about July 17, 18.

24 Q So right before you returned back from leave?

25 A Correct.

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1 Q And this was an email exchange?

2 A Yes.

3 Q Was it forwarded to you?

4 A It was forwarded, yes.

5 Q By Mr. Duffey?

6 A Yes.

7 Q And was anyone else on this email exchange?

8 A Another examiner in my division named [REDACTED].

9 Q And what did this email say?

10 A Mike was asking about the reason for the hold.

11 Q So Mr. Duffey was asking Mr. Blair?

12 A That's correct. Yeah. Sorry. Mike Duffey was asking Rob
13 Blair about the reason for the hold.

14 Q And what did Mr. Blair say?

15 A He said -- he didn't provide an explicit response on the
16 reason. He simply said, we need to let the hold take place -- and I'm
17 paraphrasing here -- and then revisit this issue with the President.

18 Q Did you have any conversations with anyone about what Mr.
19 Blair said in this email?

20 A With [REDACTED], yes, because he'd also received it.

21 Q And was that conversation with [REDACTED] right around the
22 same time as this email, so mid-July?

23 A I think it -- I remember the dates of the conversation. I
24 don't remember exactly when it was forwarded. So it would've been
25 around the time that we received the email, yes.

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1 Q Okay. And what was that conversation?

2 A With [REDACTED]?

3 Q Yes.

4 A I think it was just acknowledging that we didn't have a clear
5 reason for the hold. I mean, we didn't know the reason for the hold.

6 Q This email that you saw dated July 17th from Mr. Duffey to
7 Mr. Blair, when was the last time you saw that email?

8 MS. VAN GELDER: Other than with preparation with counsel?

9 BY MR. MITCHELL:

10 Q Well, no. Have you seen it recently?

11 A Have I seen it recently? You mean in terms of going back
12 and looking at it electronically or --

13 Q Have you read this email within the last week?

14 A Yes, I have.

15 Q Okay. And you indicated that Mr. Blair did not provide an
16 explanation for the hold in this email.

17 A That is correct.

18 Q Did he say that he did not have an explanation for the hold?
19 Did he attempt to answer that question?

20 A As I recall, he did not provide an answer and simply
21 acknowledged the need to let the hold take effect and then revisit.

22 Q Okay. Did he say he did not have a reason for why the hold
23 was in place?

24 MS. VAN GELDER: I'm sorry. He has answered it the best he can.
25 He said what the email said, and that's what he recalls the email saying.

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1 BY MR. MITCHELL:

2 Q Well, okay, so the email said, "We need to let the hold take
3 place and then we can revisit this issue with the President" is, in
4 sum and substance, what Mr. Blair said.

5 A Correct.

6 Q Do you recall whether in this email Mr. Blair said, "I don't
7 know why the hold is in place"?

8 A I don't recall anything explicit along those lines. I just
9 remember that there was no explanation for the hold.

10 Q This email from July 17th, was it only pertaining to Ukraine
11 security assistance?

12 A No. There was another -- and, honestly, it -- there was
13 another question that was not in my purview, so I didn't focus on the
14 other part.

15 Q Did it have to do with a hold?

16 A Not that I recall. No, it wasn't pertaining to Ukraine or
17 a hold.

18 Q Okay. But with regard to the hold that Mr. Blair was
19 discussing in this email, that hold applied only to Ukraine security
20 assistance. Is that right?

21 A That is correct.

22 Q Okay.

23 MR. MITCHELL: I think my time is up. We can yield to the
24 minority.

25 MR. CASTOR: Can we go off the record for a second?

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1 [Recess.]

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1 [2:24 p.m.]

2 BY MR. MITCHELL:

3 Q We were talking about communications between Mr. Blair and
4 individuals at OMB. Do you have any knowledge of Mr. Bolton
5 communicating with Mr. Vought on or around September 9th or 10th
6 regarding the hold and lifting the hold on Ukraine security assistance?

7 A I do not have any knowledge.

8 Q Do you have any knowledge of any communications between
9 Mr. Vought and anyone at the White House about Ukraine security
10 assistance at any time?

11 A No. I mean, I was -- we anticipated that he would be
12 involved in meetings, but I never got a specific readout about a
13 specific meeting.

14 Q Okay. Doesn't mean he didn't have those communications;
15 you're --

16 A Exactly.

17 Q -- just not aware of it.

18 A Correct. Correct.

19 Q Okay.

20 Do you know whether DOD was able to put all the -- or was able
21 to obligate all the USAI funds between September 12th and the end of
22 the fiscal year, September 30th?

23 A No. No, they were not able to do so.

24 Q Okay. How much was left unspent or unobligated?

25 A According to the data we received from DOD, approximately

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1 36 million -- sorry, 35.

2 Q And is it your understanding that that 35 -- well, do you
3 have an understanding as to why that 35 million was left unobligated?

4 A I do not, no. And, in fact, I'd like to clarify my previous
5 comment to say, I know that they did not fully obligate the full amount
6 of the appropriations and that 35, roughly 35 million, was left
7 unobligated at the end of the year.

8 Q Okay. And are you aware that Congress had to pass a law as
9 part of the 2019 continuing resolution to extend the deadline so that
10 the \$35 million could be obligated past September 30th?

11 A I'm aware that that was a provision within the continuing
12 resolution.

13 Q Well, what would have happened if this provision had not been
14 included in the continuing resolution with the \$35 million?

15 A Had that provision not been included, then any unobligated
16 funds as of September 30th would have expired.

17 Q In violation of the Impoundment Control Act?

18 A Expired funds, in and of themselves, I would not presume
19 represent a violation, but I'm also very mindful of not providing a
20 legal opinion.

21 Q Okay. But you're also not aware of any sort of rescission
22 or reprogramming of these funds at any time prior to September 30th.
23 Is that right? Let me be precise: the USAI, Ukraine security
24 assistance funds.

25 A Correct. There was no proposed rescission and no

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1 reprogramming.

2 Q Have you calculated, before coming in today, what the
3 percentage of unobligated funds was? In other words, 250 million
4 versus 35 million, what that percentage is?

5 A I think it's approximately 14 percent. Is that correct?

6 Q I have the same math as you. Based on your experience, is
7 14 percent higher than what you've seen in the past?

8 A In terms of amounts that would not be fully obligated?

9 Q Correct, at the end of the fiscal year.

10 A That would vary by program. I know it is DOD's intent to
11 obligate for many programs not quite at 100 percent insofar as they
12 don't want to run afoul of the Antideficiency Act. I do not have
13 precise data on their averages, so I guess what I can say is 14 percent
14 is an accurate characterization of that.

15 Q I'm sorry. Is an accurate characterization of what?

16 A Well, of the amount that was not fully obligated.

17 Q Okay. But because you don't have any data in front of, you
18 can't compare that to historical averages for this particular account
19 or any other accounts that might relate to similar funds for security
20 assistance?

21 A Again, I don't have precise data, so I feel like I need to
22 answer this question consistently with how I answered a previous
23 question about precise data.

24 Q So I understand that you're a data guy and you don't have
25 any data in front of you. But based on your experience and your

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1 understanding, funds left unobligated at the end of the fiscal year
2 for programs involving security assistance of the type that we're
3 discussing here today, would they be in the realm of somewhere between
4 perhaps 2, 5, 6 percent, as opposed to twice that amount, more than
5 twice that amount, 14 percent?

6 [Discussion off the record.]

7 MR. SANDY: So, again, I know that they aspired -- sorry, DOD
8 would aspire to use as high a percentage as possible without running
9 a risk of violating the Antideficiency, but I just don't have a precise
10 point of comparison.

11 BY MR. MITCHELL:

12 Q All right. Are you aware of anyone resigning or leaving OMB
13 under any circumstances at least in part because of the manner in which
14 OMB was handling Ukraine security assistance?

15 A I'm aware of one colleague who left in September. I'm always
16 reluctant to speak to someone else's motivations.

17 Q Well, did you speak with this person who left in September
18 about their departure from OMB?

19 A Yes, I did.

20 Q And did that person express to you, either in that
21 conversation or in any other prior conversations, their position with
22 regard to Ukraine's security assistance?

23 A Yes, this individual did express frustrations.

24 Q And what were those frustrations that that individual
25 expressed to you?

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1 MS. VAN GELDER: Are you going after the whistleblower? I just
2 want to know whether we can just cut this off now.

3 MR. MITCHELL: No.

4 MR. MEADOWS: I don't know that they know who the whistleblower
5 is, according to previous testimony. So I don't know how they would
6 know whether they're going after them or not.

7 MR. MITCHELL: Well, this is an OMB employee, not in the IC.

8 MR. SANDY: I think the frustrations related more to
9 apportionment issues on the IAD side.

10 BY MR. MITCHELL:

11 Q So when you say --

12 A International Affairs --

13 Q -- "apportionment issues on the IAD side," do you
14 specifically mean the Department-of-State-sponsored FMF program for
15 Ukraine assistance?

16 A No. He did not oversee that program.

17 Q Okay. So did this person have any concerns regarding
18 Ukraine security assistance that this person expressed to you?

19 A Yes. So this person had also received -- and I don't recall
20 the specifics of the request. He was also concerned about requests
21 similar to the one that I received on Friday, July 19th, in terms of
22 executing apportionments. And I don't know the specifics in his area.

23 So, again, I can speak to how I responded to the request that I
24 received on Friday the 19th, and I can say that he expressed some
25 frustrations --

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1 Q But my question was, did this individual express any concerns
2 about Ukraine security assistance?

3 A I'm honestly just trying to recall. I'm not trying to parse
4 my words.

5 As I recall, he expressed some frustrations about not
6 understanding the reason for the hold. That's my recollection.

7 Q Was this individual within the Legal Division?

8 A No.

9 Q Are you aware of any individual in the Legal Division
10 resigning or leaving OMB --

11 A Oh.

12 Q -- at least in part because of Ukraine security assistance?

13 A Oh. Yes, I am.

14 Q And what do you know about that?

15 [Discussion off the record.]

16 MS. VAN GELDER: I'm assuming, just so we make it clear --

17 MR. MITCHELL: Would you mind just speaking into the microphone?

18 MS. VAN GELDER: -- the question is, what did the departing person
19 tell him about why they were departing?

20 MR. MITCHELL: Why don't we start with that.

21 MS. VAN GELDER: Okay.

22 MR. SANDY: This person expressed to me concerns about actions
23 vis-a-vis the Impoundment Control Act.

24 BY MR. MITCHELL:

25 Q In the context of Ukraine security assistance and the hold?

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1 A Yes. I never want to attribute that as the, you know, sole
2 purpose for an individual's actions, but I am aware of their
3 frustrations in that area, yes.

4 Q Okay. So this person who worked at OMB Legal expressed
5 concerns about the hold on Ukraine security assistance and resigned
6 from OMB. And did that person tell you that he or she resigned from
7 OMB at least in part because of concerns with security assistance?

8 [Discussion off the record.]

9 MR. SANDY: I'm sorry. Can you repeat the question?

10 BY MR. MITCHELL:

11 Q Sure. Did this person at OMB Legal tell you that they were
12 leaving or resigning from OMB at least in part because of their concerns
13 or frustrations about the hold on Ukraine security assistance?

14 A Yes, in terms of how -- yes, in terms of that process, in
15 part.

16 Q Okay. What were the concerns about the process?

17 MS. VAN GELDER: If he can explain that process without
18 explaining what would've been something that was privileged, he can
19 explain it. "Unhappy with the process," whatever, but I'm not going
20 to allow him to answer a question that a lawyer at OMB is explaining
21 to them.

22 MR. SWALWELL: And, Counsel, the way I interpret this, with your
23 concerns, if he's going to talk about counsel to Mr. Sandy,
24 conversations during the process, that you would deem that as
25 privileged. But I think our concern is that, if this is a conversation

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1 post-process but around why this individual is leaving, that that was
2 not fall under attorney-client.

3 MS. VAN GELDER: I --

4 MR. SWALWELL: Not that we acknowledge that as a
5 Congress-recognized privilege.

6 MS. VAN GELDER: Right. And I understand that. But I still, to
7 leave just a wide berth here, if the person is saying -- and I don't
8 know what the person is going to say, because this is news to me -- "I
9 disagree with counsel's interpretation of that," I'm going to instruct
10 him not to answer that.

11 If you want to say, "I have a generalized disagreement on how they
12 are doing something," I'm fine, but we're not going to get granular
13 with this. And --

14 MR. GOLDMAN: Okay. But the fact of the disagreement is not
15 privileged.

16 MS. VAN GELDER: The fact of the disagreement is not privileged.

17 MR. GOLDMAN: Okay.

18 BY MR. MITCHELL:

19 Q Okay. So let me ask it this way. So did this individual
20 who resigned from OMB disagree with OMB general counsel's advice or
21 other individuals from the General Counsel's Office about how to handle
22 the hold on Ukraine security assistance?

23 MS. VAN GELDER: Yeah, if we say, did he explain to him. You're
24 giving the reason why, but did the person tell you that was the reason?
25 Do you understand that you just didn't start it off with a preface.

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1 Do you understand the question?

2 [Discussion off the record.]

3 MR. SANDY: I'll note the disagreement.

4 BY MR. MITCHELL:

5 Q Okay. So the person who resigned did have a disagreement.

6 A If I'm not violating privilege --

7 [Discussion off the record.]

8 MR. SANDY: So the individual did note a disagreement --

9 BY MR. MITCHELL:

10 Q I'm sorry?

11 A So the individual did note a disagreement on this topic.

12 Q And "this topic" being the hold on Ukraine security
13 assistance?

14 A Correct.

15 Q Okay.

16 MR. GOLDMAN: Just one more thing, just to be clear. The
17 disagreement was with -- what was the disagreement with? Not the
18 specific details of it, but was the disagreement with the fact that
19 OMB was putting the -- implementing the hold? Was the disagreement
20 with how the General Counsel's Office was handling it? What was the
21 disagreement? What was the topic of the disagreement?

22 [Discussion off the record.]

23 MR. SANDY: I think the best way to characterize it would be a
24 dissenting opinion vis-a-vis the Impoundment Control Act provisions.

25 MR. GOLDMAN: And whether or not they apply to the Ukraine

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1 security assistance hold?

2 MS. VAN GELDER: That goes back to -- I think all he -- he can
3 say that he disagreed with the way the Counsel --

4 MR. SWALWELL: Please use the microphone.

5 MS. VAN GELDER: Thank you. I apologize.

6 -- he disagreed with how the Counsel's Office may have interpreted
7 the Impoundment Control Act, but I don't think he can go into specifics
8 as to --

9 MR. GOLDMAN: That's fine. He didn't say that.

10 MS. VAN GELDER: I thought he said dissenting opinion over how
11 the act was --

12 MR. GOLDMAN: He just said a dissenting opinion about the
13 Impoundment Control Act.

14 BY MR. GOLDMAN:

15 Q So I would just like to understand what the dissenting
16 opinion more specifically related to.

17 A In the context of the hold on Ukrainian assistance.

18 Q Okay.

19 And just while we're on this topic, can I -- you indicated that
20 you recommended at every step of the way in the apportionment process
21 at the end of August and early September that Mr. Duffey speak to the
22 General Counsel's Office prior to signing off on the apportionments.
23 Is that right?

24 A That's correct.

25 Q Did you ever determine whether he did speak to the General

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1 Counsel's Office?

2 A Yes.

3 Q And he did?

4 A He confirmed that on more than one occasion.

5 Q And did you ever confirm that he was acting in accordance
6 with the recommendation from the General Counsel's Office?

7 [Discussion off the record.]

8 MR. SANDY: Yes.

9 BY MR. GOLDMAN:

10 Q Okay. And he was acting in accordance with the guidance from
11 the General Counsel's Office?

12 A That's correct.

13 BY MR. MITCHELL:

14 Q After you learned of these committees' interest in speaking
15 to you, did you have any communications with anyone at OMB about the
16 possibility that you were testifying before Congress?

17 A Yes.

18 Q And you're laughing and smiling: And why is that?

19 A It was a matter of great interest within OMB, particularly
20 among career staff.

21 Q Okay.

22 A Sorry. Are you talking about just the fact that I was
23 requested and then anticipated receiving a subpoena, or are you talking
24 about something else?

25 Q Well, did anyone at OMB tell you that you should not appear

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1 voluntarily?

2 A So, as I recall, my counsel sent --

3 MS. VAN GELDER: Not this counsel.

4 MR. SANDY: Sorry. Yes. I'm sorry.

5 My Office of the General Counsel provided an email response to
6 the committee on the -- sorry. It was the Thursday evening after I
7 received the request letter. So I think that email best describes the
8 OMB Office of General Counsel position. So that's the first answer
9 to your question.

10 BY MR. MITCHELL:

11 Q And their position was that you should not testify
12 voluntarily absent the presence or the ability for agency counsel to
13 be present for that interview?

14 A That is correct.

15 Q Okay. And subsequent to that exchange that you just
16 described, did you -- I'm not asking about your counsel, but did you
17 have any communications or conversations with anyone at OMB about
18 testifying before Congress?

19 A Well, I did when I informed my general -- so I had a
20 conversation with my general counsel in advance of that email response.
21 I also alerted my general counsel when I had retained private counsel.
22 And I also alerted general counsel to my intent to appear if subpoenaed.

23 Q Okay. And what was their reaction?

24 A Their reaction has been consistent in terms of, I understand
25 that their preference would be for me not to appear in the absence of

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1 agency counsel. So that has been their preference. That is one of
2 the reasons that I specifically requested that agency counsel be able
3 to accompany me. And, obviously, that request was declined. So that
4 was their guidance.

5 [Discussion off the record.]

6 MR. SANDY: Subsequent to that, I have heard that agency
7 leadership respects my decision.

8 BY MR. MITCHELL:

9 Q But it appears that that may have been in doubt?

10 A Well, again, the initial position of agency counsel, as
11 reflected in that email, was that I should only appear if accompanied
12 by agency counsel.

13 Q But that is still their position today, is it not?

14 A To my understanding, yes, that is still their position.

15 Q So they don't necessarily -- haven't changed their
16 preference.

17 A That is correct, consistent with the Office of Legal Counsel
18 opinion.

19 Q Okay. When you say "the Office of Legal Counsel opinion,"
20 do you mean -- well, what do you mean by that?

21 MS. VAN GELDER: If you're aware.

22 MR. SANDY: Okay.

23 So I am aware -- and I hope I'm using the correct legal
24 terminology -- about an Office of Legal Counsel opinion that suggests
25 that executive branch officials should be accompanied by agency counsel

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1 in order to protect the prerogatives or executive -- sorry -- in order
2 to represent agency interests at the hearing.

3 BY MR. MITCHELL:

4 Q What was OMB general counsel's reaction -- and when I say
5 "general counsel," I mean General Counsel's Office -- reaction when
6 you told them that you were going to be appearing today pursuant to
7 a subpoena?

8 You're smiling again.

9 A Well, I'm smiling because I want to portray this accurately,
10 and it wasn't one reaction. It started with a concern about my
11 appearing and that not support for my decision. And by the time I
12 finished my conversations, I appreciated -- my statement was, I realize
13 people may not agree with my decision, but I appreciate that they have
14 expressed respect for it.

15 Q You testified earlier that you're aware that Mr. Duffey has
16 not taken the same path as you and has refused to appear, despite having
17 received a subpoena. Have you had a conversation with him?

18 A Since he is my supervisor, I alerted him when I received the
19 letter, and I alerted him of my retention of private counsel and my
20 plan to appear if subpoenaed.

21 Q And what was Mr. Duffey's reaction when you told him that
22 you were going to appear if subpoenaed?

23 A He was -- I would say, as a supervisor, he was gracious in
24 acknowledging the difficult situation that this put me in and, I think,
25 gracious in understanding that I needed to make a decision in

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1 consultation with my private counsel.

2 Q Did he try to convince you to change your decision?

3 A Mr. Duffey? No.

4 Q Did he at any time advise you not to come in voluntarily?

5 A No.

6 Q Have you had any conversations with Mr. Vought about
7 appearing before Congress?

8 A Yes. He called me yesterday morning. And while I don't
9 remember his precise words, again, I had the sense that he respected
10 my decision and wished me well.

11 Q At any point during that conversation did he try to encourage
12 you to change your decision?

13 A No.

14 Q Have you received any correspondence from anyone at OMB
15 regarding your appearance before Congress?

16 A Any correspondence -- do you mean in terms of official
17 correspondence?

18 Q Official correspondence.

19 A No. The only official correspondence that I'm aware of was
20 addressed to my private counsel.

21 Q Have you seen that official correspondence?

22 A I have seen it, yes.

23 Q Was that official correspondence received prior to the
24 issuance of the subpoena, which was this morning?

25 A Yes.

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1 Q Okay. And did that official correspondence express what you
2 described as OMB's preference that you not appear voluntarily for a
3 deposition?

4 A It expressed, yes, the preference that I -- well, let me put
5 it this way -- that I only appear if accompanied by agency counsel.

6 Q Okay. Did it direct you not to appear if agency counsel
7 could not be present, voluntarily?

8 MS. VAN GELDER: If you recall.

9 MR. SANDY: I did not read it as a direction.

10 BY MR. MITCHELL:

11 Q And did it say anything about what to do if you were
12 subpoenaed?

13 A No. Again, it just -- I think, consistent that -- their
14 preference for me to appear with agency counsel.

15 MR. GOLDMAN: All right, Mr. Duffey -- or, Mr. Sandy, you can
16 speak with your lawyer.

17 [Discussion off the record.]

18 MR. SANDY: Sorry. It did direct me to have my personal counsel
19 ask for a postponement until agency counsel could accompany me.

20 BY MR. GOLDMAN:

21 Q Mr. Sandy, we're almost done, but we've been jumping around
22 a lot over the past several hours, so I just want to run through the
23 timeline quickly to make sure that we understand everything from your
24 perspective as it relates to Ukraine security assistance, all right?

25 So, in June, you received a request from Mr. Duffey to gather some

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1 information about Ukraine security assistance. Is that accurate?

2 A Correct. Technically, my staff did. Yes.

3 Q Right, but you received the request.

4 A Yes. I was copied on it.

5 Q Okay. Oh, so he -- Mr. Duffey asked your staff, and you were
6 copied on it.

7 A As I recall, yes.

8 Q All right. And you provided some information to Mr. Duffey
9 about Ukraine security assistance. Is that right?

10 A My staff did, yes.

11 Q And then you were asked for more information, or your staff
12 was asked for more information?

13 A Well, as I recall, there may have been two or three emails
14 with, like, followup questions along the same lines.

15 Q Okay.

16 You go on vacation for most of the first half of July. And when
17 you get back, you are forwarded two emails from Rob Blair, Mr.
18 Mulvaney's deputy, to Mr. Duffey, related to the hold on Ukraine
19 security assistance. Is that right?

20 A That is correct.

21 Q Okay. And, in both of those emails, it says to the effect
22 of that this hold is being requested from the White House for OMB to
23 implement. Is that correct?

24 A It explains that -- yes, that their direction is coming from
25 the President and it applies to military support funding for Ukraine

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1 and -- yes.

2 Q And, just to be clear, there was no reason provided for that
3 decision.

4 A That is correct.

5 Q Okay. And, to your knowledge, this is the very first time
6 in your career where a hold has been placed on security assistance after
7 the CN has been sent.

8 A I don't recall a precedent like this.

9 Q Subsequent to learning about this hold, you and your staff
10 took a number of actions to implement the hold, including the drafting
11 of a footnote as part of an apportionment sent over to Congress. Is
12 that right?

13 A To DOD.

14 Q I mean, sorry, to DOD.

15 A Yes.

16 Q In consultation with DOD, but prior to sending that
17 apportionment. Is that right?

18 A Correct. In consultation with OMB Office of General Counsel
19 with DOD and with DOD general counsel.

20 Q And you also expressed concern to your supervisor,
21 Mr. Duffey, related to whether this hold could be legally implemented
22 under the Impoundment Control Act -- is that correct? -- around that
23 time in mid- to late July.

24 A The way I would characterize it is, it raised questions that
25 we needed to work through, and only after working through those

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1 questions and developing the footnote could we be confident in terms
2 of executing that apportionment.

3 Q And one aspect of the footnote that was particularly
4 important to you was that DOD would still have sufficient time to
5 obligate all of the funds by the end of the fiscal year. Is that
6 accurate?

7 A Correct.

8 Q And that was included in a footnote on the July 25th
9 apportionment.

10 A Correct.

11 Q Following the July 25th apportionment, you were removed as
12 the approver for the apportionments for Ukraine security assistance.
13 Is that correct?

14 A I was removed as the approver for all apportionments in my
15 area. So, yes, it's correct, but I want to make sure it's clear that
16 it's for all apportionments.

17 Q It was for everything.

18 A That's correct.

19 Q And Mr. Duffey then became the approver.

20 A Correct.

21 Q Okay. And one of the reasons that Mr. Duffey gave to you
22 for why he wanted to -- why he was going -- well, withdrawn.

23 Mr. Duffey indicated to you that this was a decision from the
24 Acting Director that he concurred with. Is that right?

25 A Yes. It was a decision that was jointly supported.

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1 Q And understanding, of course, that the Acting Director, as
2 the Acting Director, has ultimate authority for who approves
3 apportionments, to your knowledge, this was the first time in your
4 career at OMB where a political appointee was delegated the approval
5 authority over the apportionments in your area. Is that right?

6 A That's correct.

7 Q Following that change in delegation of approval authority,
8 Mr. Duffey approved another apportionment on August 6 that also
9 included that same footnote. Is that right?

10 A With changes to two dates.

11 Q Understood. So without regard to the dates. Obviously,
12 the dates then move out.

13 A Right.

14 Q On August 7th, you contributed to a memo to the Acting
15 Director related to the hold on Ukraine security assistance. Is that
16 right?

17 A Correct.

18 Q And it was the recommendation of you and your team to lift
19 the hold for policy reasons that were uniformly supported by the entire
20 interagency. Is that correct?

21 A When you say "the entire interagency," I would just say, I
22 was not aware of another agency that had a different opinion and that
23 that was a staff-level recommendation on policy grounds, yes.

24 Q Right. And you agreed with that staff-level
25 recommendation.

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1 A Yes.

2 Q And you were not aware of anyone in the staff level at OMB
3 that disagreed with that recommendation.

4 A Correct.

5 Q Okay.

6 Then, subsequently, on August 15th, another apportionment was
7 signed by Mr. Duffey that also included the same footnote, although
8 the dates did not match up. Is that right?

9 A I think, technically, the one on the 15th was for another
10 purpose, and so it kind of had the -- the old footnote was just sort
11 of left over.

12 Q Understood.

13 A Right.

14 Q Well, on that, were you aware that DOD supported that
15 footnote as of August 15th, or was that an error?

16 A So, as I recall -- I'm sorry, I don't have them in front of
17 me. As I recall, there was a gap in there. And so I think --

18 Q Okay. We don't need to get back into it.

19 A Okay.

20 Q This just is more of summary.

21 But then on August 20th, August 27th, August 31st, September 5th,
22 September 6th, and September 10th, Mr. Duffey approved apportionments
23 that did not contain that language that DOD would still be able to
24 obligate all of the funds by the end of the fiscal year. Is that your
25 recollection?

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1 And if you're not certain of the dates, just let us know.

2 A I just want to check one other piece of that.

3 Q Yeah. It's exhibit 8.

4 A So, just to be very precise, it did not include the sentence
5 that, quote, "OMB understands from the Department that this brief pause
6 in obligations will not preclude DOD's timely execution of the final
7 policy direction," end quote.

8 Q And that was because DOD could not certify to OMB that they
9 would be able to obligate all of the USAI funds by the end of the fiscal
10 year. Was that your understanding?

11 A It was my understanding that DOD could not support that
12 sentence. It didn't mean that it would be impossible. I just want
13 to make that clarification.

14 Q Well, the language I used is they could not certify that they
15 would be able to use all the funds. That does not imply that it would
16 be impossible.

17 A That DOD was no longer comfortable with that
18 footnote and -- with that sentence in the footnote. Understood.

19 Q Right. But you also had conversations with DOD, and I'm
20 trying to understand that the reason that they were not comfortable
21 with that is that they could not guarantee that they would be able to
22 obligate all of the funds by the end of the fiscal year, and that's
23 why that sentence in the footnote was taken out.

24 A Yes, that was my understanding from DOD.

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1 [3:06 p.m.]

2 BY MR. GOLDMAN:

3 Q And you had conversations during this period from August 20th
4 until September 10th with other people in your office, within the Office
5 of General Counsel, within BRD, and with DOD where people expressed
6 concerns about whether or not this hold was consistent with the
7 Impoundment Control Act. Is that an accurate assessment, summary?

8 A Yes. They expressed concerns about the ability of DOD to
9 fully obligate the funds before they expired. And, therefore, they
10 expressed concerns vis-a-vis the Impoundment Control Act. That's
11 correct.

12 Q And, Mr. Sandy, were you relieved that you didn't have to
13 put your name on these apportionments?

14 A I will just note this factually that my role changed and that
15 Mike Duffey took the lead on the interactions with DOD and the
16 interactions with OMB's general counsel to inform him vis-a-vis his
17 responsibilities in approving apportionments.

18 Q But that had been your role as of the end of July?

19 A It had been my role, yes.

20 Q And so were you relieved that that was now his role and not
21 your role?

22 A I did not recommend the change in apportionment
23 responsibilities more broadly. So you're asking a question, but I want
24 to say that I did not recommend that change in apportionment
25 responsibility so it wasn't as though I was seeking that change in

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1 apportionment responsibilities.

2 Q Understood. But with respect to these specific
3 apportionments, which fell within your --

4 A Right.

5 Q -- previous purview. Now you are -- you do not have to put
6 your name on them, and you had expressed concerns about the hold. So
7 the question for you is, did at any point you feel any relief that you
8 no longer had this responsibility as it related to these specific
9 apportionments?

10 A Perhaps in the sense that I spent less time working on this
11 issue. But let me just -- I will just be quick to note that I obviously
12 would have continued to work on it just as I had done at the last week
13 of July so --

14 Q Did any of your staff members whose names did appear on them
15 express concerns to you about the fact that their name was included
16 on these apportionments?

17 A They expressed concerns about their roles insofar as they
18 were receiving direction from Mike Duffey about the apportionments to
19 route forward. And my advice to them was that we register the concerns
20 and continue to advise Mike Duffey to consult with general counsel and
21 to consult with the Department of Defense.

22 Q During this period --

23 Do you want to jump in, Mr. Swalwell?

24 MR. SWALWELL: No. Let's kick it to the minority.

25 MR. GOLDMAN: Oh, sorry.

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1 BY MR. CASTOR:

2 Q Just in summary, the reason for the change in delegation for
3 apportionment authority was communicated to you by Mr. Duffey as a
4 vehicle for him to gain more experience with the process, correct?

5 A That was one of reasons, yes.

6 Q Okay. Were there any other reasons?

7 A Just reiterating the ones I stated before in terms of being
8 more involved in day-to-day operations and senior leadership interest
9 in more insights on amounts that are going to specific purposes.

10 Q Okay. Did any of that, to your knowledge, have to do with
11 the President's concern for spending, specifically foreign aid?

12 A That could have played a factor on the State USAID side.

13 Q Okay. Now, Mr. Duffey is the -- he's a PAD -- he's the
14 program associate director, correct?

15 A Correct.

16 Q How many PADs are there?

17 A There are five.

18 Q Okay. Did any of the other four PADs take this apportionment
19 authority?

20 A No.

21 Q Okay.

22 A And I'm sorry. There are five who lead resource management
23 organizations. So there are four other comparable positions.

24 Q So this decision was a Duffey-specific change?

25 A That is correct.

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1 Q So nobody at the leadership of OMB wanted the PADs generally,
2 all the politically appointed folks, to take this authority on?

3 A I was not aware that that was under consideration.

4 Q Okay. You understand my question, though?

5 A You mean in terms of making the change more widespread?

6 Q Yes.

7 A Again, I just know it was only implemented for our resource
8 management organization.

9 Q Okay. And to your knowledge, this decision wasn't made by
10 Mr. Vought or any senior person at OMB to bring more political control
11 of the situation?

12 A It was not characterized as such.

13 Q Okay. You indicated Mr. Vought called you yesterday when
14 he learned that you were appearing here today?

15 A Yes.

16 Q And you also said that OMB leadership respects your decision
17 to testify?

18 A That was my takeaway from the conversation.

19 Q Okay. Meaning that they are not mad at you, they are not
20 going to retaliate against you. They want you to come in and cooperate
21 to the extent you are coming in with your lawyer instead of agency
22 counsel?

23 A Again, I did -- there was a letter to counsel. So I think
24 the official position of OMB has remained the same.

25 Q Okay. But that official position, if I may, involves a

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1 policy concern with having agency officials appearing before Congress
2 without agency counsel to protect the interest of the agency?

3 A That is the position, as I understand it, yes.

4 Q To your knowledge, OMB and the lawyers at OMB, they weren't
5 concerned about Mr. Sandy's specific testimony. It was more a
6 widespread policy consideration?

7 A Correct.

8 Q Okay. So they didn't have any specific fear of the testimony
9 you would offer. They were concerned about having their lawyers locked
10 out of the room when, in their mind, agency equities are at play?

11 A Correct. I would also just, in the spirit of a complete
12 answer, say that there was also a concern about a precedent of having
13 a career staff person testify.

14 Q Okay. But, again, it had nothing to do with your specific
15 testimony here today.

16 A Well, I did not discuss my testimony of course in advance.

17 Q But you were called here to testify today about specifically
18 identified matters?

19 A Right.

20 Q This is an impeachment initiative about these Ukraine
21 issues. So nobody at OMB leadership or the lawyers expressed any
22 concern about the specific testimony you were going to offer. It was
23 consistently a policy concern about having their lawyers locked out
24 of the room.

25 A Correct. I think they would have taken a similar position

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1 with other staff as well.

2 Q Okay. And is it your understanding that if agency counsel
3 had been able to participate in these proceedings, that other OMB
4 witnesses would have been able to come in as well.

5 MS. VAN GELDER: I'm not going to have him answer that. That
6 would be a discussion that would be with his --

7 MR. CASTOR: Okay.

8 BY MR. CASTOR:

9 Q And nobody at OMB, correct me if I am wrong, tried to
10 influence your testimony here today, correct?

11 A No.

12 Q Okay. They didn't tell you what not to discuss, other than
13 privilege issues?

14 A And those communications went through my personal attorney.

15 Q Okay. So nobody at OMB told you, "please do not give facts
16 about X, Y or Z"?

17 A No.

18 Q The only instruction you were given were through your lawyer
19 about privilege considerations?

20 A Correct.

21 Q Okay. Whether it be executive privilege or attorney-client
22 privilege?

23 A Correct.

24 Q And, again, given the communication you had with Mr. Vought,
25 you're going to go back to work on Monday and you feel like you don't

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1 expect to be retaliated against for participating in this process,
2 correct?

3 A I have received no indication at this point that that's a
4 concern.

5 Q Okay. And you feel like you're -- I mean, you're a highly
6 valued member of the OMB team, correct? I mean, you used to be the
7 acting -- you were the acting director for a stint?

8 A Correct.

9 Q Okay. So no one's given you any indication that you've
10 fallen out of favor because you've decided to potentially testify here
11 today?

12 A No. I've gotten no indication of that thus far.

13 MR. CASTOR: Mr. Meadows.

14 MR. MEADOWS: Mr. Sandy, I want to come back to OMB broadly
15 because I think a lot of questioning today is trying to figure out what's
16 unique and what's different.

17 Are you aware of other efforts within OMB outside of your direct
18 responsibility where OMB has looked at reorganizing the way that
19 they're structured, the way that they interact with other agencies,
20 specifically Ms. Weichert and other areas? Are you aware that there
21 are other organizational changes that are happening or contemplated
22 in OMB?

23 MR. SANDY: I am somewhat familiar, but yes.

24 MR. MEADOWS: So, as you talk to some of your OMB career
25 professionals that have been there a long time, would you agree that

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1 or has there been discussions among some of your colleagues that things
2 have changed in other areas other than just your specific
3 responsibility that we discussed here today? Has that been ever
4 communicated to you at all, Mr. Sandy?

5 MR. SANDY: I'm sorry. Changed in what way?

6 MR. MEADOWS: Just organizationally, the roles of the OMB
7 Management and Budget Director, some of those responsibilities, as we
8 look at the responsibilities within OMB -- you've been there a long
9 time, and some of those I have knowledge of just because we have
10 oversight over OPM and other areas. Are you aware of any contemplated
11 organizational changes or directions that have happened in other areas
12 of OMB?

13 MR. SANDY: Again, I'm most knowledgeable about the resource
14 management organization so I'm not aware of any organizational change.
15 You referred to the reorganizational plan that Deputy Director Weichert
16 is championing, so I think that's the biggest. But that's much more
17 of a, of course, OPM-GSA related --

18 MR. MEADOWS: Have you read about or are you aware of in any other
19 way that the President of the United States has a general concern about
20 the amount of money that we are spending on foreign aid broadly, not
21 specifically, just with Ukraine but just broadly?

22 MR. SANDY: So I'm aware of the proposed reductions in the
23 President's budget.

24 MR. MEADOWS: And do you help prepare part of that budget, or do
25 you provide input on an annual basis for the Presidential budget that

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1 is published?

2 MR. SANDY: Certainly, not in the foreign assistance realm, other
3 than for programs under DOD.

4 MR. MEADOWS: All right. So, as you look at those programs
5 broadly, is it a fair characterization of the budget that generally
6 moneys for foreign assistance and other State Department related
7 activities get reduced in the annual budget and those annual priorities
8 for the President are not necessarily aligned with what gets
9 appropriated?

10 MR. SANDY: Yes. My understanding is congressional action has
11 been different from the President's request in foreign assistance.

12 MR. MEADOWS: And wouldn't you say that Congress generally spends
13 a lot more time and effort and makes a priority of foreign aid a lot
14 more than the President's budget?

15 MR. SANDY: Certainly by virtue of the relative request in
16 appropriations, it is a lower priority for the President.

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1 [3:22 p.m.]

2 MR. MEADOWS: And so, as we look at foreign aid generally and your
3 portfolio -- I know the question has been asked in different formats,
4 but we've had other witnesses that would suggest that there have been
5 holds on other aid to foreign nations, i.e., Lebanon. I think there
6 was some foreign assistance holds on other countries, maybe in the
7 Balkans. Are you aware of those?

8 MR. SANDY: Yes. Again, not my lead area, but I'm aware of them.

9 MR. MEADOWS: Are you aware that there's still a hold on aid to
10 Lebanon? We've had another witness testify to that.

11 MR. SANDY: I'm not aware of the specifics because that doesn't
12 affect my area.

13 MR. MEADOWS: Mr. Castor, I'll yield back.

14 BY MR. GOLDMAN:

15 Q We're almost done here.

16 You're obviously aware that Mr. Vought defied the subpoena to come
17 testify here. Is that right?

18 A I'm aware of his response.

19 Q And Mr. Duffey as well?

20 A Yes, I'm aware.

21 Q And so, when you had any conversations with them, did they
22 express any concerns related to the -- oh, and you're also aware that
23 we have no documents, right, from OMB?

24 A That's -- I'm aware of that.

25 Q Even though we subpoenaed the documents?

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1 A I'm aware of that.

2 Q So, did they express any concerns that you were breaking the
3 widespread policy at OMB to obstruct this investigation?

4 A I would stick by my previous answers about -- in terms of
5 their preferences.

6 Q Just following up on Mr. Meadows' questions, that whatever
7 review the President may be undertaking to look into foreign aid, that's
8 all looking ahead to the future, right? That has nothing to do with
9 the Ukraine security assistance that we've been discussing here today,
10 which is already a part of the law, correct?

11 A So, if you're talking about, obviously, budget requests
12 pertaining to future appropriations --

13 Q Right.

14 A -- advice, this was an FY19 issue.

15 Q In early September, you testified that you received a request
16 for information about other -- the aid provided by other countries to
17 Ukraine. Is that right?

18 A Correct.

19 Q And you don't remember the specific date; you just know it
20 was in September.

21 A As I recall, early September.

22 Q And prior to that request, you were unaware of any reason
23 for the hold. Is that right?

24 A I was unaware of a definitive reason.

25 Q And did you provide information about what other countries

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1 have -- the aid that other countries have given to Ukraine?

2 A Again, the staff did, yes.

3 Q Your staff did.

4 A Yes.

5 Q And do you know if that aid included both security assistance
6 or military aid as well as other economic aid?

7 A I believe so, but, again, I don't recall the specifics.

8 Q So it wasn't necessarily specific to military aid.

9 A I don't believe so.

10 Q So are you aware, actually, that the European countries
11 provide a lot more broad economic aid to Ukraine than the United States
12 does?

13 A Again, I don't have specific data. To be consistent with
14 my previous responses, I am aware of -- I am aware of having read
15 something along those lines in press reporting.

16 Q And then, at some point in early September, Mr. Blair stopped
17 by your office and told you that the reason for the hold was out of
18 concern that the United States gives more aid to Ukraine than other
19 countries? Or, rather, that other countries should give more as well?

20 A That's correct.

21 Q And do you know when that conversation was?

22 A I'm sorry. I don't recall the --

23 Q Do you know if it was before or after the hold was lifted?

24 A It was after.

25 Q It was after. And that that was the first time that you had

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1 received a definitive answer. Is that right?

2 A No. As I referred -- as I mentioned earlier in my testimony,
3 I also received an email along those lines, and I apologize that I don't
4 recall the specific date.

5 Q I guess the confusion I have is, was that email the same email
6 as asking for information about other countries' aid, or was it a
7 different email?

8 A It was a different email. It was subsequent, and that's why
9 I would need to go back and confirm. I know it was in September.

10 Q But what is relevant here is that that email was after the
11 request for information about other countries' aid?

12 A That's correct.

13 Q And you just don't remember it, but it may have been right
14 around September 11 when the aid was lifted?

15 A It very well may have been. I think I was thinking early
16 September for the request, and I know the other email came later. So
17 I apologize that I don't recall the specific date.

18 Q And between the date that you got the email request for more
19 information and the day that the aid was lifted on September 11th, are
20 you aware of whether any other countries had agreed to provide more
21 aid to Ukraine in that period of time?

22 A I'm not aware of anything.

23 MR. SWALWELL: Do you guys have anything else? I was going to
24 conclude if you don't.

25 MR. CASTOR: We had one matter we wanted to bring up after the

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1 witness leaves.

2 MS. CASULLI: Stick around for that.

3 MR. SWALWELL: Mr. Sandy, I want to thank you for coming in. Your
4 testimony today as was unique, I would say, in three ways: One in that
5 you described that you had not seen, other than in this instance, such
6 a significant amount of aid held up for no apparent reason; two, in
7 your experience, you've never seen a political appointee assume the
8 role of apportionments as was done in your case; but, I think, most
9 importantly to us today, three, you are the first OMB witness to be
10 willing to come forward and honor our request to provide information
11 for this inquiry.

12 So, for the third one, we are very grateful, and thank you for
13 doing that.

14 Again, as I mentioned in the beginning, we will not tolerate any
15 reprisal, and if there is anything like that, we hope that you let us
16 know.

17 [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED]

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[REDACTED]

MR. SWALWELL: We are adjourned.

[Whereupon, at 3:29 p.m., the deposition was concluded.]

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POLICY

UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2000

FEB 28 2019

MAR 05 2019

The Honorable Eliot L. Engel
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to notify you that, in coordination with the Secretary of State, the Department of Defense (DoD) will use the authority provided by Section 1250 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016 (Public Law 114-92), as most recently amended by Section 1246 of the NDAA for Fiscal Year 2019 (Public Law 115-232), to support programs in Ukraine. Implementation of these programs will begin no sooner than 15 days following this notification. This authority will be used to provide appropriate security assistance, including training, equipment, and logistics support, supplies, and services, to the military and other security forces of the Government of Ukraine.

The total estimated cost of these programs does not exceed \$125 million. Funding made available pursuant to Section 9013 of the Department of Defense Appropriations Act, 2019 (division A of Public Law 115-245) will finance these programs.

DoD has included more than \$50 million of assistance to deliver counter-artillery radars and defensive lethal assistance pursuant to Section 1250 of the NDAA for Fiscal Year 2016, as amended.

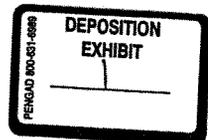
Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125 million, and the quantity of items will remain consistent with the stated nature and scope of the program.

This notification is provided to meet the requirements of section 1250 of the NDAA for Fiscal Year 2016, as amended. Descriptions of the programs and associated training are enclosed. I am sending identical letters to the congressional defense committees and the Senate Committee on Foreign Relations.

Sincerely,

Enclosures:
As stated

cc:
The Honorable Michael McCaul
Ranking Member



**Ukraine Security Assistance Initiative (USAI):
Lethal Equipment and Counter-Artillery Radars**

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to the military and security forces of the Government of Ukraine to enhance Ukraine's capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds defensive lethal weapons systems, including sniper rifles and associated ammunition, optics, and ancillary items, and shoulder-fired grenade launchers and associated ammunition. This program also funds two counter-artillery radar systems, upgrades to 13 previously-provided counter-artillery radar systems, and the associated training, maintenance, and services. These additional radar systems and upgrades will enhance the survivability of Ukrainian forces by providing early warning against enemy indirect fire attacks. The sniper rifles, grenade launchers, and ammunition will increase the defensive capacity of Ukrainian forces for fixed site security, anti-armor, and counter-sniper missions.

Units selected to receive this assistance will undergo human rights vetting before such assistance is provided and will be provided human rights training by the Defense Institute of International Legal Studies. USEUCOM assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance (O&M), Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Radars, Spares, and Supporting Equipment, including: <ul style="list-style-type: none"> • AN/TPQ-37 FIREFINDER Radar (2) • Spares and Ancillary Items 	\$29,900,000	Army
2	Sniper Rifles, Spares, and Supporting Equipment, including: <ul style="list-style-type: none"> • .50 Sniper Rifle (122) 	\$5,800,000	Army

**Ukraine Security Assistance Initiative (USAI):
Ministry of Defense - Air Force**

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine's capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds equipment and training to enable the Ukrainian Air Force to become NATO-interoperable and to improve the Ukrainian Air Force's combat effectiveness. Equipment includes navigational aids, which will significantly enhance the utilization of air defense radars, make operations in a challenging electronic-warfare environment more feasible, and improve the overall air defense capability of Ukraine by enabling day/night and all-weather operational capabilities. This will be vital for the training of Ukrainian forces in critical combat operations to the NATO standard.

Units selected to receive this assistance will undergo human rights vetting before such assistance is provided. This program was approved by the Secretary of Defense, in coordination with the Secretary of State. USEUCOM assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance (O&M), Defense-wide, account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Aircraft Navigational Systems, including: <ul style="list-style-type: none"> • Doppler VHF Omnidirectional Radio Ranging and Tactical Air Navigation System • Associated spares and ancillaries Instrument Landing System/Distance Measuring Equipment, including: <ul style="list-style-type: none"> • Localizer (1) • Glideslope (1) 	\$2,300,000	Air Force

Ukraine Security Assistance Initiative (USAI):
Ministry of Defense – Land Forces and Special Operations Forces

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine's capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability necessary to defend its sovereignty and territorial integrity, and support Ukraine's effort to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds Ukrainian land forces and special operations forces (SOF) equipment and associated critical combat operations training, maintenance, and services. Ukrainian land forces and SOF units will be equipped with electronic warfare equipment, tactical vehicles, shelters, and mine rollers. This program will promote the NATO interoperability of Ukrainian land forces and SOF. This assistance is supported by enduring defense reform programs through the support of the Ministry of Defense Advisors (MoDA) Program and the Defense Governance and Management Team (DGMT).

Units selected to receive this assistance will undergo human rights vetting before such assistance is provided. This program was approved by the Secretary of Defense, in coordination with the Secretary of State. USEUCOM assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance (O&M), Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Tactical Vehicles, including: <ul style="list-style-type: none"> • M1151 High Mobility Multipurpose Wheeled Vehicle (HMMWV) (6) • Self Protection Adaptive Roller Kit System (SPARKS) Mine Rollers (6) • HMMWV Trailers (30) • Associated spares and ancillaries 	\$4,000,000	Army

**Ukraine Security Assistance Initiative (USAI):
Ministry of Defense – Navy and Naval Infantry**

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine's capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability necessary to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds small vessels, communications equipment, and supplies for the Ukrainian Navy and Naval Infantry, including night-vision equipment, thermal scopes, and rifle-mounted lasers to improve the Ukrainian Naval Infantry's capacity to conduct low-light and night-time operations. The program also funds diving equipment to support underwater operations. This assistance is supported by enduring defense reform programs through the support of the Ministry of Defense Advisors (MoDA) Program and the Defense Governance and Management Team (DGMT).

Units selected to receive this assistance will undergo human rights vetting before such assistance is provided. This program was approved by the Secretary of Defense, in coordination with the Secretary of State. USEUCOM assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance (O&M), Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Navy and Naval Infantry Communication Systems, including: <ul style="list-style-type: none"> • Shore Station System (1) • Shore Retransmission Station (6) • Intercom System (4) • Boat Radios (27) • Ruggedized Command Element Portable Computers (66) • Associated spares and ancillaries 	\$4,700,000	Army
2	Naval Infantry Tactical Equipment: <ul style="list-style-type: none"> • Night Vision Device (470) • Laser Weapon Sight (350) 	\$3,200,000	Army

**Ukraine Security Assistance Initiative (USAI):
Ministry of Defense – Other**

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine's capabilities to defend against Russian aggression, assist in developing the combat capability necessary to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds secure communication radio equipment, communications training equipment, communication monitoring equipment, and secure computer network equipment to improve the Ukrainian Ministry of Defense's communication and cyber capabilities. This program also funds a technical support package to provide training and advisory efforts to enable the Ukrainian Ministry of Defense and Armed Forces to develop capabilities to support critical combat operations through such activities as planning, logistics, procurement, and acquisition, in line with NATO principles and standards. The technical support package will include training for staff and senior leadership to allow the armed forces to better analyze, budget, and select capabilities for procurement via a transparent, responsive, and competitive process.

This program was approved by the Secretary of Defense, in coordination with the Secretary of State. USEUCOM assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance (O&M), Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Secure Radio Equipment, including: <ul style="list-style-type: none"> • VHF/UHF Radio Systems (260) • HF Radio Systems (40) • Associated spares, ancillaries 	\$15,100,000	Army
2	Training and Classroom Equipment, including: <ul style="list-style-type: none"> • Tactical Vehicle Mounted Radio System (2) • Intercom System (2) • Tactical Radio System manpack (4) • Associated spares and ancillaries 	\$700,000	Army



POLICY

UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2000

MAY 23 2019

The Honorable Eliot L. Engel
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

MAY 28 2019

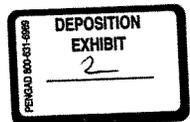
Dear Mr. Chairman:

On behalf of the Secretary of Defense, and in coordination with the Secretary of State, I have certified that the Government of Ukraine has taken substantial actions to make defense institutional reforms for the purposes of decreasing corruption, increasing accountability, and sustaining improvements of combat capability enabled by U.S. assistance. An assessment of the actions taken by Ukraine, the remaining areas in need of defense institutional reform, and the methodology used to evaluate this reform are included in this letter. Furthermore, now that this defense institutional reform has occurred, we will use the authority provided by section 1250 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016 (Public Law 114-92), as amended most recently by section 1246 of the John S. McCain NDAA for Fiscal Year 2019 (Public Law 115-232), to support programs in Ukraine further. Implementation of this further support will begin no sooner than 15 days following this notification. This authority will be used to provide appropriate security assistance, including training, equipment, and logistics support, supplies, and services, to the military and other security forces of the Government of Ukraine.

Pursuant to Section 9013 of the Department of Defense (DoD) Appropriations Act, 2019 (division A of Public Law 115-245), we are notifying the committees of this obligation.

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125 million, and the quantity of items will remain consistent with the stated nature and scope of the program.

The primary methodology used to inform this certification was persistent U.S. engagement with Ukraine, including, but not limited to: 1) the Secretary's meetings with Minister of Defense Poltorak; 2) a visit to Kyiv by the U.S. Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia; 3) Lieutenant General (Retired) Keith Dayton's bilateral consultations with and participation in Ukraine's Defense Reform Advisory Board in his role as U.S. Senior Defense Advisor on Ukraine; 4) former Secretary of the Navy Dr. Donald Winter's visit to Kyiv in his role a U.S. Senior Defense Industry Advisor; 5) senior level engagements led by the Department of State, including the U.S.-Ukraine Strategic Partnership Commission; 6) U.S. European Command's efforts through the Multinational Joint Commission on Ukraine; 7) the Joint Multinational Training Group - Ukraine training program; and 8) other advisory efforts through the Ministry of Defense Advisors Program, Defense Governance and Management Team, Cooperative Technology Security Dialogue, and the U.S. Embassy in Kyiv and U.S. Mission to NATO in Brussels.



**Ukraine Security Assistance Initiative Notification Summary Table
In Accordance with Section 9013 of the Department of Defense Appropriations Act, 2019,
and Section 1250 of the National Defense Authorization Act for 2016, as Amended
(Tranche 2, \$125 Million)**

Proposal	Program	Component	Combatant Command	Dollars
1	Electronic Warfare and Counter-Mortar Radars	DSCA	USEUCOM	\$26,900,000
2	National Guard	DSCA	USEUCOM	\$9,700,000
3	Ministry of Defense – Land Forces and Special Operations Forces	DSCA	USEUCOM	\$28,300,000
4	Ministry of Defense – Command and Control	DSCA	USEUCOM	\$51,100,000
5	Ministry of Defense – Other	DSCA	USEUCOM	\$9,000,000
	Total			\$125,000,000

DSCA – Defense Security Cooperation Agency
USEUCOM – U.S. European Command

	Articles/Services	Value	Executing Component
3	<ul style="list-style-type: none"> • Operations and Maintenance Training • Human Rights Training (DIILS) • Services, Service Charges, and Technical Support • Transportation, Consolidation, Shipping 	\$4,700,000	Army/Navy/USMC
PROGRAM TOTAL		\$26,900,000	

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125,000,000. The quantity of items will remain consistent with the notified nature and scope of the program.

	Articles/Services	Value	Executing Component
4	<ul style="list-style-type: none"> • Operations and Maintenance Training • Human Rights Training (DIILS) • Services, Service Charges, and Technical Support • Transportation, Consolidation, Shipping 	\$1,700,000	Army
PROGRAM TOTAL		\$9,700,000	

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125,000,000. The quantity of items will remain consistent with the notified nature and scope of the program.

	Articles/Services	Value	Executing Component
2	Night-Vision Device (NVD) sustainment and maintenance, including: <ul style="list-style-type: none"> • NVD consumable spare parts • NVD repair tools and supplies • Secure storage containers (20) • Associated Spares and ancillaries • Collimator Rifle Sights (1000) • Associated Rifle Handguards, batteries, spares, ancillaries 	\$3,600,000	Army
3	Engineering and Explosive Ordnance Disposal (EOD), including: <ul style="list-style-type: none"> • Husky Demining Vehicle (1) • EOD Robots (20) • EOD Bomb-technician Suits (14) • Associated spares and ancillaries 	\$7,200,000	Navy
4	Non-Commissioned Officer Academy and Yavoriv Training Center Equipment, including: <ul style="list-style-type: none"> • English Language Labs (20) • Simulations software and servers • Associated spares and ancillaries 	\$400,000	Army
5	SOF Secure Communication, including: <ul style="list-style-type: none"> • HF/VHF Radios (124) • Associated Spares and ancillaries 	\$4,200,000	Army
6	SOF Optics, Medical, and Engineering, including: <ul style="list-style-type: none"> • Weapon optics (550) • Secure Storage Containers (6) • EOD equipment • Medical equipment • Water Purification system (8) • Associated Spares and ancillaries 	\$2,500,000	Army/Navy

Ukraine Security Assistance Initiative (USAI):
Ministry of Defense – Command and Control

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine's capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability necessary to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds equipment to develop further Ukraine's ability to communicate securely in the Joint Forces Operation area and emissions and penetration testing equipment to harden communication networks. These systems will improve the Ukrainian Ministry of Defense's communication and cyber capabilities.

Units selected to receive this assistance will undergo Leahy human rights vetting before such assistance is provided and will be provided human rights training by the Defense Institute of International Legal Studies. The U.S. European Command (USEUCOM) assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance, Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Secure Communications equipment, including: <ul style="list-style-type: none"> • VHF/UHF radio systems (100) • VHF Dismount System (100) • HF Radio Systems (350) • Associated spares and ancillaries 	\$43,200,000	Army
2	Emissions and Penetration Testing and certification equipment, including: <ul style="list-style-type: none"> • Spectrum Analyzers (23) • Servers, racks, and cabling • Associated spares and ancillaries 	\$1,400,000	Army

**Ukraine Security Assistance Initiative (USAI):
Ministry of Defense – Other**

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine's capabilities to defend against Russian aggression, assist in developing the combat capability necessary to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds 10 additional HMMWV ambulances, medical treatment supplies, optics and ancillaries for the Military Police, 10 vehicle-mounted public address systems, and associated training. These programs will continue to enhance Ukraine's military medical capacity and capability in support of continued U.S.-led medical training in Ukraine designed to develop an organic and self-sustaining military medic program.

Units selected to receive this assistance will undergo Leahy human rights vetting before such assistance is provided and will be provided human rights training by the Defense Institute of International Legal Studies. The U.S. European Command (USEUCOM) assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance, Defense-wide account.

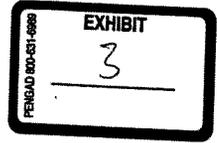
These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Medical Equipment, including: <ul style="list-style-type: none"> • M1152 HMMWV Ambulances (10) • Hospital equipment (30) • Treatment and Training supplies • Associated spares, ancillaries 	\$5,500,000	Army
2	Military Police Equipment, including: <ul style="list-style-type: none"> • Weapon Optics (200) • Range finders (10) • Associated spares and ancillaries 	\$500,000	Army
3	STRATCOM equipment, including: <ul style="list-style-type: none"> • Vehicle-Mounted Public Announcement system (10) • US standard digital media kits (30) • Associated spares and ancillaries 	\$1,600,000	Army



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



October 3, 2019

The Honorable John A. Yarmuth
Chairman
Committee on Budget
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Office of Management and Budget (OMB) received your September 27, 2019 letter requesting information and documents about OMB's apportionment actions. Per your request, please find enclosed a preliminary response. We will be in contact about the remaining requests in your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason A. Yaworske".

Jason A. Yaworske
Associate Director for Legislative Affairs

Enclosure

cc: The Honorable Steve Womack
The Honorable Kay Granger

Identical Letter Sent to The Honorable Nita Lowey



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 3, 2019

The Honorable Nita Lowey
Chairwoman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

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Jason A. Yaworske
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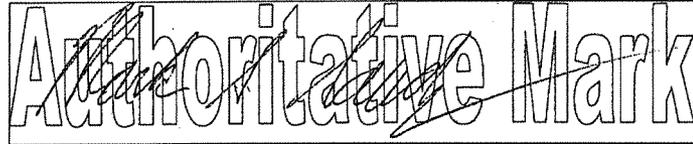
Attachment #1

OMB reached out to the Department of Defense (DOD) on June 19, 2019, about the Ukraine Security Assistance Initiative (USAI). On July 18, 2019, OMB notified an interagency working group, which included DOD and the Department of State, about an instruction to withhold all funds for Ukraine security assistance. OMB issued its first written apportionment with the USAI footnote restricting obligations on July 25 for the DOD account (TAFS 97-0100/2019). In its apportionment, OMB noted that it “understands from the Department that this brief pause in obligations will not preclude DOD’s timely execution of the final policy direction. DOD may continue its planning and casework for the Initiative during this period.” (See attached footnote). The remaining unobligated USAI funds were made available for use by DOD for FY 2019 on September 12, 2019.

With regard to the August 3, 2019, Letter Apportionment, OMB instructed the Department of State and the U.S. Agency for International Development to withhold the funds listed in the August 3 letter. This letter was the first reapportionment action with respect to the withholding of these funds. The funds were made available for use by the agencies for FY 2019 on August 9, 2019.

SF 132 APPORTIONMENT SCHEDULE

**OMB Approved this apportionment request using
the web-based apportionment system**



Mark Affixed By: Mark Sandy
Deputy Associate Director for National Security Programs

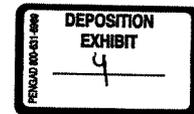
Signed On: 2019-07-25 06:44 PM

File Name: Copy of INC 2019-19-23-24-25 IR-19-05 PA_97-0100 2019-complete 07.25.2019v2.xlsx

Sent By: Katie Broomell

Sent On: 2019-07-25 06:47 PM

TAF(s) Included: 97-0100 \2019



SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment OMB Footnotes

Footnotes for Apportioned Amounts

- A2** A classified attachment displaying the apportionment of specific classified programs within the amount displayed may be included. All documents associated with this apportionment are unclassified except for the Classified Attachment. The classified apportionment shall be allotted in full and executed without change. Such apportionment shall remain valid during the fiscal year until such time as a reapportionment of such classified apportionment is required. Allotments shall be made no later than 30 days after OMB signs the apportionment or the start of the subsequent calendar month, whichever is later.
- A3** Pursuant to 31 U.S.C. 1553(b), not to exceed one percent of the total appropriations for this account is apportioned for the purpose of paying legitimate obligations related to canceled appropriations.
- A4** Amounts apportioned, but not yet obligated as of the date of this reapportionment, for the Ukraine Security Assistance Initiative (Initiative) are not available for obligation until August 5, 2019, to allow for an interagency process to determine the best use of such funds. Based on OMB's communication with DOD on July 25, 2019, OMB understands from the Department that this brief pause in obligations will not preclude DOD's timely execution of the final policy direction. DOD may continue its planning and casework for the Initiative during this period.

Footnotes for Budgetary Resources

- B1** Funds provided by P. L. 115-245 signed September 28, 2018 appropriated amount of \$43,534,193,000; plus section 8048 \$44,000,000; plus section 8118 \$16,571,000; plus section 9013 \$250,000,000 plus section 9018 \$500,000,000 minus 8024(f) \$7,788,000.
- B2** Apportioned anticipated budgetary resources, once realized, do not need to be reapportioned unless the amount realized exceeds the conditions on the total amount apportioned (OMB Circular A-11 sections 120.49).

SF 132 APPORTIONMENT SCHEDULE

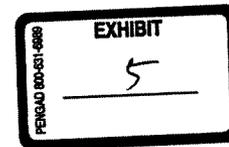
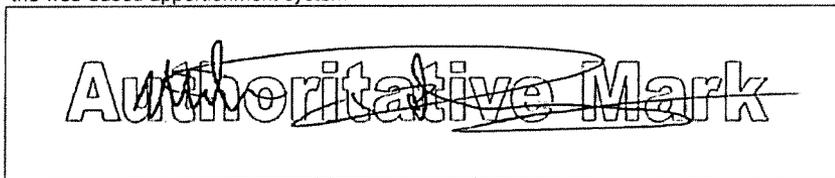
- B3** (16) FY 19-23 IR transfers \$-2,538,000 in accordance with P.L. 115-245. FY 19-24 IR transfers \$-35,000,000 in accordance with section 8055 of P.L. 115-245. FY19-25 IR transfers \$-7,290,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. FY 19-05 PA transfers \$-12,250,000 in accordance with section 8005 of division A of P.L. 115-232. (15) FY 19-17 IR transfers \$-59,444,000 (Part I) and \$-187,814,000 (Part II) in accordance with sections 9002 and 9018 of Title IX (OCO) of division A of P.L. 115-245. (12) This action restores \$2,000,000 that was previously transferred in FY19-06 LTR to fund the National Commission on Military Aviation Safety; the Commission will be funded using other resources. (11) FY 19-10 IR transfer \$7,089,000 out of this account in accordance with section 8052 of division A of P.L. 115-245. (10) FY 19-06 LTR transfers \$-2,000,000 to the National Commission on Military Aviation Safety in accordance with section 1087 of P.L. 115-232. (9) FY 19-04 transfers \$-155,092,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-16,500,000 in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (4) FY 19-04 LTR transfers \$-10,000,000 in accordance with section 315(a) of P.L. 115-232. (3) FY 19-02 LTR transfers \$-1,693,442,000 in accordance with Title IX (OCO) of division A of Public Law 115-245. (5) FY19-02 transfers \$-4,011,500 in accordance with section 8052 of division A of P.L. 115-245.
- B4** Per the April 2019 SF-133
- B5** (16) FY 19-23 IR transfers \$33,586,000 in accordance with P.L. 115-245. FY 19-25 IR transfers \$17,789,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. (15) FY 19-17 IR transfers \$31,524,000 (Part I) in accordance with section 9018 of Title IX (OCO) of division A of P.L. 115-245. (9) FY 19-04 IR transfers \$46,248,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245. (8) FY 19-08 IR transfers \$32,028,000 in accordance with Title VI of Division A of P.L. 115-245. (7) FY 19-05 IR transfers \$8,549,000 in accordance with Title VI of Division A of P.L. 115-245. (6) FY 19-03 IR transfers \$8,029,000 in accordance with Title II of division A of P.L. 115-245.
- B6** (14) Transfers \$8,000,000 from the Intelligence Community Management Account (ICMA) (Treasury Accounting System control #19011631) in accordance with provisions of the Intelligence Authorization Act for 2005

End of File

SF 132 APPORTIONMENT SCHEDULE

OMB Approved this apportionment request using
the web-based apportionment system

the web-based apportionment system



Mark Affixed By: Michael Duffey
Mark Affixed By: Michael Duffey
Associate Director for National Security Programs
Associate Director for National Security Programs

Signed On: 2019-08-06 02:22 PM
Signed On: 2019-08-06 02:22 PM
File Name: INC 2019-19-07 PA_97-0100 2019 8-6-2019.xlsx
File Name: INC 2019-19-07 PA_97-0100 2019 8-6-2019.xlsx
Sent By: Edna Curtin
Sent By: Edna Curtin
Sent On: 2019-08-06 03:41 PM
Sent On: 2019-08-06 03:41 PM

TAF(s) Included: 97-0100 \2019

SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment OMB Footnotes

Footnotes for Apportioned Amounts

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- A3 Pursuant to 31 U.S.C. 1553(b), not to exceed one percent of the total appropriations for this account is apportioned for the purpose of paying legitimate obligations related to canceled appropriations.
- A4 Amounts apportioned, but not yet obligated as of the date of this reapportionment, for the Ukraine Security Assistance Initiative (Initiative) are not available for obligation until August 12, 2019, to allow for an interagency process to determine the best use of such funds. Based on OMB's communication with DOD on August 6, 2019, OMB understands from the Department that this brief pause in obligations will not preclude DOD's timely execution of the final policy direction. DOD may continue its planning and casework for the Initiative during this period.

Footnotes for Budgetary Resources

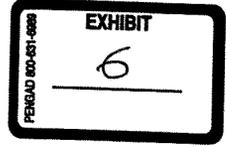
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- B2 Apportioned anticipated budgetary resources, once realized, do not need to be reapportioned unless the amount realized exceeds the conditions on the total amount apportioned (OMB Circular A-11 sections 120.49).

SF 132 APPORTIONMENT SCHEDULE

- B3** (16) FY 19-23 IR transfers \$-2,538,000 in accordance with P.L. 115-245. FY 19-24 IR transfers \$-35,000,000 in accordance with section 8055 of P.L. 115-245. FY19-25 IR transfers \$-7,290,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. FY 19-05 PA transfers \$-12,250,000 in accordance with section 8005 of division A of P.L. 115-232. (15) FY 19-17 IR transfers \$-59,444,000 (Part I) and \$-187,814,000 (Part II) in accordance with sections 9002 and 9018 of Title IX (OCO) of division A of P.L. 115-245. (12) This action restores \$2,000,000 that was previously transferred in FY19-06 LTR to fund the National Commission on Military Aviation Safety; the Commission will be funded using other resources. (11) FY 19-10 IR transfer \$7,089,000 out of this account in accordance with section 8052 of division A of P.L. 115-245. (10) FY 19-06 LTR transfers \$-2,000,000 to the National Commission on Military Aviation Safety in accordance with section 1087 of P.L. 115-232. (9) FY 19-04 transfers \$-155,092,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-16,500,000 in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (4) FY 19-04 LTR transfers \$-10,000,000 in accordance with section 315(a) of P.L. 115-232. (3) FY 19-02 LTR transfers \$-1,693,442,000 in accordance with Title IX (OCO) of division A of Public Law 115-245. (5) FY19-02 transfers \$-4,011,500 in accordance with section 8052 of division A of P.L. 115-245.
- B4** Per the April 2019 SF-133
- B5** (17) FY 19-07 PA transfers \$13,806,000 in accordance with section 8005 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. (16) FY 19-23 IR transfers \$33,586,000 in accordance with P.L. 115-245. FY 19-25 IR transfers \$17,789,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. (15) FY 19-17 IR transfers \$31,524,000 (Part I) in accordance with section 9018 of Title IX (OCO) of division A of P.L. 115-245. (9) FY 19-04 IR transfers \$46,248,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245. (8) FY 19-08 IR transfers \$32,028,000 in accordance with Title VI of Division A of P.L. 115-245. (7) FY 19-05 IR transfers \$8,549,000 in accordance with Title VI of Division A of P.L. 115-245. (6) FY 19-03 IR transfers \$8,029,000 in accordance with Title II of division A of P.L. 115-245.
- B6** (14) Transfers \$8,000,000 from the Intelligence Community Management Account (ICMA) (Treasury Accounting System control #19011631) in accordance with provisions of the Intelligence Authorization Act for 2005

End of File

The Washington Post
Democracy Dies in Darkness



Foreign aid funds put on hold for review

By Carol Morello and Karoun Demirjian

August 5, 2019 5:57 p.m. EDT

The Trump administration has temporarily frozen and ordered a review of several key foreign aid funds that Congress has already approved, in a move that critics fear could lead to another attempted rollback of foreign aid.

The Office of Management and Budget sent a letter to the State Department and the U.S. Agency for International Development on Saturday, notifying them of the action, which took effect one minute before midnight that day.

The OMB asked the agencies for a balance sheet of foreign aid projects that have not yet been funded. Michael P. Duffey, the associate director for national security programs at OMB, wrote that no more money can be obligated from those funds until three days after OMB receives the numbers, a process that could take days if not weeks.

AD

The letter, viewed by The Washington Post, lists eight areas that cover a variety of assistance: international organizations; peacekeeping operations and activities; international narcotics control and law enforcement; development aid; assistance for Europe, Eurasia and Central Asia; economic support funding; foreign military financing programs; and global health programs.

An administration official said the funds targeted for review are above budgetary limits proposed by President Trump. They include big-ticket items like contributions to the United Nations and smaller items like solar panels in the Caribbean, schools in Uzbekistan and soccer programs in Central America.

Traditionally, a significant portion of foreign aid funding is obligated toward the end of a fiscal year, which runs through Sept. 30. But this year the pot is bigger, in part because the administration has cut aid to the Northern Triangle countries of Guatemala, Honduras and El Salvador, and for the Palestinians.

AD

According to people familiar with the process, the named funds could be as little as \$2 billion and as much as \$4 billion.

The State Department and USAID declined to comment, referring questions to OMB.

"It is incumbent on all federal agencies to properly use funds provided by Congress," said Rachel Semmel, the OMB spokeswoman. "In an effort to ensure accountability, OMB has requested the current status of several foreign assistance accounts to identify the amount of funding that is unobligated. On behalf of American taxpayers, OMB has an obligation to ensure their money is being used wisely."

Carol Morello

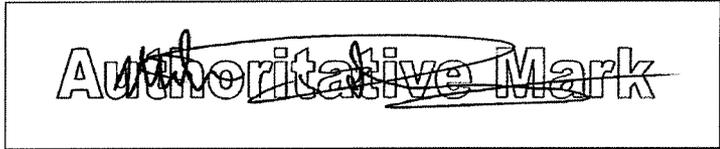
Carol Morello is the diplomatic correspondent for The Washington Post, covering the State Department. She previously wrote about demographics and the census. She has worked at The Post since 2000. Before that, she was a reporter for the Philadelphia Inquirer and USA Today. [Follow](#) 

Karoun Demirjian

Karoun Demirjian is a congressional reporter covering national security, including defense, foreign policy, intelligence and matters concerning the judiciary. She was previously a correspondent based in The Post's bureau in Moscow. [Follow](#) 

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**OMB Approved this apportionment request using
the web-based apportionment system**



Mark Affixed By: Michael Duffey
Associate Director for National Security Programs

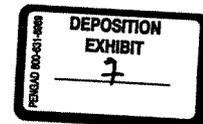
Signed On: 2019-08-15 10:15 AM

File Name: Copy of INC 2019-19-29 IR_97-0100 2019.xlsx

Sent By: Wandlyn Robinson

Sent On: 2019-08-15 10:46 AM

TAF(s) Included: 97-0100 \2019



SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment OMB Footnotes

Footnotes for Apportioned Amounts

- A2** A classified attachment displaying the apportionment of specific classified programs within the amount displayed may be included. All documents associated with this apportionment are unclassified except for the Classified Attachment. The classified apportionment shall be allotted in full and executed without change. Such apportionment shall remain valid during the fiscal year until such time as a reapportionment of such classified apportionment is required. Allotments shall be made no later than 30 days after OMB signs the apportionment or the start of the subsequent calendar month, whichever is later.
- A3** Pursuant to 31 U.S.C. 1553(b), not to exceed one percent of the total appropriations for this account is apportioned for the purpose of paying legitimate obligations related to canceled appropriations.
- A4** Amounts apportioned, but not yet obligated as of the date of this reapportionment, for the Ukraine Security Assistance Initiative (Initiative) are not available for obligation until August 12, 2019, to allow for an interagency process to determine the best use of such funds. Based on OMB's communication with DOD on August 6, 2019, OMB understands from the Department that this brief pause in obligations will not preclude DOD's timely execution of the final policy direction. DOD may continue its planning and casework for the Initiative during this period.

Footnotes for Budgetary Resources

- B1** Funds provided by P. L. 115-245 signed September 28, 2018 appropriated amount of \$43,534,193,000; plus section 8048 \$44,000,000; plus section 8118 \$16,571,000; plus section 9013 \$250,000,000 plus section 9018 \$500,000,000 minus 8024(f) \$7,788,000.
- B2** Apportioned anticipated budgetary resources, once realized, do not need to be reapportioned unless the amount realized exceeds the conditions on the total amount apportioned (OMB Circular A-11 sections 120.49).

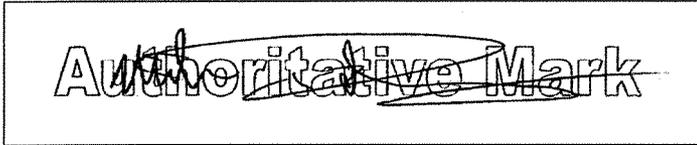
SF 132 APPORTIONMENT SCHEDULE

- B3** (18) FY 19-29 IR transfers \$-100,000 in accordance with section 8052 of division A of P.L. 115-245. (16) FY 19-23 IR transfers \$-2,538,000 in accordance with P.L. 115-245. FY 19-24 IR transfers \$-35,000,000 in accordance with section 8055 of P.L. 115-245. FY 19-25 IR transfers \$-7,290,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. FY 19-05 PA transfers \$-12,250,000 in accordance with section 8005 of division A of P.L. 115-232. (15) FY 19-17 IR transfers \$-59,444,000 (Part I) and \$-187,814,000 (Part II) in accordance with sections 9002 and 9018 of Title IX (OCO) of division A of P.L. 115-245. (12) This action restores \$2,000,000 that was previously transferred in FY19-06 LTR to fund the National Commission on Military Aviation Safety; the Commission will be funded using other resources. (11) FY 19-10 IR transfer \$7,089,000 out of this account in accordance with section 8052 of division A of P.L. 115-245. (10) FY 19-06 LTR transfers \$-2,000,000 to the National Commission on Military Aviation Safety in accordance with section 1087 of P.L. 115-232. (9) FY 19-04 transfers \$-155,092,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-16,500,000 in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (4) FY 19-04 LTR transfers \$-10,000,000 in accordance with section 315(a) of P.L. 115-232. (3) FY 19-02 LTR transfers \$-1,693,442,000 in accordance with Title IX (OCO) of division A of Public Law 115-245. (5) FY19-02 transfers \$-4,011,500 in accordance with section 8052 of division A of P.L. 115-245.
- B4** Per the April 2019 SF-133
- B5** (17) FY 19-07 PA transfers \$13,806,000 in accordance with section 8005 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. (16) FY 19-23 IR transfers \$33,586,000 in accordance with P.L. 115-245. FY 19-25 IR transfers \$17,789,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. (15) FY 19-17 IR transfers \$31,524,000 (Part I) in accordance with section 9018 of Title IX (OCO) of division A of P.L. 115-245. (9) FY 19-04 IR transfers \$46,248,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245. (8) FY 19-08 IR transfers \$32,028,000 in accordance with Title VI of Division A of P.L. 115-245. (7) FY 19-05 IR transfers \$8,549,000 in accordance with Title VI of Division A of P.L. 115-245. (6) FY 19-03 IR transfers \$8,029,000 in accordance with Title II of division A of P.L. 115-245.
- B6** (14) Transfers \$8,000,000 from the Intelligence Community Management Account (ICMA) (Treasury Accounting System control #19011631) in accordance with provisions of the Intelligence Authorization Act for 2005

End of File

SF 132 APPORTIONMENT SCHEDULE

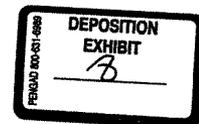
OMB Approved this apportionment request using
the web-based apportionment system



Mark Affixed By: Michael Duffey
Associate Director for National Security Programs

Signed On: 2019-08-20 04:35 PM
File Name: Copy of INC 2019-19-27 IR and 19-28 IR_97-0100 2019.xlsx
Sent By: Edna Curtin
Sent On: 2019-08-20 06:24 PM

TAF(s) Included: 97-0100 \2019



SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment OMB Footnotes

Footnotes for Apportioned Amounts

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- A3** Pursuant to 31 U.S.C. 1553(b), not to exceed one percent of the total appropriations for this account is apportioned for the purpose of paying legitimate obligations related to canceled appropriations.
- A4** Amounts apportioned, but not yet obligated as of the date of this reapportionment, for the Ukraine Security Assistance Initiative (Initiative) are not available for obligation until August 26, 2019, to allow for an interagency process to determine the best use of such funds. DOD may continue its planning and casework for the Initiative during this period.

Footnotes for Budgetary Resources

- B1** Funds provided by P. L. 115-245 signed September 28, 2018 appropriated amount of \$43,534,193,000; plus section 8048 \$44,000,000; plus section 8118 \$16,571,000; plus section 9013 \$250,000,000 plus section 9018 \$500,000,000 minus 8024(f) \$7,788,000.
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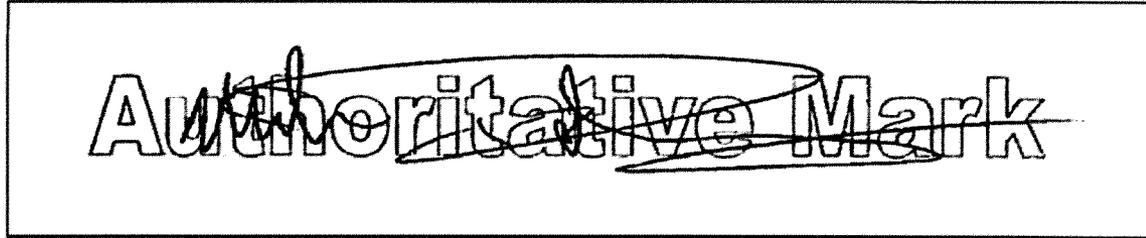
SF 132 APPORTIONMENT SCHEDULE

- B3** (19) FY 19-27 IR transfers \$-49,996,000 (Part I) in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-18,904,000 (Part II) in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (18) FY 19-29 IR transfers \$-100,000 in accordance with section 8052 of division A of P.L. 115-245. (16) FY 19-23 IR transfers \$-2,538,000 in accordance with P.L. 115-245. FY 19-24 IR transfers \$-35,000,000 in accordance with section 8055 of P.L. 115-245. FY 19-25 IR transfers \$-7,290,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. FY 19-05 PA transfers \$-12,250,000 in accordance with section 8005 of division A of P.L. 115-232. (15) FY 19-17 IR transfers \$-59,444,000 (Part I) and \$-187,814,000 (Part II) in accordance with sections 9002 and 9018 of Title IX (OCO) of division A of P.L. 115-245. (12) This action restores \$2,000,000 that was previously transferred in FY19-06 LTR to fund the National Commission on Military Aviation Safety; the Commission will be funded using other resources. (11) FY 19-10 IR transfer \$7,089,000 out of this account in accordance with section 8052 of division A of P.L. 115-245. (10) FY 19-06 LTR transfers \$-2,000,000 to the National Commission on Military Aviation Safety in accordance with section 1087 of P.L. 115-232. (9) FY 19-04 transfers \$-155,092,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-16,500,000 in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (4) FY 19-04 LTR transfers \$-10,000,000 in accordance with section 315(a) of P.L. 115-232. (3) FY 19-02 LTR transfers \$-1,693,442,000 in accordance with Title IX (OCO) of division A of Public Law 115-245. (5) FY19-02 transfers \$-4,011,500 in accordance with section 8052 of division A of P.L. 115-245.
- B4** Per the April 2019 SF-133
- B5** (19) FY 19-27 IR transfers \$9,861,000 (Part I) in accordance with section 9018 of Title IX of division A of P.L. 115-245. FY 19-28 IR transfers \$4,545,000 in accordance with Title VI of division A of P.L. 115-245. (17) FY 19-07 PA transfers \$13,806,000 in accordance with section 8005 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. (16) FY 19-23 IR transfers \$33,586,000 in accordance with P.L. 115-245. FY 19-25 IR transfers \$17,789,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. (15) FY 19-17 IR transfers \$31,524,000 (Part I) in accordance with section 9018 of Title IX (OCO) of division A of P.L. 115-245. (9) FY 19-04 IR transfers \$46,248,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245. (8) FY 19-08 IR transfers \$32,028,000 in accordance with Title VI of Division A of P.L. 115-245. (7) FY 19-05 IR transfers \$8,549,000 in accordance with Title VI of Division A of P.L. 115-245. (6) FY 19-03 IR transfers \$8,029,000 in accordance with Title II of division A of P.L. 115-245.
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End of File

SF 132 APPORTIONMENT SCHEDULE

**OMB Approved this apportionment request using
the web-based apportionment system**



Mark Affixed By: Michael Duffey
Associate Director for National Security Programs

Signed On: 2019-08-27 02:25 PM
File Name: 97-0100 2019 O&M DW.xlsx
Sent By: Katie Broomell
Sent On: 2019-08-27 04:51 PM

TAF(s) Included: 97-0100 \2019

SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment OMB Footnotes

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Footnotes for Budgetary Resources

- B1** Funds provided by P. L. 115-245 signed September 28, 2018 appropriated amount of \$43,534,193,000; plus section 8048 \$44,000,000; plus section 8118 \$16,571,000; plus section 9013 \$250,000,000 plus section 9018 \$500,000,000 minus 8024(f) \$7,788,000.
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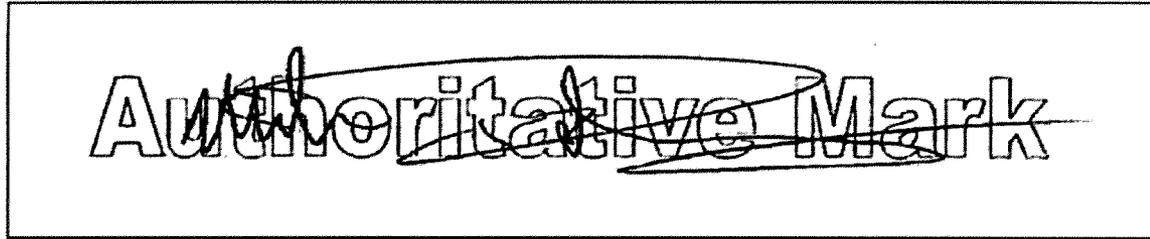
SF 132 APPORTIONMENT SCHEDULE

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End of File

SF 132 APPORTIONMENT SCHEDULE

**OMB Approved this apportionment request using
the web-based apportionment system**



222

Mark Affixed By: Michael Duffey
Associate Director for National Security Programs

Signed On: 2019-08-31 09:19 AM
File Name: 97-0100 2019 O&M DW 21.xlsx
Sent By: Katie Broomell
Sent On: 2019-08-31 10:07 AM

TAF(s) Included: 97-0100 \2019

SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment OMB Footnotes

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Footnotes for Budgetary Resources

- B1** Funds provided by P. L. 115-245 signed September 28, 2018 appropriated amount of \$43,534,193,000; plus section 8048 \$44,000,000; plus section 8118 \$16,571,000; plus section 9013 \$250,000,000 plus section 9018 \$500,000,000 minus 8024(f) \$7,788,000.
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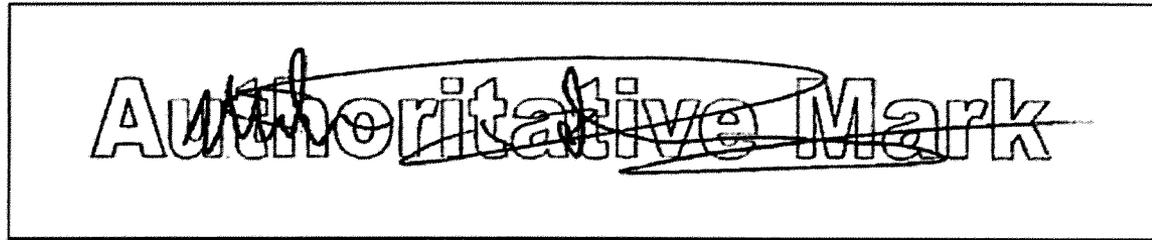
SF 132 APPORTIONMENT SCHEDULE

- B3** (19) FY 19-27 IR transfers \$-49,996,000 (Part I) in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-18,904,000 (Part II) in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (18) FY 19-29 IR transfers \$-100,000 in accordance with section 8052 of division A of P.L. 115-245. (16) FY 19-23 IR transfers \$-2,538,000 in accordance with P.L. 115-245. FY 19-24 IR transfers \$-35,000,000 in accordance with section 8055 of P.L. 115-245. FY19-25 IR transfers \$-7,290,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. FY 19-05 PA transfers \$-12,250,000 in accordance with section 8005 of division A of P.L. 115-232. (15) FY 19-17 IR transfers \$-59,444,000 (Part I) and \$-187,814,000 (Part II) in accordance with sections 9002 and 9018 of Title IX (OCO) of division A of P.L. 115-245. (12) This action restores \$2,000,000 that was previously transferred in FY19-06 LTR to fund the National Commission on Military Aviation Safety; the Commission will be funded using other resources. (11) FY 19-10 IR transfer \$7,089,000 out of this account in accordance with section 8052 of division A of P.L. 115-245. (10) FY 19-06 LTR transfers \$-2,000,000 to the National Commission on Military Aviation Safety in accordance with section 1087 of P.L. 115-232. (9) FY 19-04 transfers \$-155,092,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-16,500,000 in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (4) FY 19-04 LTR transfers \$-10,000,000 in accordance with section 315(a) of P.L. 115-232. (3) FY 19-02 LTR transfers \$-1,693,442,000 in accordance with Title IX (OCO) of division A of Public Law 115-245. (5) FY19-02 transfers \$-4,011,500 in accordance with section 8052 of division A of P.L. 115-245.
- B4** Per the April 2019 SF-133
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- B6** (14) Transfers \$8,000,000 from the Intelligence Community Management Account (ICMA) (Treasury Accounting System control #19011631) in accordance with provisions of the Intelligence Authorization Act for 2005

End of File

SF 132 APPORTIONMENT SCHEDULE

**OMB Approved this apportionment request using
the web-based apportionment system**



Mark Affixed By: Michael Duffey
Associate Director for National Security Programs

Signed On: 2019-09-05 01:26 PM
File Name: 97-0100 2019 OM DW 22.xlsx
Sent By: John Saldivar
Sent On: 2019-09-05 01:33 PM

TAF(s) Included: 97-0100 \2019

SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment
OMB Footnotes

Footnotes for Apportioned Amounts

- A2** A classified attachment displaying the apportionment of specific classified programs within the amount displayed may be included. All documents associated with this apportionment are unclassified except for the Classified Attachment. The classified apportionment shall be allotted in full and executed without change. Such apportionment shall remain valid during the fiscal year until such time as a reapportionment of such classified apportionment is required. Allotments shall be made no later than 30 days after OMB signs the apportionment or the start of the subsequent calendar month, whichever is later.
- A3** Pursuant to 31 U.S.C. 1553(b), not to exceed one percent of the total appropriations for this account is apportioned for the purpose of paying legitimate obligations related to canceled appropriations.
- A4** Amounts apportioned, but not yet obligated as of the date of this reapportionment, for the Ukraine Security Assistance Initiative (Initiative) are not available for obligation until ~~September 7, 2019~~, to allow for an interagency process to determine the best use of such funds. DOD may continue its planning and casework for the Initiative during this period.

Footnotes for Budgetary Resources

- B1** Funds provided by P. L. 115-245 signed September 28, 2018 appropriated amount of \$43,534,193,000; plus section 8048 \$44,000,000; plus section 8118 \$16,571,000; plus section 9013 \$250,000,000 plus section 9018 \$500,000,000 minus 8024(f) \$7,788,000.
- B2** Apportioned anticipated budgetary resources, once realized, do not need to be reapportioned unless the amount realized exceeds the conditions on the total amount apportioned (OMB Circular A-11 sections 120.49).

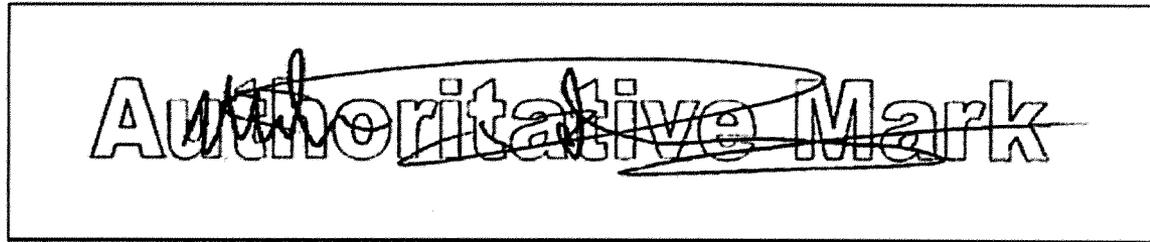
SF 132 APPORTIONMENT SCHEDULE

- B3** (19) FY 19-27 IR transfers \$-49,996,000 (Part I) in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-18,904,000 (Part II) in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (18) FY 19-29 IR transfers \$-100,000 in accordance with section 8052 of division A of P.L. 115-245. (16) FY 19-23 IR transfers \$-2,538,000 in accordance with P.L.115-245. FY 19-24 IR transfers \$-35,000,000 in accordance with section 8055 of P.L. 115-245. FY19-25 IR transfers \$-7,290,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. FY 19-05 PA transfers \$-12,250,000 in accordance with section 8005 of division A of P.L. 115-232. (15) FY 19-17 IR transfers \$-59,444,000 (Part I) and \$-187,814,000 (Part II) in accordance with sections 9002 and 9018 of Title IX (OCO) of division A of P.L. 115-245. (12) This action restores \$2,000,000 that was previously transferred in FY19-06 LTR to fund the National Commission on Military Aviation Safety; the Commission will be funded using other resources. (11) FY 19-10 IR transfer \$7,089,000 out of this account in accordance with section 8052 of division A of P.L. 115-245. (10) FY 19-06 LTR transfers \$-2,000,000 to the National Commission on Military Aviation Safety in accordance with section 1087 of P.L. 115-232. (9) FY 19-04 transfers \$-155,092,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-16,500,000 in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (4) FY 19-04 LTR transfers \$-10,000,000 in accordance with section 315(a) of P.L. 115-232. (3) FY 19-02 LTR transfers \$-1,693,442,000 in accordance with Title IX (OCO) of division A of Public Law 115-245. (5) FY19-02 transfers \$-4,011,500 in accordance with section 8052 of division A of P.L. 115-245.
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- B6** (14) Transfers \$8,000,000 from the Intelligence Community Management Account (ICMA) (Treasury Accounting System control #19011631) in accordance with provisions of the Intelligence Authorization Act for 2005

End of File

SF 132 APPORTIONMENT SCHEDULE

**OMB Approved this apportionment request using
the web-based apportionment system**



Mark Affixed By: Michael Duffey
Associate Director for National Security Programs

Signed On: 2019-09-06 10:23 PM
File Name: 97-0100 2019 OM DW 23.xlsx
Sent By: Edna Curtin
Sent On: 2019-09-06 10:29 PM

TAF(s) Included: 97-0100 \2019

SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment OMB Footnotes

Footnotes for Apportioned Amounts

- A2** A classified attachment displaying the apportionment of specific classified programs within the amount displayed may be included. All documents associated with this apportionment are unclassified except for the Classified Attachment. The classified apportionment shall be allotted in full and executed without change. Such apportionment shall remain valid during the fiscal year until such time as a reapportionment of such classified apportionment is required. Allotments shall be made no later than 30 days after OMB signs the apportionment or the start of the subsequent calendar month, whichever is later.
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Footnotes for Budgetary Resources

- B1** Funds provided by P. L. 115-245 signed September 28, 2018 appropriated amount of \$43,534,193,000; plus section 8048 \$44,000,000; plus section 8118 \$16,571,000; plus section 9013 \$250,000,000 plus section 9018 \$500,000,000 minus 8024(f) \$7,788,000.
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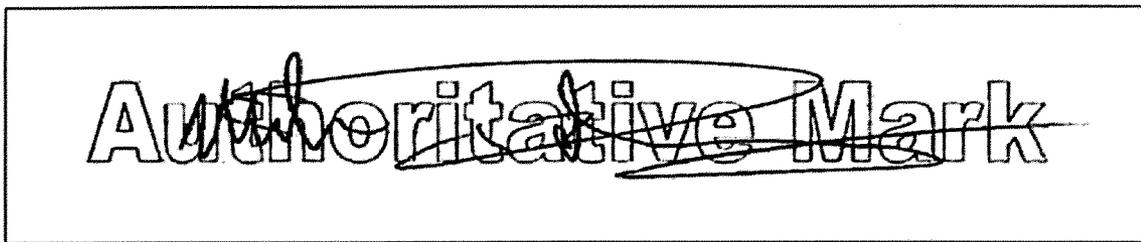
SF 132 APPORTIONMENT SCHEDULE

- B3** (19) FY 19-27 IR transfers \$-49,996,000 (Part I) in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-18,904,000 (Part II) in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (18) FY 19-29 IR transfers \$-100,000 in accordance with section 8052 of division A of P.L. 115-245. (16) FY 19-23 IR transfers \$-2,538,000 in accordance with P.L. 115-245. FY 19-24 IR transfers \$-35,000,000 in accordance with section 8055 of P.L. 115-245. FY19-25 IR transfers \$-7,290,000 in accordance with sections 8005 and 8052 of division A of P.L. 115-245 and section 1001 of P.L. 115-232. FY 19-05 PA transfers \$-12,250,000 in accordance with section 8005 of division A of P.L. 115-232. (15) FY 19-17 IR transfers \$-59,444,000 (Part I) and \$-187,814,000 (Part II) in accordance with sections 9002 and 9018 of Title IX (OCO) of division A of P.L. 115-245. (12) This action restores \$2,000,000 that was previously transferred in FY19-06 LTR to fund the National Commission on Military Aviation Safety; the Commission will be funded using other resources. (11) FY 19-10 IR transfer \$7,089,000 out of this account in accordance with section 8052 of division A of P.L. 115-245. (10) FY 19-06 LTR transfers \$-2,000,000 to the National Commission on Military Aviation Safety in accordance with section 1087 of P.L. 115-232. (9) FY 19-04 transfers \$-155,092,000 in accordance with section 9018 of Title IX of division A of P.L. 115-245 and transfers \$-16,500,000 in accordance with sections 9002 and 9018 of Title IX of division A of P.L. 115-245. (4) FY 19-04 LTR transfers \$-10,000,000 in accordance with section 315(a) of P.L. 115-232. (3) FY 19-02 LTR transfers \$-1,693,442,000 in accordance with Title IX (OCO) of division A of Public Law 115-245. (5) FY19-02 transfers \$-4,011,500 in accordance with section 8052 of division A of P.L. 115-245.
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End of File

SF 132 APPORTIONMENT SCHEDULE

**OMB Approved this apportionment request using
the web-based apportionment system**



Mark Affixed By: Michael Duffey
Associate Director for National Security Programs

Signed On: 2019-09-10 07:55 PM
File Name: 97-0100 2019 OM DW 24.xlsx
Sent By: Edna Curtin
Sent On: 2019-09-11 08:53 AM

TAF(s) Included: 97-0100 \2019

SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment OMB Footnotes

Footnotes for Apportioned Amounts

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Footnotes for Budgetary Resources

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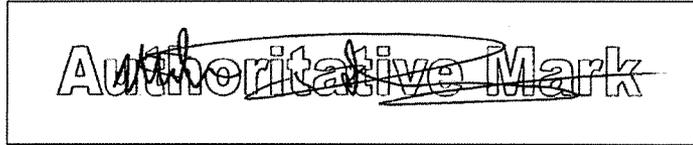
SF 132 APPORTIONMENT SCHEDULE

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SF 132 APPORTIONMENT SCHEDULE

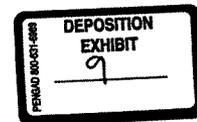
OMB Approved this apportionment request using
the web-based apportionment system



Mark Affixed By: Michael Duffey
Associate Director for National Security Programs

Signed On: 2019-09-12 07:13 AM
File Name: 97-0100 2019 OM DW 25.xlsx
Sent By: John Saldivar
Sent On: 2019-09-12 07:42 AM

TAF(s) Included: 97-0100 \2019



SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment
OMB Footnotes

Footnotes for Apportioned Amounts

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SF 132 APPORTIONMENT SCHEDULE

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End of File

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: DAVID A. HOLMES

Friday, November 15, 2019

Washington, D.C.

The deposition in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 4:12 p.m.

Present: Representatives Schiff, Carson, Speier, Quigley, Swalwell, Castro, Heck, Welch, Sean Patrick Maloney of New York, Demings, Turner, Wenstrup, Stewart, Stefanik, Ratcliffe, and Jordan.

Also Present: Representatives Carolyn B. Maloney of New York, Lieu, Connolly, Raskin, Wasserman Schultz, Meadows, Zeldin, and Roy.

For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

[REDACTED]

[REDACTED]

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

For DAVID A. HOLMES:

KEN WAINSTEIN

PAUL J. NATHANSON

KATHERINE SWAN

DAVIS POLK & WARDWELL LLP

901 - 15TH STREET NEW

WASHINGTON, DC 20005

THE CHAIRMAN: All right. The committee will come to order.

As we are getting a late start -- and I thank you, Mr. Holmes, for being here, and thank you for being patient with us as we were concluding another hearing -- with my colleagues' permission, I am going to just submit my opening statement for the record so that we can move quickly to the deposition. I know people have planes and other things they'd like to catch.

I would encourage the minority, if you have any opening statement, to submit it for the record.

MR. JORDAN: I'm fine with that. One question.

THE CHAIRMAN: Yeah.

MR. JORDAN: When might we get those four transcripts, and can we have them before the next hearing? I think Mr. Vindman, Colonel Vindman, is scheduled for Tuesday. The four that haven't been released.

THE CHAIRMAN: I will double check with my staff, but I am hopeful that they will all be out by then.

MR. JORDAN: Okay.

THE CHAIRMAN: At least the ones we've done so far.

MR. JORDAN: I understand Mr. Holmes, we would like, obviously, his done as quickly as possible, we certainly want those four --

THE CHAIRMAN: Yeah.

MR. JORDAN: -- before the next.

THE CHAIRMAN: Yeah, I think that is very doable, and we will try to put them out as soon as we can. But I think that should be doable.

If it turns out not to be, I will get back to you.

I'm going to yield to Mr. Noble.

MR. NOBLE: Thank you Mr. Chairman.

This is a deposition of Mr. David Holmes, conducted by the House Permanent Select Committee on Intelligence, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24th, 2019.

Mr. Holmes, could you please state your full name and spell last for the record? And if can speak directly into the mike. Maybe pull it a little bit closer to you. They're very sensitive.

MR. HOLMES: Yes. David Andrew Holmes. The last name is spelled H-o-l-m-e-s.

MR. NOBLE: Thank you.

Along with other proceedings in furtherance of the inquiry to date, this deposition is part of a joint investigation led by the Intelligence Committee in coordination with the Committees on Foreign Affairs and Oversight and Reform.

In the room today are majority staff and minority staff from all three committees, and this will be a staff-led deposition. Members, of course, may ask questions during their allotted time, as has been the case in every deposition since the inception of this investigation.

My name is Daniel Noble. I am a senior counsel, senior investigative counsel for HPSCI on the majority staff. And I want to thank you for coming in today for this deposition.

I'd like to do brief introductions. To my right is Daniel

Goldman, the director of the investigations for the HPSCI majority staff. Mr. Goldman and I will be conducting most of the interview for the majority today.

I'll now let my counterparts for the minority introduce themselves.

MR. CASTOR: Steve Castor with the Republican staff.

[REDACTED]

MR. NOBLE: This deposition will be conducted entirely at the unclassified level. However, the deposition is being conducted in HPSCI's secure spaces and in the presence of staff with appropriate security clearances. It is the committee's expectation that neither questions asked of you nor answers provided by you will require discussion of any information that is currently or at any point could be properly classified under Executive Order 13526.

You're reminded that Executive Order 13526 states that, quote, "In no case shall information be classified, continue to be maintained as classified, or fail to be declassified," unquote, for the purpose of concealing any violations of law or preventing embarrassment of any person or entity. If any of our questions can only be answered with classified information, please inform us of that and we'll adjust accordingly.

Today's deposition is not being taken in executive session, but because of the sensitive and confidential nature of some of the topics

and materials that will be discussed, access to the transcript of the deposition will be limited to the three committees in attendance. Under the House deposition rules, no Member of Congress nor any staff member can discuss the substance of the testimony you provide today. You and your attorney will have an opportunity to review the transcript.

Before we begin, I'd like to go over the ground rules for the deposition. We will be following the House regulations for deposition, which we have previously provided to your counsel.

The deposition will proceed as follows. The majority will given 1 hour to ask questions, then the minority will be given 1 hour to ask questions. Thereafter, we will alternate back and forth between majority and minority in 45-minute rounds until questioning is complete.

We'll take periodic breaks, if necessary. And if you need a break at any time, please let us know.

Under the house deposition rules, counsel for other persons or government agencies may not attend. You're permitted to have an attorney present during this deposition, and I see that you have brought some.

At this time, if counsel could please state their appearances for the record.

MR. WAINSTEIN: Good afternoon. Ken Wainstein, Davis Polk & Wardwell, with my colleagues.

MS. SWAN: Katherine Swan, Davis Polk & Wardwell.

MR. NATHANSON: And Paul Nathanson from Davis Polk.

MR. NOBLE: Thank you.

There is a stenographer taking down everything that is said here today in order to make a written record of the deposition. For the record to be clear, please wait until each question is completed before you begin your answer, and we will wait until you finish your response before asking you the next question.

The stenographer cannot record nonverbal answers, such as shaking your head, so it's important that you answer each question with an audible verbal answer.

We ask that you give complete replies to questions based on your best recollection. If a question is unclear or you're uncertain in your response, please let us know. And if you do not know the answer to the question or cannot remember, simply say so.

You may only refuse to answer a question to preserve a privilege recognized by the committee. If you refuse to answer a question on the basis on privilege, the staff may either proceed with the deposition or seek a ruling from the chairman on the objection. If the chair overrules any such objection, you're required to answer the question.

Finally, you're reminded that it is unlawful to deliberately provide false information to Members of Congress or congressional staff. It is imperative, therefore, that you not only answer our questions truthfully, but that you give full and complete answers to all questions asked of you. Omissions may also be considered as false statement.

As this deposition is under oath, Mr. Holmes, would you please

stand and raise your right hand to be sworn?

Do you swear that your testimony provided here today will be the whole truth and nothing but the truth?

MR. HOLMES: I do.

MR. NOBLE: Thank you.

Let the record reflect the witness has been sworn.

You can be seated.

And now, Mr. Holmes, if you have an opening statement or if your attorney has any matters that need to be discussed, now is the time.

MR. HOLMES: Okay. I do have an opening statement.

THE CHAIRMAN: You may proceed. Thank you.

MR. HOLMES: Thank you, Mr. Chairman and members of the committees. Good afternoon. My name is David Holmes. I'm a career Foreign Service officer with the Department of State. Since August 2017, I have been the political counselor at the U.S. Embassy in Kyiv, Ukraine.

While it is an honor to appear before you today, I want to make clear that I did not seek this opportunity to testify today. You have determined that I may have something of value to these proceedings, and it is therefore my obligation to appear and to tell you what I know. Indeed, Secretary Pompeo stated last week: I hope everyone who testifies will do so truthfully and accurately, when they do, the oversight role will have been performed and I think America will come to see what took place here.

That is my goal today, to testify truthfully and accurately, to

enable you to perform that role. And to that end, I have hurriedly put together this statement over the past couple days to describe as best I can my recollection of events that may be relevant to this matter.

I've spent my entire professional career serving my country as a Foreign Service officer. Prior to my current post in Kyiv, Ukraine, I served at the Embassy in Moscow, Russia, as Deputy and Internal Unit Chief in the Political Section, and before that as Senior Energy Officer in the Economic Section. In Washington, I serve on the National Security Council staff as Director for Afghanistan and as Special Assistant to the Under Secretary of State.

My prior overseas assignments include New Delhi, India; Kabul, Afghanistan; Bogota, Colombia; and Pristina, Kosovo. I am a graduate of Pomona College in Claremont, California, and received my graduate degrees in international affairs from the University of St. Andrews in Scotland and from Princeton University's Woodrow Wilson School of Public and International Affairs.

As the political counselor at Embassy Kyiv, I lead the Political Section covering Ukraine's domestic politics, foreign policy, and conflict diplomacy, and serve as the senior policy and political advisor to the Ambassador.

The job of an embassy political counselor is to gather information about the host country's internal politics, foreign relations, and security policies, report back to Washington, represent U.S. policies in the foreign -- in that country, and advise the Ambassador on policy development and implementation.

In this role, I'm a senior member of the Embassy's Country Team and continually involved in addressing issues as they may arise. I'm also called upon to take notes in meetings involving the Ambassador or visiting senior U.S. officials with Ukrainian counterparts, particularly within the Ukrainian Presidential administration.

For this reason, I have been present in many meetings with President Zelensky and his administration, some of which may be germane to this inquiry. Other issues that may be relevant to this inquiry, including energy and the justice sector, did not fall under my specific portfolio, and I was not the expert, but I followed those issues inasmuch as they had a political component.

While I am the Political Counselor at the Embassy, it is important to note that I am not a political appointee or engaged in U.S. politics in any way. It is not my job to cover or advise on U.S. politics. On the contrary, I am an apolitical foreign policy professional, and my job is to focus on the politics of the country in which I serve, so that we can better understand the local landscape and better advance U.S. national interests there.

I joined the Foreign Service through an apolitical, merit-based process under the George W. Bush administration, and I have proudly served administrations of both parties and worked for their appointees, both political and career.

I arrived in Kyiv to take up my assignment as Political Counselor in August 2017, a year after Ambassador Yovanovitch received her appointment. From August 2017 until her removal from post in May 2019,

I was Ambassador Yovanovitch's chief policy advisor and developed a deep respect for her dedication, determination, and professionalism.

During this time, we worked closely together, speaking multiple times per day, and I accompanied Ambassador Yovanovitch to many of her meetings with senior Ukrainian counterparts. I was also the notetaker for senior U.S. visitors with, for example, President Poroshenko, whom I met at least a dozen times.

Our work in Ukraine focused on three pillars: addressing peace and security, economic growth and reform, and anti-corruption and rule of law. These pillars matched the three consistent priorities of the Ukrainian people since 2014, as measured in public opinion polling, namely, an end to the conflict with Russia that restores national unity and territorial integrity, responsible economic policies that deliver European standards of growth and opportunity, and effective and impartial rule of law institutions that deliver justice in cases of high level official corruption.

Our efforts on this third pillar merit special attention -- special mention, because it was during Ambassador Yovanovitch's tenure that we achieved the hard-fought passage of a law establishing an independent anti-corruption court to try corruption cases brought by the National Anti-Corruption Bureau, another independent institution established with U.S. support.

These efforts strained Ambassador Yovanovitch's relationship with President Poroshenko and some of his allies, including former Prosecutor General Yuriy Lutsenko, who resisted fully empowering truly

independent anti-corruption institutions that would help ensure that no Ukrainians, however powerful, were above the law. However, the Ambassador and the Embassy kept pushing anti-corruption and other pillars of our policy toward Ukraine.

Beginning in March 2019, the situation at the Embassy and in Ukraine changed dramatically. Specifically, our diplomatic policy that had been focused on supporting Ukrainian democratic reform and resistance to Russian aggression became overshadowed by a political agenda being promoted by Rudy Giuliani and a cadre of officials operating with a direct channel to the White House.

That change began with the emergence of press reports critical of Ambassador Yovanovitch and machinations by Mr. Lutsenko and others to discredit her. In mid-March 2019, an Embassy colleague learned from a Ukrainian contact that Mr. Lutsenko had complained that Ambassador Yovanovitch had, quote, unquote, destroyed him, with her refusal to support him until he followed through with his reform commitments and ceased using his position for personal gain.

In retaliation, Mr. Lutsenko made a series of unsupported allegations against Ambassador Yovanovitch, mostly suggesting that Ambassador Yovanovitch improperly used the Embassy to advance Democrats' political interests. Mr. Lutsenko claimed that the Embassy had ordered NABU to investigate the former head of Ukraine's tax service, solely because the former head was the main Ukrainian contact of the Republican Party and of President Trump personally.

Mr. Lutsenko also claimed that the Embassy had pressured former

Prosecutor General Shokin to engineer the closing of the case against former Minister of Ecology Zlochevsky because of the connection between his company, Burisma, and former Vice President Biden's son. Mr. Lutsenko said that after Ambassador Yovanovitch's posting in Kyiv, she would face, quote, unquote, serious problems in the United States.

Embassy colleagues also heard from a reporter that Mr. Lutsenko had made additional unsupported claims against Ambassador Yovanovitch, including that she had allegedly given him a, quote, unquote, do not prosecute list containing the names of her supposed allies, an allegation the State Department called an outright fabrication and that Mr. Lutsenko later retracted. Mr. Lutsenko also alleged he never received an estimated \$4.4 million in U.S. funds intended for his office. And, finally, he alleged that there was a tape of the current head of NABU saying he was trying to help Hillary Clinton win the 2016 election.

Public opinion polls in Ukraine indicated that Ukrainians generally did not believe Mr. Lutsenko's allegations, and on March 22nd, President Poroshenko issued a statement in support of Ambassador Yovanovitch.

Around this same time, the Ukrainian Presidential election was approaching, and Volodymyr Zelensky was surging in the polls, ahead of Mr. Lutsenko's political ally, President Poroshenko. On April 20th, I was present for Ambassador Yovanovitch's third and final meeting with then candidate Zelensky, ahead of his landslide victory in the runoff election the next day. As in her two prior meetings that

I also attended, they had an entirely cordial, pleasant conversation and signaled their mutual desire to work together.

On April 26th, Ambassador Yovanovitch departed for consultations in Washington, D.C., where she learned she would be recalled. I do not know the details of her conversations in Washington until I read her deposition statement, but it was clear at the time she was being removed early.

The barrage of allegations directed at Ambassador Yovanovitch, a career ambassador, which included aggressive reporting against her in the U.S. media, is unlike anything I've seen in my professional career.

Following President-elect Zelensky's victory, our attention in the Embassy focused on getting to know the incoming Zelensky administration and coordinating with Washington on preparations for the inauguration scheduled for May 20th, the same day Ambassador Yovanovitch departed post permanently.

In early May, shortly after Mr. Giuliani cancelled a visit to Ukraine, alleging Mr. Zelensky was, quote, unquote, surrounded by enemies of the U.S. President, we learned that Vice President Pence no longer planned to lead the Presidential delegation to the inauguration. The White House ultimately whittled back an initial proposed list for the official delegation to the inauguration from over a dozen individuals to just five: Secretary Perry, as its head, Ambassador to the European Union Gordon Sondland, Special Representative for Ukraine Negotiations Kurt Volker, representing the

State Department, National Security Council Director Alex Vindman, representing the White House, and temporary acting Charge d'Affaires Joseph Pennington, representing the Embassy.

While Ambassador Sondland's mandate as Ambassador to the European Union did not cover individual member states, let alone nonmember countries like Ukraine, he made clear that he had direct and frequent access to President Trump and Chief of Staff Mick Mulvaney and portrayed himself as the conduit to the President and Mr. Mulvaney for that group.

Ambassador Perry -- sorry, excuse me -- Secretary Perry, Ambassador Sondland, and Ambassador Volker later styled themselves the Three Amigos and made clear they would take the lead on coordinating our policy and engagement with the Zelensky administration.

Around the same time, I became aware that Mr. Giuliani, a private lawyer, was taking a direct role in Ukrainian diplomacy. On April 25th, Ivan Bakanov, who was Mr. Zelensky's childhood friend, campaign chair, and ultimately appointed head of the Security Services of Ukraine, indicated to me privately that he had been contacted by, quote, someone named Giuliani, who said he was an advisor to the Vice President, unquote. I reported Mr. Bakanov's message to Deputy Assistant Secretary of State George Kent.

Over the following months, it became apparent that Mr. Giuliani was having a direct influence on the foreign policy agenda that the Three Amigos were executing on the ground in Ukraine. In fact, at one point during a preliminary meeting of the inaugural delegation, someone in the group wondered aloud about why Mr. Giuliani was so active in

the media with respect to Ukraine. My recollection is that Ambassador Sondland stated: Dammit, Rudy. Every time Rudy gets involved he goes and effs everything up. He used the "F" word.

The inauguration took place on May 20th, and I took notes in the delegation's meeting with President Zelensky. During the meeting, Secretary Perry passed President Zelensky a list of, quote, "people he trusts" from whom Zelensky could seek advice on energy sector reform, which was the topic of subsequent meetings between Secretary Perry and key Ukrainian energy sector contacts, from which Embassy personnel were excluded by Secretary Perry's staff.

On May 23rd, Ambassador Volker, Ambassador Sondland, Secretary Perry, and Senator Ron Johnson, who also attended the inauguration, though not in the official delegation, returned to the United States and briefed President Trump. On May 29th, President Trump signed a congratulatory letter to President Zelensky, which included an invitation to visit the White House at an unspecified date.

It is important to understand that a White House visit was critical to President Zelensky. He needed to demonstrate U.S. support at the highest levels, both to advance his ambitious anti-corruption agenda at home and to encourage Russian President Putin to take seriously President Zelensky's peace efforts.

President Zelensky's team immediately began to press to set a date for the visit. President Zelensky and senior members of his team made clear they wanted President Zelensky's first overseas trip to be to Washington to send a strong signal of Western support, and requested

a call with President Trump as soon as possible.

We at the Embassy also believed that a meeting was critical to the success of President Zelensky's administration and its reform agenda and we worked hard to get it arranged.

When President Zelensky's team did not receive an affirmative reply, they made plans for President Zelensky's first overseas trip to be to Brussels, in part to attend an American Independence Day event that Ambassador Sondland hosted on June 4th. Ambassador Sondland hosted a dinner in President Zelensky's honor following the reception, which included President Zelensky, Jared Kushner, Ulrich Brechbuhl, Federica Mogherini, and comedian Jay Leno, among others.

In the week leading up to the event, Ambassador Sondland, Secretary Perry, and Secretary Perry's staff were taking a very active and unconventional role in formulating our priorities for the new Zelensky administration and personally reaching out to President Zelensky and his senior team.

Ambassador Bill Taylor arrived in Kyiv as Charge d'Affaires on June 17th. For the next month, a focus of our activities, along with the Three Amigos, was to coordinate a White House visit, and to that end, we were working with the Ukrainians to deliver things that we thought President Trump might care about, such as commercial deals benefiting the United States.

Ambassador Taylor reported that Secretary Pompeo had told him prior to his arrival in Kyiv, quote, We need to work on turning the President around on Ukraine, unquote. Ambassador Volker told us the

next 5 years, which I took to mean President Zelensky's term in office, would hang on what we could accomplish in the next 3 months.

Within a week or two, it became apparent that the energy sector reforms, the commercial deals, and the anti-corruption reforms on which we were making some process were not making a dent in terms of persuading the White House to schedule a meeting between the Presidents.

On June 27th, Ambassador Sondland told Ambassador Taylor in a phone conversation, the gist of which Ambassador Taylor shared with me at the time, that President Zelensky needed to make clear to President Trump that President Zelensky was not standing in the way of, quote, investigations. I understood that this was referring to the Burisma-Biden investigations that Mr. Giuliani and his associates had been speaking about in the media since March.

While Ambassador Taylor did not brief me on every detail of his communications with the Three Amigos, he did tell me that on a June 28th call with President Zelensky, Ambassador Taylor, and the Three Amigos, it was made clear that some action on a Burisma-Biden investigation was a precondition for an Oval Office meeting. We became concerned that even if a meeting could occur, it would not go well, and I discussed with Embassy colleagues whether we should stop seeking a meeting altogether.

I was present in the Embassy conference room for the National Security Council secure video conference call on July 18th when an Office of Management and Budget staff member surprisingly announced the hold on Ukraine security assistance near the end of an almost 2-hour

meeting. The official said that the order had come from the President and had been conveyed to OMB by Mr. Mulvaney without further explanation.

This began a week or so of efforts by various agencies to identify the rationale for the freeze, to conduct a review of the assistance, and to reaffirm the unanimous view of the Ukrainian policy community of its importance. NSC counterparts affirmed that there had been no change in our Ukraine policy, but could not determine the cause of the hold or how to lift it.

While I am aware of testimony regarding discussions between Ambassador Taylor, Ambassador Volker, and the Three Amigos on July 19th and 20th, I was not aware of those discussions at the time.

On July 25th, President Trump made a congratulatory phone call to President Zelensky after his party won a commanding majority in Ukraine's parliamentary election. Contrary to standard procedure, the Embassy received no read-out of the call, and I was unaware of what was discussed until the transcript was released on September 25th.

Upon reading the transcript, I was deeply disappointed to see that the President raised none of what I understood to be our interagency agreed-upon foreign policy priorities in Ukraine and instead raised the Biden-Burisma investigation and referred to the theory about CrowdStrike, which was supposedly connected to Ukraine and allegedly played a role in the 2016 election.

The next day, July 26, 2019, I attended meetings at the Presidential Administration Building in Kyiv with Ambassador Taylor,

Ambassador Volker, and Ambassador Sondland, and took notes during those meetings.

We first had a meeting with Andriy Bohdan, the Chief of Staff to President Zelensky. The meeting was brief, as Mr. Bohdan had already been summoned by President Zelensky to prepare for a subsequent broader meeting, but he did say that President Trump had expressed interest during the previous day's phone call in President Zelensky's personnel decisions related to the Prosecutor General's Office.

The delegation then met with President Zelensky and several other senior officials. During the meeting, President Zelensky stated that during the July 25th call, President Trump had, quote, unquote, three times raised, quote, unquote, some very sensitive issues, and that he would have to follow up on those issues when they met, quote, unquote, in person. Not having received a read-out of the July 25th call, I did not know what those sensitive issues were.

After the meeting with President Zelensky, Ambassador Volker and Ambassador Taylor quickly left the Presidential Administration Building for a trip to the front lines. Ambassador Sondland, who was to fly out that afternoon, stayed behind to have a meeting with Andriy Yermak, a top aide to President Zelensky.

As I was leaving the meeting with President Zelensky, I was told to join the meeting with Ambassador Sondland and Yermak as a notetaker. I had not expected to join that meeting and was a flight of stairs behind Ambassador Sondland as he headed to meet Mr. Yermak.

When I reached Mr. Yermak's office, Ambassador Sondland had

already gone in. I explained to Mr. Yermak's assistant that I was supposed to join the meeting as the Embassy's representative and strongly urged her to let me in. But she told me that Ambassador Sondland and Mr. Yermak had insisted that the meeting be held one-on-one with no notetaker.

I then waited in the anteroom until the meeting ended, along with a member of Ambassador Sondland's staff and a member of U.S. Embassy Kyiv staff.

When the meeting ended, the two staffers and I accompanied Ambassador Sondland out of the Presidential Administration Building and to the Embassy vehicle. Ambassador Sondland said that he wanted to go to lunch, and I told Ambassador Sondland I would be happy to join if he wanted to brief me out on the Yermak meeting or discuss other issues, and Ambassador Sondland said that I should join. The two staffers joined for lunch as well.

The four of us went to a nearby restaurant and sat on an outdoor terrace. I sat directly across from Ambassador Sondland, and the two staffers sat off to our sides. At first, the lunch was largely social. Ambassador Sondland selected a bottle of wine that he shared among the four of us, and we discussed topics such as marketing strategies for his hotel business.

During the lunch, Ambassador Sondland said that he was going to call President Trump to give him an update. Ambassador Sondland placed a call on his mobile phone, and I heard him announce himself several times, along the lines of: Gordon Sondland holding for the President.

It appeared that he was being transferred through several layers of switchboards and assistants. I then noticed Ambassador Sondland's demeanor change, and understood that he had been connected to President Trump.

While Ambassador Sondland's phone was not on speaker phone, I could hear the President's voice through the ear piece of the phone. The President's voice was very loud and recognizable, and Ambassador Sondland held the phone away from his ear for a period of time, presumably because of the loud volume.

I heard Ambassador Sondland greet the President and explain that he was calling from Kyiv. I heard President Trump then clarify that Ambassador Sondland was in Ukraine. Ambassador Sondland replied, yes, he was in Ukraine, and went on to state that President Zelensky, quote, unquote, loves your ass.

I then heard President Trump ask, quote, "So he's going to do the investigation?" unquote. Ambassador Sondland replied that, "He's going to do it," adding that President Zelensky will, quote, "Do anything you ask him to."

Even though I did not take notes of these statements, I had a clear recollection that these statements were made. I believe that my colleagues who were sitting at the table also knew that Ambassador Sondland was speaking with the President.

The conversation then shifted to Ambassador Sondland's efforts, on behalf of the President, to assist a rapper who was jailed in Sweden, and I could only hear Ambassador Sondland's side of that part of the

conversation. Ambassador Sondland told the President that the rapper was, quote, unquote, kind of eff'd there -- I think I said the magic word -- he was kind of eff'd there -- he used the actual word -- and, quote, he should have pled guilty. He recommended that the President, quote, wait until after the sentencing or it would only make it worse, unquote, adding, the President should, quote, let him get sentenced, play the racism card, and give him a ticker-tape when he comes home, unquote.

Ambassador Sondland further told the President that Sweden, quote, should have released him on your word, unquote, but that, quote, you can tell the Kardashians you tried.

After the end of the call, Ambassador Sondland remarked that the President was in a bad mood. As Ambassador Sondland stated, it was often the case early in the morning.

I then took the opportunity to ask Ambassador Sondland for his candid impression of the President's views on Ukraine. In particular, I asked Ambassador Sondland if it was true that the President did not give a shit about Ukraine. Ambassador Sondland agreed that the President did not give a shit about Ukraine.

I asked why not, and Ambassador Sondland stated, the President only cares about, quote, unquote, "big stuff." I noted that there was, quote, unquote, big stuff going on in Ukraine, like a war with Russia. And Ambassador Sondland replied that he meant, quote, unquote, "big stuff" that benefits the President, like the, quote, unquote, "Biden investigation" that Mr. Giuliani was pushing. The conversation then

moved on to other topics.

Upon returning to the Embassy, I immediately told the Deputy Chief of Mission and others in the Embassy about the call with the President and my conversation with Ambassador Sondland. I also emailed an Embassy official in Sweden regarding the issue with the U.S. rapper that was discussed on the call.

July 26th, that same day, was my last day in the office ahead of a planned vacation that ended on July 6th -- sorry, August 6th. After returning to the Embassy, I told Ambassador Taylor about the July 26th call. I also repeatedly referred to the call and conversation with Ambassador Sondland in meetings and conversations where the issue of the President's interest in Ukraine was potentially relevant.

At that time, Ambassador Sondland's statement of the President's lack of interest in Ukraine was of particular focus. We understood that in order to secure a meeting between President Trump and President Zelensky we would have to work hard to find a way to explain Ukraine's importance to President Trump in terms that he found compelling.

Over the ensuing weeks, we continued to try to identify ways to frame the importance of Ukraine in ways that would appeal to the President and to try to move forward on the scheduling of a White House visit by President Zelensky. On July 28th, while President Trump was still not moving forward -- sorry -- was still not moving forward with a meeting with President Zelensky, he met with Russian President Putin at the G20 Summit in Osaka, Japan, sending a further signal of lack of support to Ukraine.

Ukrainian Independence Day is August 24th, also presented a good opportunity to show support for Ukraine. Secretary Pompeo had considered attending, National Security Advisor Bolton attended the prior year in 2018, and Secretary -- Defense Secretary -- then-Secretary Mattis attended in 2017. But in the end, nobody senior to Ambassador Volker attended.

Shortly thereafter, on August 27th, Ambassador Bolton visited Ukraine and brought welcome news that President Trump had agreed to meet President Zelensky on September 1st in Warsaw. I took notes in Ambassador Bolton's meeting with President Zelensky's Chief of Staff, Mr. Bohdan. Ambassador Bolton told Mr. Bohdan that the meeting between the Presidents in Warsaw would be, quote, "crucial to cementing their relationship."

Between meetings that day, I heard Ambassador Bolton express to Ambassador Taylor and National Security Council Senior Director Tim Morrison his frustration about Mr. Giuliani's influence with the President, making clear that there was nothing he could do about it. He recommended that new Prosecutor General Ruslan Ryaboshapka, who would replace Mr. Lutsenko, open a channel with Attorney General Barr in place of Mr. Yermak's channel with Mr. Giuliani.

He also expressed frustration about Ambassador Sondland's expansive interpretation of his mandate, musing that he should ask his staff to confirm that the mandate of the U.S. Ambassador to the European Union was limited to the European Union and had no authority with the individual member states, let alone nonmembers like Ukraine.

Ambassador Bolton further indicated the hold on security assistance would not be lifted prior to the Warsaw meeting, where it would hang on whether President Zelensky was able to, quote, unquote, "favorably impress President Trump."

President Trump ultimately pulled out of the Warsaw trip, so the hold remained in place with no clear means to get it lifted.

After the trip was cancelled, Ambassador Taylor also told me that Ambassador Bolton recommended that Ambassador Taylor send a first-person cable to Secretary Pompeo articulating the importance of the security assistance. At Ambassador Taylor's direction, I drafted and transmitted the cable August 29th, which further attempted to explain Ukraine's importance and the importance of the security assistance to U.S. national security.

During this time, we were still trying to appeal to President Trump in foreign policy and national security terms. By this point, however, my clear impression was that the security assistance hold was likely intended by the President either to express dissatisfaction that the Ukrainians had not yet agreed to the Burisma-Biden investigations or as an effort to increase the pressure on them to do so.

I've since read in Ambassador Taylor's testimony an account of a meeting in Warsaw in which Ambassador Sondland told Mr. Yermak, this was according to Mr. Morrison, that the security assistance freeze would not be lifted until President Zelensky committed to the Burisma-Biden investigation. I have also read Ambassador Taylor's testimony about the text exchange and phone call between Ambassador

Taylor and Ambassador Sondland in which Ambassador Sondland admitted that, quote, "everything was dependent on an announcement," and that President Trump wanted President Zelensky, quote, "in a public box."

On September 5th, I took notes at Senator Johnson and Senator Chris Murphy's meeting with President Zelensky in Kyiv. President Zelensky asked about the security assistance. Although both Senators stressed bipartisan congressional support for Ukraine, Senator Johnson cautioned President Zelensky that President Trump has a negative view of Ukraine and that President Zelensky would have a difficult time overcoming it. Senator Johnson further explained that he was, quote, "shocked" by President Trump's negative reaction during an Oval Office meeting on May 23rd when he and the Three Amigos proposed that President Trump meet President Zelensky and show support for Ukraine.

I was not aware until I read Ambassador Taylor's testimony on the various exchanges on September 7th and 8th about President Trump apparently insisting that President Zelensky personally go to a microphone and say he was opening investigations of the Bidens and 2016 election interference or of Mr. Yermak's message to Ambassador Sondland that President Zelensky was prepared to make a statement on CNN. However, Ambassador Taylor did tell me on September 8th, quote, now they're insisting Zelensky commit to the investigation in an interview with CNN, unquote.

I was surprised the requirement was so specific and concrete. While we had advised our Ukrainian counterparts to voice a commitment to following the rule of law and generally to investigate credible

corruption allegations, this was a demand that President Zelensky personally commit to a specific investigation of President Trump's political rival on a cable news channel.

On September 11th, the hold on security assistance was lifted, though it remained unclear to us why it was imposed in the first place. Although we knew the hold was lifted, we were still concerned that President Zelensky may have committed to give the interview at the annual YES! Conference in Kyiv on September 12th to 14th where CNN's Fareed Zakaria was one of the moderators.

On September 13th, an Embassy colleague received a phone call from a colleague at the U.S. Embassy to the European Union under Ambassador Sondland and texted me regarding the call, quote, Sondland said the Zelensky interview is supposed to be on Monday -- that would be September 16th -- sorry, today or Monday, September 16th, and they plan to announce that a certain investigation that was, quote, "on hold" will progress. The text also explained that our European Union Embassy colleague did not know if this was decided or if Ambassador Sondland was advocating for it.

Also on September 13th, following a meeting with President Zelensky in his private office in which I took notes, Ambassador Taylor and I ran into Mr. Yermak on the way out. When Ambassador Taylor again stressed the importance of staying out of U.S. politics and said he hoped no interview was planned, Mr. Yermak shrugged in resignation and did not answer, as if to indicate he had no choice.

In short, everyone thought there was going to be an interview and

that the Ukrainians believed they had to do it. The interview ultimately did not occur.

On September 21st, Ambassador Taylor and I collaborated on input he sent to Mr. Morrison to brief President Trump ahead of a September 25th meeting that had been scheduled with President Zelensky in New York on the margins of the U.N. General Assembly. The transcript of July 25th call was released the same day. As of today, I still have not seen a read-out of the September 25th meeting.

As the current impeachment inquiry has progressed, I have followed press reports and reviewed the statements of Ambassador Taylor and Ambassador Yovanovitch. Based on my experience in Ukraine, my recollection is generally consistent with their testimony, and I believe that the relevant facts were, therefore, being laid out for the American people.

However, in the last week or so, I read press reports expressing for the first time that certain senior officials may have been acting without the President's knowledge in their dealings with Ukraine. At the same time, I also read reports noting the lack of firsthand evidence in the investigation and suggesting that the only evidence being elicited at the hearings was hearsay.

I came to realize I had firsthand knowledge regarding certain events on June 26th that had not otherwise been reported, and that those events potentially bore on the question of whether the President did in fact have knowledge that those officials were using the levers of our diplomatic power to induce the new Ukrainian President to announce

the opening of a particular criminal investigation. It is at that point that I made the observation to Ambassador Taylor that the incident I had witnessed had acquired greater significance, which is what he reported in his testimony earlier this week.

I would like to take a moment to turn back to Ukraine. Next week marks the sixth -- marks 6 years since throngs of pro-Western Ukrainians spontaneously gathered on Kyiv's Independence Square to launch what became known as the Revolution of Dignity. While the protests began in opposition to a turn towards Russia and away from the West, they expanded over 3 months to reject the entire corrupt, repressive system that the President oversaw, and ultimately led to his flight from Ukraine to Russia.

Those events were followed by Russia's occupation of Ukraine's Crimean Peninsula and the invasion of Ukraine's eastern Donbas region, masterminding an ensuing war that to date has cost almost 14,000 lives.

Over the past 5 years, they have rebuilt a shattered economy, adhered to a peace process, and moved economically and socially closer to the West, toward our way of life.

Earlier this year, large majorities of Ukrainians again chose a fresh start by voting for a political newcomer as President, replacing 80 percent of their parliament, and endorsing a platform consistent with our democratic values, reform priorities, and strategic interests.

This year's revolution at the ballot box underscores that, despite its imperfections, Ukraine is a genuine and vibrant democracy

and an example to other post-Soviet countries and beyond, from Moscow to Hong Kong.

How we respond to this historic opportunity will set the trajectory of our relationship with Ukraine and our position on core principles central to our vital national interests for years to come. Ukrainians want to hear a clear and unambiguous reaffirmation of our longstanding bipartisan policy of strong support for Ukraine, that it remains unchanged, and that we fully back it at the highest levels.

Vice President Pence said after his meeting with President Zelensky in Warsaw, quote, "the U.S.-Ukraine relationship has never been stronger." Ukrainians and their new government earnestly want to believe that.

Ukrainians cherish their bipartisan American support that has sustained their Euro-Atlantic aspirations, and they recoil at the thought of playing a role in U.S. domestic politics or elections.

At a time of shifting allegiances and rising competitors in the world, we have no better friend than Ukraine, a scrappy, unbowed, determined, and above all dignified people who are standing up against Russian authoritarianism and aggression.

We are now at an inflection point in Ukraine, and it is critical to our national security that we stand in strong support of our Ukrainian partners.

Ukrainians and freedom-loving people everywhere are watching the example we set of democracy and rule of law.

Thank you. I'm happy to answer questions.

THE CHAIRMAN: Yes.

MR. MEADOWS: Having read this and understanding the witness' desire for a U.S.-Ukraine relationship, I would submit that some of the things in here could indeed be classified. And I would just, as a point of information, just caution the chairman to maybe look at that and admonish all of us to hold this until you have a chance to do that so that we don't harm diplomatic relations.

I don't think it'll impede your investigation. I think we can look at that in a way. But I just, as a point of information, would offer the caution.

THE CHAIRMAN: Mr. Meadows, I don't agree. There's nothing in this that I see that is even remotely classified.

And I take it, Mr. Holmes, you prepared this statement mindful of the necessity of providing this in unclassified form.

MR. HOLMES: Yes, sir.

THE CHAIRMAN: We'll now begin 45 minutes of questions from the majority and -- oh, 1 hour, I'm sorry 1 hour -- and as you may know, we'll alternate between both parties.

Let me just go through a few of -- there's so much in your statement, I appreciate its comprehensive nature. I'm going to go through a few things before I allow counsel to do it much more methodically than I will.

I was intrigued at the beginning of your statement, because I didn't see this, where you testified, Secretary Pompeo stated last week, quote, I hope everyone who testifies will do so truthfully,

accurately, when they do the oversight role will have been performed, and I think America will come to see what took place here.

Are you aware, Mr. Holmes, that Secretary Pompeo has refused to turn over a single document from the State Department?

MR. HOLMES: Yes, sir, I am aware of that.

THE CHAIRMAN: I take it in his statement last week he didn't make any mention of how we could do our oversight role if he continued to withhold all the documents?

MR. HOLMES: This was from an interview I saw in the press, sir, so I don't know what the scope of his comments were.

THE CHAIRMAN: Did you -- I think you mentioned that you had taken notes of some of the meetings and conversations you sat in. Is that correct?

MR. HOLMES: That's correct.

THE CHAIRMAN: Did you provide those notes to the State Department?

MR. HOLMES: I did.

THE CHAIRMAN: You also testified that -- and this was a subject of testimony earlier today with Ambassador Yovanovitch -- that her efforts brought her into conflict with Prosecutor General Lutsenko. Is that right?

MR. HOLMES: That's correct, sir.

THE CHAIRMAN: Lutsenko had resisted fully empowering truly independent anti-corruption institutions that would ensure no Ukrainians, however powerful, were above the law. Was that your

testimony?

MR. HOLMES: That's correct, sir.

THE CHAIRMAN: I think you said, thereafter, however, the Ambassador and the Embassy kept pushing anti-corruption and other pillars of our policy toward Ukraine. Did that make Ambassador Yovanovitch an adversary, at least as far as Lutsenko was concerned?

MR. HOLMES: Yes.

THE CHAIRMAN: Subsequent to that, there began a series of efforts by Lutsenko to discredit the Ambassador?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: He made a series of unsupported false allegations against the Ambassador?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: And including the false allegation that Ambassador Yovanovitch was using the Embassy to advance democratic political interests?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: That was false?

MR. HOLMES: That's false.

THE CHAIRMAN: Mr. Lutsenko, you also said, also claimed that the Embassy had pressured former Prosecutor General Shokin to engineer the closing of the case against former Minister of Ecology Zlochevsky because of the connection between his company Burisma and former Vice President Biden's son. Was that one of the other false allegations that Lutsenko made?

MR. HOLMES: So those events happened before my arrival in Ukraine, but Lutsenko did allege that, and my counterparts at the Embassy at the time believed those to be false.

THE CHAIRMAN: You went on to say that: We learned that Vice President Pence no longer planned to lead the Presidential delegation to the inauguration.

Was it initially your understanding that the Vice President, therefore, was going to go to the inauguration?

MR. HOLMES: We had gone back and forth with NSC staff about proposing a list of potential members of the delegation. It was initially quite a long list. We had asked who would be the senior member of that delegation. We were told that Vice President Pence was likely to be that senior member, it was not yet fully agreed to. And so we were anticipating that to be the case. And then the Giuliani event happened, and then we heard that he was not going to play that role.

THE CHAIRMAN: So what is the Giuliani event you're talking about?

MR. HOLMES: That was --

THE CHAIRMAN: Was that the interview where he --

MR. HOLMES: That's right. Yeah, so he had -- so I believe it was in The New York Times, there was -- he gave an interview basically saying that he had planned to travel to Ukraine, but he canceled his trip because there were, quote, unquote, enemies of the U.S. President in Zelensky's orbit.

THE CHAIRMAN: So Rudy Giuliani plans this trip to Ukraine, and I think you said publicly in that article that he was there to meddle in investigations, not meddle in elections, but to meddle in investigations, and that was his right, something along those lines?

MR. HOLMES: I actually don't recall the details of that article, I haven't referred back to it since I read it the first time. But he gave a number of interviews over time where I believe that was the upshot of what he was saying his intent was.

THE CHAIRMAN: And he was frustrated when this came to the public's attention and there was pushback. And I think he blamed people -- blamed Democrats or people in Ukraine for him having to scuttle the trip. Is that right?

MR. HOLMES: Yes. We had theories about who he was referring to when he said enemies, and these were people, you know, who had supported Zelensky's campaign.

THE CHAIRMAN: So prior to this Giuliani event, the Vice President had at least been planning to attend the inauguration?

MR. HOLMES: That's my understanding from colleagues at the NSC who were making the preparations for that delegation.

THE CHAIRMAN: Were you aware that the President ultimately told the Vice President not to go to the inauguration?

MR. HOLMES: I'm not aware of that.

THE CHAIRMAN: But he had been planning to go -- you are aware that he had been planning to go up until the Giuliani incident?

MR. HOLMES: I want to be very clear, sir. Our understanding was

that there was -- the discussion was -- let me be very precise. We were asking the NSC staff who was likely to lead the delegation. They told us he was likely to lead the delegation, but a final decision had not yet been made. That's what we were aware of.

THE CHAIRMAN: We've had other testimony about looking into hotels for the Vice President. None of that is inconsistent with what you observed?

MR. HOLMES: I don't know if we'd gotten to the point of booking hotels, I'm not sure of that, sir.

THE CHAIRMAN: You then went on to say that Secretary Perry, Ambassador Sondland, and Ambassador Volker, the Three Amigos, made it clear they would take the lead on coordinating policy and engagement with the Zelensky administration. About when was that?

MR. HOLMES: So the first time that I encountered them as a group was when they came for the Presidential inaugural delegation with -- led by Secretary Perry. And they were in preparatory meetings at the hotel the morning of, they were discussing this, about how can we coordinate the policy, how can we work together, how can we divvy up responsibilities; how can we, you know -- how can we come up with an agenda for the new Zelensky administration. And each of them had contributions to that.

THE CHAIRMAN: But you mentioned in your testimony that they were going to take the lead on coordinating policy and engagement with the Zelensky administration. Is that right?

MR. HOLMES: That's correct.

THE CHAIRMAN: And that would have been immediately or almost immediately after the inauguration?

MR. HOLMES: That was the day of the inauguration, on May 20th, the same day that Ambassador Yovanovitch departed post.

THE CHAIRMAN: So the same day that Yovanovitch is literally recalled, there's a new team put in place to be the liaison with the Zelensky administration, and that's the Three Amigos?

MR. HOLMES: The decision to recall her happened prior to the 20th, but that was the day she got on a plane.

THE CHAIRMAN: You know, you mention in your written testimony that a -- that it's important that we understand that a White House visit was critical to President Zelensky. He needed it to demonstrate U.S. support at the highest levels, both to advance his ambitious anti-corruption agenda at home and to encourage Russian President Putin to take seriously President Zelensky's peace efforts. Can you expand on that?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: I think the public has an understanding of why military aid is important. They may have a lesser understanding of why diplomatic support is important.

MR. HOLMES: Sure.

THE CHAIRMAN: Why was this White House meeting so important to Zelensky?

MR. HOLMES: Sure. First of all, I'll state the fact that the Zelensky team were adamant that it was important. So we heard that

from them in every interaction that it absolutely was critical for them for Zelensky to get the imprimatur of the U.S. President to indicate that the United States would continue to support Ukraine and his administration, at least as it had done with the prior administration, for the past 5 years. So they were clear that was important to them.

Why, in general, is a meeting with the U.S. President important for the President of Ukraine to advance both the domestic agenda and the peace process? There's two separate answers.

So on the domestic agenda, the United States has tremendous credibility in Ukraine. They regard us as their critical partner. The former Foreign Minister, you know, said we were brothers in arms. I mean, there is a very strong feeling of cooperation and the importance the United States plays with respect to Ukraine and its aspirations.

So to have the, like I said, the imprimatur of the U.S. President, the most powerful man in the world, and the head of the government that is backing them in what they are doing, that's very, very important to them.

So that's critical to them domestically, to signal to the Ukrainian people that President Zelensky was able to get the support of the United States at a time when the Ukrainian people were wondering, and including some of Zelensky's opponents, were wondering if he'd be able to command the same level of support that his predecessor had.

And that was critical for him to address the anti-corruption agenda at home, which was going to require passing a lot of very

difficult laws and very, very deep reforms that were politically controversial and difficult. And so he needed to signal the United States was supporting him in that reform effort, including anti-corruption reforms that have since gone beyond the prior administration in significant ways.

The other side of the ledger is Ukraine's foreign policy and its conflict with Russia. I served in Russia for 3 years before going to Ukraine. My experience then and since, and in talking with analysts on Russia, the consensus view is that President Putin doesn't take a lot of things seriously unless the President of the United States does. He wants to be seen on -- as a peer, on level with the United States in terms of global affairs.

It's certainly the case in Ukraine. A lot of the efforts the Ukrainians make, frankly, the Russians don't need to pay attention to unless other countries that they need to contend with think that those efforts are important.

So Zelensky came into office -- sorry for the long answer, I'll wrap up -- came into office promising to pursue a peace process and to kind of lean in on peace, and in order to do that he needed to show that he had the United States' backing, that even if he took risks on peace, that our security assistance and our political backing of his efforts was sound.

THE CHAIRMAN: So this wasn't just kind of the intangible understanding that it's important to world leaders generically to have a meeting with the U.S. President. The Ukrainians conveyed multiple

times just how important this was to them?

MR. HOLMES: That's correct. It was very important to them, and also in their particular circumstances with respect to Russia.

THE CHAIRMAN: And given the importance to Ukraine of this meeting, did that give leverage to the United States over the President of the Ukraine?

MR. HOLMES: They really wanted the meeting.

THE CHAIRMAN: I think you mentioned also in your testimony, and you just talked about how important it was for Ukraine to have this meeting vis-a-vis their domestic audience, but also vis-a-vis their adversary the Russians.

MR. HOLMES: That's right.

THE CHAIRMAN: That it was a set back to Ukraine that the President wouldn't meet with Zelensky, but he would meet with Putin. That meeting would come first. Is that right?

MR. HOLMES: That's correct.

THE CHAIRMAN: And did that make the press in Ukraine?

MR. HOLMES: Yes.

THE CHAIRMAN: You're smiling because that must be an understatement.

MR. HOLMES: Yes. In particular, the President canceled his prior meeting with Putin at the last minute when the Russians seized two Ukrainian naval vessels on November 25th of last year and detained their crews. That was seen as a very strong signal of support for that illegal Russian action.

When the President was going to meet Putin -- President Putin this next time, the Ukrainians asked us in strong terms, if the President is going to meet him, could he at least please raise the issue of our detained crew members who remained in Russian captivity at that time?

And to my -- I'm not sure if he did or not, but it was a very important issue in Ukraine at the time that these crew members were still detained by Russia, in Russian jails, and the President had canceled his last meeting over that issue, but he was choosing to meet him without resolving that issue.

THE CHAIRMAN: And you never found out whether he did, he did, in fact, raise that with Putin?

MR. HOLMES: I don't know. I don't know.

THE CHAIRMAN: You mentioned that in the week leading up to, I guess this would have been the event in Brussels, Ambassador Sondland, Secretary Perry, and Secretary Perry's staff were taking a very active and unconventional role in formulating our priorities for the new Zelensky administration and personally reaching out to President Zelensky and his senior team. What did you mean by that being unconventional?

MR. HOLMES: Yeah. Secretary Perry's staff was very aggressive in terms of promoting an agenda and excluding Embassy personnel from meetings without giving explanations.

We'd ask what, you know, they plan to say in the meetings, for instance, these preparatory sessions.

They would say, we want to say this.

And we'd say, why would you say that? We don't understand your rationale. Can you explain to us? We can discuss this.

And it was clear they knew what they wanted to do and were not -- they were not giving us explanations for it.

I'm not an expert in the energy issues, but it was an unusual interaction between the Embassy and staff.

THE CHAIRMAN: Did any of those interactions involve a Texas oil company?

MR. HOLMES: There was the -- sort of what I testified to, that Secretary Perry handed a list of trusted individuals to President Zelensky from whom he could take advice on energy sector reform. I didn't see the list. I heard there were some individuals who were involved with energy issues in Texas. But I also wasn't in the meetings with his staff on energy issues, it was just not my area of expertise.

I should also add, sir, you asked about the staff and the members. From that point on, you know, they were getting business cards and WhatsApping and sending messages and things like that directly to the principals. Oftentimes those things would involve the Embassy in some way so we had visibility on what policies we were advancing with those same principals who we would see on a regular basis, and we weren't getting that.

THE CHAIRMAN: So these individuals, at least two of the Three Amigos, were communicating with WhatsApp and text messages in a way that left the traditional Embassy staff out of the loop?

MR. HOLMES: We were in the loop on some things, but we suspected

we were out of the loop on other things.

[5:12 p.m.]

THE CHAIRMAN: You mentioned on June 27 Ambassador Sondland told Ambassador Taylor in a phone conversation, the gist of which Ambassador Taylor shared with me at the time, that President Zelensky needed to make clear to President Trump that President Zelensky was not standing in the way of investigations. I understood that this was referring to the Burisma/Biden investigations that Mr. Giuliani and his associates had been speaking about in the media since March.

Why was that your understanding?

MR. HOLMES: So this was a very unusual period from March. As I said -- testified, I'd never seen anything like it in my career. It was a constant drumbeat of media, press articles, tweets, news show appearances by people who I wasn't familiar with previously, but some of whom at least I've come to realize were associates of Mr. Giuliani, who were, in various ways, advancing three or four different narratives in all these different engagements, all of which started at the beginning of March and continued through Ambassador Yovanovitch's removal.

And one of those narratives was the Burisma/Biden investigation. And so, that was the only specific investigation that we were discussing. We typically, in the Embassy, don't talk about specific investigations on particular cases; we talk about building rule of law and anticorruption institutions, justice institutions that follow the facts and the allegations as they judge fit.

THE CHAIRMAN: You mentioned as a result of a conversation you

had with Ambassador Taylor on June 28th, it was made clear that some action on a Burisma/Biden investigation was a precondition for an Oval Office meeting. We became concerned that even if a meeting could occur, it could -- it would not go well, and I discussed with Embassy colleagues whether we should stop seeking a meeting altogether.

That's pretty extraordinary, given what you knew about the importance to President Zelensky about having that White House meeting. Why did you even entertain the idea that maybe you should prevent this meeting from happening?

MR. HOLMES: The importance of the meeting was largely signaling to Zelensky's domestic audience and to his foreign adversaries. A bad meeting would be worse than no meeting. And we did not yet have confidence that -- that there was an interest in having a positive interaction with Zelensky that would send that signal.

THE CHAIRMAN: Were you concerned that you might get a bad meeting in which the President pressed Zelensky to do the Biden investigation?

MR. HOLMES: Possibly.

THE CHAIRMAN: And when you saw the call record when it was released on September 25th, did that confirm your worst fear about what might have happened in a personal meeting?

MR. HOLMES: I was disappointed to see that raised.

THE CHAIRMAN: You mentioned in your written testimony about a meeting with Andriy Bohdan, the chief of staff of President Zelensky. The meeting was brief, you said, but he did say that President Trump had expressed interest during the previous day's phone call in

President Zelensky's personnel decisions relating to the prosecutor general's office. What did you understand that to mean?

MR. HOLMES: I didn't understand it when he raised it. He was literally standing up. He said the President has called me, I have to go. He expressed some interest in these personnel decisions. I have this in my notes.

And then he said, I have three questions for you. And he started asking us about individuals I've since come to understand they were considering appointing to different roles in the PGO. It wasn't until I read the July 25th phone call transcript that I realized that the President had mentioned Mr. Lutsenko in that call.

THE CHAIRMAN: And at that time of that call, Lutsenko was still the prosecutor general?

MR. HOLMES: Yes. So in the Ukrainian system, the Parliament has to agree -- has to approve the resignation or the firing of a prosecutor general. Zelensky was elected, but there were several months that went by until the parliamentary elections where he then acquired the mandate and then the parliament would begin to meet where then he would be in a position to actually make personnel changes.

So there was a period of 2 or 3 months where a lot of Ukrainians were hoping Lutsenko would just go, but he held on until Zelensky won this -- his overall parliamentary majority, and was then in a position to make new appointments.

And then prior to that, you know, Zelensky had told us privately he was consider -- who he was considering replacing Lutsenko with and

then did do. So there were conversations about this, but he wasn't in a position to actually remove him from office until later.

THE CHAIRMAN: Was Lutsenko, during this period, still trying to angle to keep his job?

MR. HOLMES: I believe so, yes.

THE CHAIRMAN: And was part of his angling to survive the potential change before the election, and the change once the election took place, was part of the strategy appealing to Rudy Giuliani and Donald Trump by pushing out these false theories about the Bidens and the 2016 election?

MR. HOLMES: I believe that's the case.

THE CHAIRMAN: The delegation you said then met with President Zelensky and several other senior officials. Which delegation are you referring to there?

MR. HOLMES: I'm sorry, where are you, sir? Which --

THE CHAIRMAN: Page 5 of your written testimony.

MR. HOLMES: Yes. You know, I don't recall who else -- I was personally in the meeting with President Zelensky, but they had arranged other meetings.

THE CHAIRMAN: And who was there on the American side?

MR. HOLMES: So this is -- this is -- it was the inaugural delegation. So Secretary Perry, the people I mentioned before.

THE CHAIRMAN: I see.

MR. HOLMES: The five.

THE CHAIRMAN: Okay. During the meeting, you said President

Zelensky stated that during the July 25th call, President Trump had three times raised some very sensitive issues and that he would have to follow up on those issues when they met in person.

Now having read the call record, do you understand what he meant by the very sensitive issues he had raised three times?

MR. HOLMES: There were only a couple issues that the President raised in that call, and so, I assume those are the issues he meant.

THE CHAIRMAN: And those involve the investigations that the President wanted Zelensky to do?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: So Zelensky here is saying he'll have to follow up with those issues when he gets his White House meeting, is that the import?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: So Zelensky is communicating that he wants this meeting, and if the President wants to talk further about this, he needs to give him the meeting. Is that right?

MR. HOLMES: I think that's a reasonable interpretation.

THE CHAIRMAN: On page 6, you mentioned how you were excluded from the meeting between Ambassador Sondland and Mr. Yermak, and that you waited outside with a member of Ambassador Sondland's staff. Was there a member of Ambassador Sondland's staff that accompanied him on most of the Ukraine trips?

MR. HOLMES: There was a member of his staff on this trip. I don't know if his standard practice -- I don't recall if he had a staff

member accompany him on his other trips. I don't recall.

THE CHAIRMAN: Do you recall who that staff member was?

MR. HOLMES: Yes. It's a State Department officer in the U.S. mission to the EU. Her name is [REDACTED].

THE CHAIRMAN: Let me move ahead to the call that you overheard at the restaurant. You said Ambassador Sondland placed this call on his mobile phone?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: Did that cause you any concern about the security of that phone call?

MR. HOLMES: It was surprising to me that he -- yes. In my experience, generally, phone calls with the President are very sensitive and handled accordingly.

THE CHAIRMAN: And making a cell phone call from Ukraine, is there a risk of Russians listening in?

MR. HOLMES: I believe at least two of the three, if not all three of the mobile networks are owned by Russian companies, or have significant stakes in those. We generally assume that mobile communications in Ukraine are being monitored.

THE CHAIRMAN: And, in fact, Ambassador Nuland's communications at one point had been monitored and released for political effect?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: So there was not only the concern with the ownership of the telecommunication companies, but past practice?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: Now, you said the President's voice was loud and recognizable, and Ambassador Sondland held the phone away from his head. Is that right?

MR. HOLMES: Yes, sir. He sort of was waiting for him to come on, and then when he came on, he sort of winced and went like that for the first couple exchanges. And then --

THE CHAIRMAN: Now, the reporter can't record that.

MR. HOLMES: I'm sorry. He sort of winced --

THE CHAIRMAN: He moved his head away from the phone?

MR. HOLMES: -- winced and then moved the phone away from his ear, because the volume was loud, and then -- for the first portion of the call, and then he stopped doing that. I don't know if he turned the volume down or got used to it or if the person, the President, I believe, on the other line moderated his volume. I don't know what happened, but for the first part, he was pulling it away from his head.

THE CHAIRMAN: And you heard Ambassador Sondland greet the President and say he was calling from Kyiv, and then you could hear President Trump wanting to clarify that Ambassador Sondland was, in fact, in Ukraine?

MR. HOLMES: Yeah. Yes. You mean, Ukraine? Yes, Ukraine.

THE CHAIRMAN: And then you said President Zelensky or Ambassador Sondland went on to say that "President Zelensky loves your ass," meaning that he loves the President?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: And then you could hear President Trump say, so

he's going to do the investigation?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: And Sondland replied, He's going to do it?

MR. HOLMES: Yes. He said, Oh yeah, he's going to do it.

THE CHAIRMAN: And then he went on to say, President Zelensky will do anything you ask him to?

MR. HOLMES: Yes.

THE CHAIRMAN: And those are the words you heard, to the best of your recollection?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: And, you know, I think you said you have quite a clear recollection of that. It left an impression on you, did it?

MR. HOLMES: This was an extremely distinctive experience in my Foreign Service career. I've never seen anything like this, someone calling the President from a mobile phone at a restaurant, and then having a conversation of this level of candor, colorful language. There's just so much about the call that was so remarkable that I remember it vividly.

THE CHAIRMAN: I won't go through the conversation about the rapper, but let me ask you about after the call ended. Anything else you can recall about the Ukraine portion of the conversation?

MR. HOLMES: It was very brief. It was exactly as I have described it, three sentences or whatever. It was -- and then it was immediately, what about Sweden and then the rapper portion.

THE CHAIRMAN: So the call ends. You're still at the restaurant.

You take the opportunity to ask Ambassador Sondland for his candid impression of the President's views on Ukraine and, in particular, you ask him, is it true the President doesn't give a shit about Ukraine?

MR. HOLMES: Yes, sir.

THE CHAIRMAN: Now, what led you to believe that the President didn't give a shit about Ukraine? That's an interesting way to start a question asking for feedback.

MR. HOLMES: Yeah. I'm not proud of my language. But the informal tone of the lunch and the language I had heard him using in his call with the President, we were just sort of, you know, two guys over lunch talking about stuff, and it seemed to me that was the kind of language that he used.

And so I was -- I, at that point, believed that it had been very difficult for us to get the President interested in what we were trying to do in Ukraine. Those are the words I chose.

THE CHAIRMAN: And Sondland agreed with you that the President did not give a shit about Ukraine. So his answer was to you, the President doesn't give a shit about Ukraine?

MR. HOLMES: My recollection, he said, Nope, not at all, doesn't give a shit about Ukraine.

THE CHAIRMAN: And you asked him why not, and what did the President say?

MR. HOLMES: Sondland?

THE CHAIRMAN: I'm sorry. What did Ambassador Sondland say?

MR. HOLMES: Yeah. He said, he only cares about big things.

THE CHAIRMAN: Big things or big stuff?

MR. HOLMES: Big things. Big stuff. Big.

THE CHAIRMAN: And you noted that there was big stuff going on in Ukraine, like a war with Russia?

MR. HOLMES: Yes.

THE CHAIRMAN: And what did Ambassador Sondland say in reply?

MR. HOLMES: He said, no, big stuff that matters to him, like this Biden investigation that Giuliani is pushing.

THE CHAIRMAN: So Ambassador Sondland conveyed that the big stuff the President cared about was stuff that benefited the President, like the investigation into the Bidens?

MR. HOLMES: That was my understanding, yes.

THE CHAIRMAN: And then after that, the conversation moved in other directions?

MR. HOLMES: Yes.

THE CHAIRMAN: When you returned to the Embassy, you told the Deputy Chief of Mission about this conversation?

MR. HOLMES: Yes. So she's my direct supervisor.

THE CHAIRMAN: And who is your Deputy Chief of Mission?

MR. HOLMES: Kristina Kvien, K-v-i-e-n.

THE CHAIRMAN: And how much detail did you go into with the Deputy Chief of Mission?

MR. HOLMES: I believe I told her the whole thing. I said, You're not going to believe what I just heard, and then I just went through -- every element of this was extraordinary.

THE CHAIRMAN: What was her reaction?

MR. HOLMES: You know, on the one hand, she was shocked, as I was, that that just happened. It was pretty exceptional. She thought parts of it were funny. Parts of it, I think, she -- confirmed some of the things we thought were the case, as I said, because for months, we'd been hearing about things like the Biden investigation and having trouble trying to get traction on the meetings we were seeking. So it had a ring of truth to it. So that was the kind of reaction that I got.

THE CHAIRMAN: Let me now move further on the timeline. After Bolton recommends to Taylor that he send a cable to Pompeo, I think you testified that you helped in the drafting and transmission of the cable?

MR. HOLMES: Yes, sir. Every cable that an Embassy sends goes out in the name of the Chief of Mission, has Taylor at the bottom. Oftentimes, the Chief of Mission will give guidance on what to write, or will draft portions themselves and request that a staff person make the arguments. And then they would then clear the cable, signaling they're comfortable with it before we would then transmit it. And that's what we did in that case.

THE CHAIRMAN: And what was the gist of the cable that you sent?

MR. HOLMES: So I'm going to be very oblique, because that was a classified cable.

THE CHAIRMAN: Yes, and we want to keep this all unclassified.

MR. HOLMES: I understand, sir. It was articulating our view of

the importance of Ukraine to our national security, and the importance of the security assistance to Ukraine.

THE CHAIRMAN: You testified that during this time we were still trying to appeal to President Trump in foreign policy and national security terms. Was the cable along those lines?

MR. HOLMES: Yes, sir. I believe it said: In foreign policy terms, this is why it matters.

THE CHAIRMAN: But you also go on to say: By this point, however, my clear impression was that the security assistance hold was likely intended by the President either to express dissatisfaction that the Ukrainians had not yet agreed to the Burisma/Biden investigations, or as an effort to increase the pressure on them to do so. Why was that your impression, your clear impression?

MR. HOLMES: We had no other explanation for why there was disinterest in this meeting that the President had already offered. He didn't offer a date yet over the course of months, despite efforts of everyone to try to schedule that.

And then you had the additional hold of the security assistance with no explanation whatsoever, and we still don't have an explanation for why that happened or in the way that it happened, an unconventional way, as I understand it.

THE CHAIRMAN: Mr. Mulvaney gave an explanation.

MR. HOLMES: He did.

MR. MALONEY: Can I just mention, the witness is often giving nonverbal responses. If he could just articulate his response.

MR. HOLMES: I'm sorry.

THE CHAIRMAN: Mr. Mulvaney gave one explanation, didn't he?

MR. HOLMES: I saw his comments in the press, yes.

THE CHAIRMAN: You then talk about in your testimony further down on page 8 about a demand that President Zelensky personally commit to a specific investigation of President Trump's political rival on a cable news channel. Have you ever seen anything like that?

MR. HOLMES: No, sir.

THE CHAIRMAN: And even after the filing of the whistleblower complaint and it making its way to the White House and Congress launching an investigation and the aid finally being lifted, you were still concerned that Zelensky was going to feel compelled to go forward with the CNN interview?

MR. HOLMES: Yes. Some of these things were happening -- and, again, time difference in Ukraine. These things are happening on, as I recall it, the 11th, 12th, potentially 13th. That a lot of things were happening at the same time. It wasn't clear to us who was talking to whom when. It wasn't clear to us when the Ukrainians heard some of these things. So there was a bit of a margin of error on who knew what when.

And it also occurred to us potentially that the hold might have -- this is a theory -- might have been lifted -- or we worried that the hold was lifted after Zelensky potentially gave a commitment to do the interview. And I included some testimony, some evidence that might have pointed in that direction.

THE CHAIRMAN: So you were concerned that Zelensky had already made the commitment --

MR. HOLMES: Yes.

THE CHAIRMAN: -- in order to get the aid.

MR. HOLMES: Yes.

THE CHAIRMAN: Get the meeting.

MR. HOLMES: Yes.

THE CHAIRMAN: And then the story blew up with the whistleblower complaint, and the aid's released.

MR. HOLMES: Yes.

THE CHAIRMAN: And the question was, does Zelensky still have to follow through with what may have been committed?

MR. HOLMES: That is correct, sir.

THE CHAIRMAN: I'm going to yield now to Mr. Noble.

MR. NOBLE: Thank you, Mr. Chairman.

BY MR. NOBLE:

Q Mr. Holmes, I want to ask you a few follow-up questions, based on the line of questioning from the chairman, but first I want to make sure I understand.

A lot of your very detailed opening remarks are based -- include quotation marks.

A Uh-huh.

Q Again, those are quotes that you either took, based on your notes or your recollection as to what people actually said. Is that right?

A Yes.

Q And did you use your notes that you later turned over to the State Department to help prepare this opening statement?

A I did, yes.

Q You said in your opening statement that you read the transcripts of the deposition testimony of Ambassadors Taylor and Yovanovitch. Is that right?

A Yes, sir.

Q Did you also read Ambassador Sondland's testimony?

A So some things I read in the news. I can't say for sure that I sat down with the testimony itself or the statement. I read Ambassador Yovanovitch, Ambassador Taylor's deposition opening statements. I read those very carefully for a sense of, as I said, whether what I knew or my experience, that story was generally getting told. And then other witnesses, I just sort of read it in the news.

Q Well, to your point, in terms of getting your story told, was it your assumption that Ambassador Sondland would have told Congress about these conversations, including his July 26 phone call with President Trump at the restaurant?

A I would think so, especially if asked. I would suspect that he would mention that.

Q I mean, I wonder if that -- I mean, did you think that Ambassador Sondland would have relayed these communications with President Trump, given that they're obviously relevant to the inquiry? Is that why you thought, like, the information you had would have been

redundant to Ambassador Sondland's testimony?

A I won't speak to what Ambassador Sondland thought was important or not to share. I don't know. My process was, you know, as I've testified, I've been involved in this in some way all the way through. And I was -- some of the first testimony to come out were Ambassador Yovanovitch from that chapter, and then Ambassador Taylor from that chapter, and I read it to see if largely what I knew was getting out.

And every day I was waking up, I've never been through an impeachment before, but thinking is there something I have that people need? I had this question every day. And as I saw the testimony coming out, I was reasonably confident that what I knew was getting out, as I said, until later when it became apparent that this one issue -- maybe other things, too -- were particularly germane.

Q And what, again, was it about this particular phone call on July 26 that you thought was so important to tell Ambassador Taylor about, again?

A So at the time, it was confirming things that many people suspected. And so we took that and learned lessons from it, and I referred to it later in meetings. I said, as we know, he doesn't really care about Ukraine. It's going to be a tough road to convince him. And, you know, he does seem to care about this investigation and, you know, we don't get involved in politics, so there's nothing we can do about that.

So we talked about this repeatedly and -- but, you know, for me,

in the end, as I saw the story coming out and then started hearing that there was not a lot of firsthand information, plus the notion that these three officials that were close officials to the President may have been acting without his knowledge or freelancing. I think I've heard various descriptions.

It seemed to me then, in retrospect, that this event was firsthand and one of those people with direct contact to the President, where they explicitly mentioned one of the things that was at issue. So it just -- whereas I took it as an indication we were kind of right what we're thinking was going on; in retrospect, it seemed like it was more critical.

Q Sticking with the July 26 call between Sondland and President Trump, I just want to ask you a few more questions about your recollection of that call.

And backing up, right before the call, Ambassador Sondland met with Andrey Yermak. Did he ever tell you what they discussed during that meeting?

A He didn't.

Q But you were told by an aide to Mr. Yermak that Ambassador Sondland said he didn't want notes taken of that meeting and he wanted it to be a one-on-one?

A He wanted it to be a one-on-one. And when I said, I'm the note taker and Embassy representative, they said they don't want anyone else in the meeting.

Q And then the lunch that you then went to, do you recall about

what time of day you went to lunch?

A Yes. So the -- I believe 1 to 2 p.m., in that area. I believe the Zelensky meeting ended at noon and then we had the Yermak meeting, and then we drove to the restaurant, which wasn't too far away. So roughly 1 to 2 p.m.

Q And you said that two other staffers accompanied you to the lunch?

A Yes.

Q Can you please identify those people?

A Yeah. One is [REDACTED], the staffer to Ambassador Sondland at our mission to the European Union. And the other is [REDACTED], the last name is [REDACTED], who is in the economics section at the Embassy in Kyiv, who's the energy expert, and that day was the Embassy's control officer, as we call it, the person who works with a visitor and arranges their schedule and their meetings.

Q Okay.

A [REDACTED].

Q Thank you. Do you know which, or what type of cell phone Ambassador Sondland used?

A No, I don't.

Q Did you observe whether he had one or more cell phones on him at the time?

A I only saw him using one at a time.

Q So he had multiple cell phones?

A I don't -- he could have been using different ones one at

a time, but I only saw him using one at a time.

Q I see. And about how far away were you sitting from Ambassador Sondland during this conversation between him and President Trump?

A I was directly in front of him. The table was set up with two settings, kind of a runner between them. And so my plate was here, his plate was here. Maybe about the same as this table, maybe slightly wider about. It was close enough we were sort of sharing an appetizer together.

Q Could you describe for the reporter?

A I'm sorry, this is difficult.

THE CHAIRMAN: You're indicating --

MR. HOLMES: I don't want to estimate measurements of the table. We -- I was directly in front of him.

MR. NOBLE: He was a couple feet --

THE CHAIRMAN: He was on the other side of a table that is roughly what, 3 feet wide? 2 feet wide?

MR. HOLMES: It sounds about right. A normal dinner-size table for two.

THE CHAIRMAN: Table for two, okay.

MR. HOLMES: It felt to me like there were a table for two and another table for two pushed together. It may have been that it was a double-wide table.

BY MR. NOBLE:

Q And can you provide any more details about how Ambassador

Sondland went about connecting to President Trump? You said it sounded like he was being relayed through several switchboards, or can you just provide any more details about that?

A He was starting a call, and he kind of said, I'm going to call the President and give an update. And he was waiting and he was, kind of, expressing, kind of, impatience as he'd say, Gordon Sondland for the President, and then someone else would come on, and I'm waiting for the President. And as he got transferred, I don't know who he was getting transferred to, but he was -- I believe he said something like, Oh, it's always so hard to reach him, like that kind of thing.

Q Did he just place one call or did he have to place multiple calls in order to --

A One call.

Q One call, okay.

Do you know whether he used the State operations switchboard to connect to the President or which switchboard he was using?

A I don't know.

Q Do you recall about how long the call lasted, the duration?

A It was not long. That Ukraine portion was three or four sentences, pretty quick, and they very quickly turned to the Sweden bit. It's exactly as I relayed it.

At that point, I pulled out my phone. Everyone was checking their phones occasionally, checking emails. I was able to pull out my -- I realized that the call was significant. I pulled out my phone at that point and I opened a note and I took notes of the Sweden portion. I

was a little slow getting it out.

Q Okay. But did you take notes on the portion about Ukraine?

A I didn't. It was so quick and up front, and that's when I realized how significant it was. By the time I got it out, he moved on.

Q And did you turn that note relating to the Sweden portion over to the State Department?

A Yeah. So I -- when I -- after the lunch, I rode with Ambassador Sondland and the two staffers back to the Hyatt where he was staying. They stayed with him, and I peeled off and went back to the Embassy. When I arrived back to the Embassy, I opened that note, pasted it into an email, which I sent to our Deputy Chief of Mission in Stockholm so she had it. So that email with the notes that I took is in the records.

Q And about how long from Ambassador Sondland dialing to when he hung up with President Trump was the call?

A It was short, a couple minutes.

Q During the call, you said you overheard the word "investigation" or "investigations" --

A Yes.

Q -- mentioned by President Trump. Is that right?

A Yes.

Q At the time, did you understand what investigations the President was referring to?

A Yeah. It's the same answer you asked before. I mean, that

was the investigation that I was aware people were talking about. It had been in the media for some time. I was hearing, as I've testified at various stages, about this investigation being of importance to the President, and so that's what I assumed he meant.

Q In your statement, you said that you told the Deputy Chief of Mission about the call after it occurred. Did you tell anyone else about the call contemporaneously?

A Yeah. So I went back to the Embassy, and I had a lot of work to do. I had to write up the Bohdan meeting, the Zelensky meeting. I had a full afternoon of work to do. And so I went back to the Embassy and I went to the political section, and I ran into the Deputy Chief of Mission. And I said, Great, glad you're here, I have something I really need to brief up to you. And I walked her through the call.

And then I recall like, frankly, telling this story to almost anyone I encountered, because it was so remarkable. I don't exactly recall who those other individuals were. And part of the reason I remember it was the Deputy Chief of Mission is because she's my supervisor. And there were three people, three people that I would want to pass that on to. Those three people are my deputy in the political section, so that if I'm not around, she knows what's going on. And yeah, I was about to go on vacation.

Q Who is that?

A

[REDACTED], my deputy; Kristina Kvien, my supervisor; and Ambassador Taylor. Two of those three people were on the front with

Ambassador Taylor. That was [REDACTED], who was staffing that trip, and Ambassador Taylor.

The only one of the three people who I would have felt an immediate obligation to ensure knew about this and would have trusted to do with that information what was required, or at least to share it within the Embassy, I told the one who was there, and then I turned to the other work that I had.

And I emailed the Sweden portion to the DCM there, because that portion was relevant to issues she was dealing with. And she was the former DCM in Ukraine as well, so was someone I could reach directly out to. Otherwise, I might not have done that. And then -- and then I turned to the other work I had to do.

Q Did you do a write-up of the call between Sondland and --

A No.

Q Why not?

A No. So we take notes on meetings between foreigners. If a delegation comes, right, we write up what was discussed. If we're meeting with the Ukrainian Government, we write up what was discussed. We report those things in front-channel cables. There's a process.

When we have meetings with -- among Americans, and even some of the members here have been to Ukraine on congressional delegations, we have the opportunity to meet and brief and discuss, I don't take notes of those things. I don't say what this Congressman thought about Ukraine or whatnot, because we don't report on U.S. officials and what they thought. We report on Ukrainian officials and what they thought.

So it didn't occur to me to put this in any of the normal reporting channels that I would do in my daily work. In fact, I was coming back to write up the meeting with the President of Ukraine which I had just been in, and so that's what I was doing.

Q Okay. Are you familiar with an interview that Ambassador Sondland did that same day on July 26 with Ukraine TV? Were you aware of that?

A Just -- this is what I remember of that. I remember he did do an interview, but I don't recall the details of it.

Q Well, would it surprise you that he actually references the lunch that he had with his staffers at the beginning of that interview?

A That would surprise me, yeah. Well, maybe it wouldn't. The lunch happened. Yeah. He did do an interview. I'm sorry.

Q Go ahead.

A Really, I'm just recalling this now. He -- I want to say maybe he told me, or someone else told me that he was talking about, like, Ukraine and how nice it was, and it's nice weather and things like that. And I thought it was -- it wasn't the usual topics we would mention in an interview.

Q Well, were you aware that he also said during that interview -- that's Ambassador Sondland -- that he had spoken with President Trump the day before on July 25th, just minutes before President Trump's phone call with President Zelensky?

A I guess it would surprise me he said it in an interview, but it doesn't surprise me, because I saw him do it. And I saw him do it on

the -- I saw that he was able to get directly to the President. So it doesn't surprise me that he may have done it on other occasions.

Q My next question is, did Ambassador Sondland ever tell you what he told President Trump on July 25th right before he spoke to President Zelensky?

A No, he didn't.

Q Are you aware of any other one-on-one conversations that Ambassador Sondland had with President Trump?

A With President Trump? No, I'm not aware.

Q But I think you said something in your opening statement that Ambassador Sondland spoke about how he had direct communication --

A Yeah.

Q -- line of communication with the President?

A Yeah. He -- he would -- he would say things in meetings like, I know the President would agree with what you just said, or I heard the President say something like -- I mean, he would portray himself as having knowledge, direct knowledge of the President's priorities and interests.

Q And he represented the same with respect to Chief of Staff Mulvaney?

A So less so in that kind of -- like that way, but a lot of this is me hearing from other people, so I don't have direct knowledge of that. But there were other stories about how he might have worked with Mulvaney to get certain things done, like that involved the President signing the congratulatory letter. There was -- I heard an

account of the fact that Sondland had engaged Mulvaney to try to get that letter signed and to make sure the letter included an offer of a visit.

Q Did Ambassador Sondland ever say anything else that he worked with Mick Mulvaney on relating to Ukraine?

A Not that I'm aware of.

Q Are you aware of a dinner that Ambassadors Sondland, Volker, and Taylor had with Oleksandr Danylyuk on that evening, July 26?

A I don't recall. I would be surprised, because they went to the front and they would have gotten back quite late. So I don't -- I don't recall it. And then I left the next morning, so if it happened I wouldn't have gotten a readout.

Q Or it might have been a dinner on July 25th, or you're just not aware?

A That's possible. There -- Danylyuk was one of the people that those individuals were all separately in touch with, and had meetings with on a regular basis when they visited.

Q Okay. During that lunch on July 26 with Ambassador Sondland, did he make any other phone calls aside from calling President Trump, that you can recall?

A He was using the phone to check emails and whatnot. I don't recall him making other phone calls.

Q Did he make any phone calls on the ride back to the Hyatt that you can recall?

A I don't recall anything specific, but I certainly don't

recall any policy-relevant phone calls.

Q Was there anything else that you can recall that was of significance during the visit of Ambassadors Sondland and Volker on July 25th and 26th?

A That's plenty. I testified to all the things that I thought were relevant, sir.

Q Okay. Do you recall whether Ambassador Sondland used the same phone call to call President Trump that he had been using to email on?

A I think so, but I just -- I only saw him using one phone. I had no reason to believe it's not the same phone. I just don't know.

Q There's a Twitter -- or a photo that was put out by Ambassador Sondland on Twitter of the July 20 -- oh, actually, no, I believe it was the May 20th meeting with President Zelensky during the inauguration. You're in the photo.

A Uh-huh.

Q There's a [REDACTED] sitting next to Secretary Perry. Was that the interpreter or was that a staffer?

A This was the actual delegation meeting?

Q I believe it was a delegation meeting with the Americans on one side and the Ukrainians on the other, and you're on the end looking like you're taking notes.

A I would have to double-check who [REDACTED], but I believe, yes, it would have been [REDACTED] [REDACTED]

[REDACTED] [REDACTED].

Q Do you recall if Secretary Perry had any staffers with him during that delegation, and, if so, who they were?

A Secretary Perry did. Brian McCormack, was his chief of staff, was there. And I'm blanking on the name. He had at least two other staffers. I don't recall their names.

Q Are you aware that Mr. McCormack has defied a subpoena to appear before the committee to testify in this impeachment inquiry?

A I did read that, yes.

Q Do you think he would have relevant information to share with the committee relating to the matters under investigation relating to Ukraine?

A Potentially, but you'd have to ask him.

Q Did Ambassador Sondland have any staffers with him during the May 20th visit to the delegation other than -- or was [REDACTED] there or did he have anyone else?

A I don't recall. I could check. I have this in my notes. I mean, I have the -- you know, the schedule of the visit and who participated. Motor pool, you know, motorcade diagrams. I just -- I was focused on the principals.

Q I have about 4 minutes. Let me see if I can do this particular phone call.

Earlier today, President Trump released a transcript of -- or what appears to be a transcript of the April 21st call between him and President Zelensky. Did you or anyone at the Embassy prepare talking points to help prepare President Trump for that call?

A Ordinarily, the process would have been that our counterparts at the National Security Council, in this case, Alex Vindman, I think Fiona Hill was still there at the time before Tim Morrison arrived, would have generally worked with either the Ukraine office at the State Department and/or the Embassy, and asked us for input for an engagement of that sort. Sometimes we'd provide it to the Ukraine office, and they would provide it, I mean, but -- and that's the general practice.

In that case, I don't recall. I hadn't focused on that call as much in my preparation for this and it's going back a little further. And I actually was busy today. I didn't see what the actual -- what was released today, this morning. I heard it was out.

Q Well, normally would -- so talking points would be prepared for the President. Is that right?

A Normally, yes.

Q And would those talking points sometimes inform the readout of the call that was issued after the call on the American side?

A Inform the readout? I'm not sure what you mean.

Q Would the talking points, assuming the President is going to cover those points, inform or provide the basis for a readout of the call?

A Oh, you mean public --

Q The public announcement.

A That is correct. Yes. I don't know how it is now and in that particular office, but typically, you would prepare a draft

readout and then they would edit, according to what might have actually happened.

Q So if the readout of a call may have included a reference to President Trump urging President Zelensky to fight corruption in Ukraine, might that have been based on talking points that were provided to the President?

A It might have been.

Q Would it surprise you if the President did not actually reference anticorruption efforts in Ukraine during the actual phone call, as reflected by the transcript that was released by the White House?

A Look, the President decides what he says on the call. He receives advice, and he can take it or not. I think we saw that with the July 25th call. It didn't include the things that I would ordinarily have thought would have reflected our policy in that call. So I don't want to speak to what may or may not have happened in that case.

Q But if the readout of the call says that the President of the United States urged President Zelensky to fight corruption, or something along those lines, wouldn't you expect the President to have actually said that during the phone call?

A Yes. I take your point. I would, yes.

Q Okay. So if that reference to fighting corruption appears in the readout, might it have been based on talking points that were provided, but were not actually used by the President during the call?

A It's possible. Yes, it's possible.

Q And you said you have not actually reviewed the transcript of the April 21st call that was released today?

A So I have a dim recollection of having seen some kind of readout of that call previously quite some time ago, and I don't recall the vehicle for that. Sometimes we get an email saying, Hey, in general, it was this. Sometimes we talk about it on a secure video conference where we say, We heard it was this, and sometimes we get what's called an [REDACTED] cable, which is a limited distribution formal readout. And on that one, I just -- there were a couple things that happened in that call that were distinctive that I recognized.

MR. NOBLE: Okay. I think my time is up, but maybe we'll pick back up there when we resume.

THE CHAIRMAN: Mr. Holmes, do you want a brief break or are you ready to go for the second hour?

MR. HOLMES: I would take that break.

THE CHAIRMAN: Okay. Why don't we take a 5-minute break, but let's try to keep it short.

[Recess.]

THE CHAIRMAN: Let's go back on the record. Before I yield to the minority, Mr. Holmes, I want to let you know, regrettably, someone has leaked your written testimony, which is deeply distressing. I advise our members, and our staff already knows at just about every deposition we do that the deposition rules require testimony to stay in this room. It's up to you and your counsel, if you want to release

your own statement. You are more than welcome to do so, but it is not up to members to do so. And I'm deeply disappointed and disturbed that that's happened, but I wanted to let you know as soon as I found out.

The time is with Mr. Castor for one hour.

MR. CASTOR: Mr. Jordan has questions.

MR. JORDAN: Mr. Holmes, when did you decide? When did you decide to come forward?

MR. HOLMES: I -- during the week before Ambassador Taylor came back for his testimony. I think he left on the Friday. That's when I was at the same time reading press accounts that --

MR. JORDAN: Last Friday?

MR. HOLMES: I'm sorry, sir? Yes.

MR. JORDAN: Was there like a specific -- I mean, you're --

MR. HOLMES: No. Yeah. I'm sorry.

MR. JORDAN: -- in front of three committees and part of an impeachment inquiry talking about a private conversation between two other individuals. One of them's the President of the United States.

MR. HOLMES: Yes, sir.

MR. JORDAN: It sounds like you'd sort of like know when you decided, I'm going to go do that. When did that happen?

MR. HOLMES: Yes, sir. As I said earlier, I sort of woke up every day reading the news about this process and wondering to myself, do I have something that's important? And as it played out, I was reasonably confident that most of the things that I knew were getting out and more, because I wasn't involved in all these -- a lot of these

engagements I was hearing about.

So as I said, sir, it wasn't until that week or maybe it was the week and a half before, where I started getting a sense like actually maybe this thing, this event, this --

MR. JORDAN: What I'm asking is -- go ahead. I'm sorry.

MR. HOLMES: Yeah, I'm sorry. I know what you're getting -- I think the point is there wasn't a single point where I said, that is relevant. Actually, it was when Ambassador Taylor was departing. You know, I was in his office, and I said, you know, I'm thinking this might be relevant. It's been weighing on me the last couple days, just, you know, this discussion of firsthand information and of, you know, freelancing and all that. I'm thinking this might be relevant.

MR. JORDAN: So what prompted -- I'm sorry, go ahead.

MR. HOLMES: Actually, it was his departure for the next round. I had read what he testified the prior round, reasonably confident that it was what I had to say at that point. But subsequent to that testimony, I realized that there was this focus on this freelancing and --

MR. JORDAN: So what prompted you was Ambassador Taylor's leaving the Embassy and coming back here to testify in front of -- in the open hearing?

MR. HOLMES: Yeah.

MR. JORDAN: Was there anyone else, some other person who prompted you to come and share this information?

MR. HOLMES: No, sir.

MR. JORDAN: So it was solely -- now, you had indicated you had shared this information with Ambassador Taylor on August 6, I think, when you returned from vacation.

MR. HOLMES: Yes, sir.

MR. JORDAN: Is that right?

MR. HOLMES: Yes, sir.

MR. JORDAN: Any idea why Mr. Taylor didn't share this information with us when we deposed him in October?

MR. HOLMES: You'd have to ask him that.

MR. JORDAN: He shared every other conversation he ever had with anyone.

MR. HOLMES: You'd have to ask him that, sir. I'm not sure.

MR. JORDAN: Had you conveyed it to him more than just that August 6th time?

MR. HOLMES: That's when I just -- I briefed him on what I heard, and I -- as I testified, I repeatedly referred to that call as sort of a touchstone piece of information as we were trying to understand why we weren't able to get the meeting and what was going on with the security hold.

I would refer back to it repeatedly in our, you know, morning staff meetings. We'd talk about what we're trying to do. We're trying to achieve this, that. Maybe it will convince the President to have the meeting. And I would say, Well, as we know, he doesn't really care about Ukraine. He cares about some other things. And we're trying to keep Ukraine out of our politics and so, you know, that's what we're

up against. And I would refer -- use that repeatedly as a refrain.

MR. JORDAN: So you didn't just talk to Ambassador Taylor about the call on August 6. You repeatedly referred to the call and the conversation with Ambassador Sondland in meetings and conversations with other folks, but certainly several times with Ambassador Taylor?

MR. HOLMES: I referred to the call and what I took from the call, yes.

MR. JORDAN: And did you refer the exact same things in those meetings that you referred to here in your testimony?

MR. HOLMES: I can't be confident that every time I mentioned, I -- I didn't brief the entire call again. I just referred back to the call as -- as when I -- you know, when I drew those conclusions that I mentioned.

MR. JORDAN: And tell me again -- I know you shared this with majority counsel. Tell me again who all you did share -- you shared this conversation that you overheard, you shared it with the people up your chain of command. Is that right?

MR. HOLMES: So, sir, I came back from the meeting, and I would have wanted to share it with three people. Only one was there. I shared with that person.

MR. JORDAN: And tell me that name again.

MR. HOLMES: Kristina Kvien.

MR. JORDAN: That's Chief of Mission?

MR. HOLMES: Deputy Chief of Mission, sir.

MR. JORDAN: Deputy Chief of Mission. And then when did you

share it with your Chief of Mission?

MR. HOLMES: When I came back from leave, which is actually the next business day that we were both in the office at the same time.

MR. JORDAN: So you shared it with one person on the 26th, right after --

MR. HOLMES: Correct.

MR. JORDAN: -- your direct report. When you came back on the 6th, you shared it with the Chief of Mission and Ambassador Taylor.

MR. HOLMES: With Ambassador Taylor. He was the chief. Yes. Same person, yes.

MR. JORDAN: Okay. And then who else?

MR. HOLMES: So after I came back, I, again, mentioned this call repeatedly to a lot of people. Before I departed, that afternoon on the 26th, I recall talking about the call, but I don't know to who. It was sort of, like, "you won't believe what I just heard" kind of thing. But at the same time, I came back from that meeting, I had a lot of work to do. I had to go sit in my computer terminal and write up the Zelensky meeting and the Bohdan meeting. And so, I can't tell you who precisely else I talked to on that afternoon.

MR. JORDAN: Let's go back to the call itself, page 6 of your written statement.

MR. HOLMES: Yes, sir.

MR. JORDAN: In the middle of the page, it looks like middle paragraph, you said, the President's voice was loud, very loud and recognizable.

MR. HOLMES: Yes, sir.

MR. JORDAN: So loud that the President -- or excuse me, that Ambassador Sondland pulled the phone away from him when the President was speaking. Is that right?

MR. HOLMES: Yes, sir.

MR. JORDAN: And then the next paragraph down, you say: Even though I did not take notes of these statements, I had a clear recognition that these statements were made.

So you heard these things clearly. Is that right?

MR. HOLMES: That is correct.

MR. JORDAN: The next sentence, though, you say: I believe my colleagues who were sitting at the table also knew that Ambassador Sondland was speaking to the President.

Why do you say "you believe"? It was clear and loud and recognizable. I assume they were sitting approximately the same distance from Mr. Sondland that you were. Why is it you believe?

MR. HOLMES: So two things: They were a little further away, first of all. They were off to the side and I was directly in front of him. So I don't know what they heard, and I never talked to them about what they heard.

MR. JORDAN: Were you all sitting at the same table?

MR. HOLMES: They were -- they were -- Sondland and I were here. They were off to the side over here.

VOICE: And, Mr. Chairman, just for the record --

THE CHAIRMAN: For the record, what "here" and "here" mean.

MR. HOLMES: Okay. So Sondland was directly across the table from me in front of me, directly in front of me. And he and I were having conversations. We were having a two-person conversation for the majority of this lunch.

Let me not say that. We were having a two-person conversation. The two other people, [REDACTED] was sitting to my right and [REDACTED] was sitting to Ambassador Sondland's left. They were across from each other. They had separate responsibilities at this lunch.

[REDACTED] was the Embassy control officer for the overall visit, you know, she was checking her phone, coordinating, you know, the motor pool and the flight and these kind of things. [REDACTED] was Ambassador Sondland's staffer, who was also checking her phone. I don't know what, but emails from -- back from Brussels, whatever. They were, on occasion, on the phone, or they were checking their emails. They were not fully always engaged in the conversation that Ambassador Sondland and I were having.

So it was my recollection, it was much more of a two-person kind of engagement, and they were also there. I don't know what they would have heard from the call.

MR. JORDAN: Okay. When lunch is over, you get back to the Embassy.

MR. HOLMES: Yes, sir.

MR. JORDAN: Did the three of you talk? Mr. Sondland is gone. Did the three of you talk?

MR. HOLMES: No. So the four of us left the restaurant together

in the same vehicle, and drove to the Hyatt. And the three of them, so [REDACTED] was going to stick with Sondland until the end of his visit, and [REDACTED] was going to fly out with Sondland. So the three of them stayed at the Hyatt.

I, then, went back to the Embassy myself. So I was never with the two of them after this meeting when Sondland was not there before I left for my vacation the next day.

MR. JORDAN: Did you ever have a subsequent conversation with either one of the other two individuals at the lunch after the one stays with Ambassador Sondland, one goes with Ambassador Sondland when he leaves, did you ever have a subsequent conversation with those two individuals?

MR. HOLMES: Certainly not until I returned from my vacation, and thereafter possibly, but only in the general sense of, you know, we might have been in the same meeting at some point when I said, you know, what I said before about this being relevant information. But I never had, to my knowledge, a direct conversation with either one of them about specifically --

MR. JORDAN: You never went up to -- I mean, you said this was -- earlier you said this was unbelievable. So you never went up to them and said, Hey, can you believe that call the Ambassador had?

MR. HOLMES: Yes. So [REDACTED] is at a different mission. I don't know if I ever even saw her since. And [REDACTED] is in a different section. She's a lower level than I am. I don't interact. She's not my counterpart in that section.

MR. JORDAN: [REDACTED] is in Kyiv with you?

MR. HOLMES: [REDACTED] is in the economic section. She is one of the line officers in the economic section. I'm in the political section. I walk by her in the hallway, but we were not working on a daily basis. The meetings that I would be in on a regular basis would be with the --

MR. JORDAN: I'm not talking about meetings.

MR. HOLMES: I'm sorry.

MR. JORDAN: I'm talking about you walk by her in the hallway.

MR. HOLMES: Yeah.

MR. JORDAN: Did you say, Hey, can you believe that call we had a week ago when we were having lunch with Ambassador Sondland?

MR. HOLMES: I mean, I might have done that, but I don't recall doing that. I don't recall having a conversation with her about that call.

MR. JORDAN: Tell me about this conversation you had with Ambassador Taylor that was prompt -- or what convinced you, whatever term you want to use, to come forward. When was this?

MR. HOLMES: That was on Friday, a week ago.

MR. JORDAN: A week ago today?

MR. HOLMES: Yes, sir.

MR. JORDAN: Okay. And tell me about that conversation.

MR. HOLMES: I was in Ambassador Taylor's office just on my regular business, and I said, you know, have a good trip, sir. And I said, you know, it's been on my mind, I wonder if, in light of, you

know, what we're now hearing with the narrative about potentially freelancing and the first-person stuff, I'm wondering now if that call that I overheard is increasingly relevant.

And he said, Oh, which call is that? And I said, Well, you remember, sir, I told you about this call in which -- I didn't go in detail, but I said, in which I overheard this conversation at lunch. And he said, I do remember something about that. I'm not sure if you told me or someone else told me, but that rings a bell.

MR. JORDAN: And did he give you advice or counsel on what to do?

MR. HOLMES: No.

MR. JORDAN: What did you do after that?

MR. HOLMES: I went back to my office. He left, I believe, the next day or two. He sent me a message saying, I raised the issue with my attorneys. They think it's significant. They feel they're going to have to raise it with the gentlemen, with the ladies and gentlemen of the committees. And my lawyers think you should retain counsel.

MR. JORDAN: Then what did you do?

MR. HOLMES: I said, I've never done that before. I don't know where to begin. Can you ask for, you know, any recommendations, any names? I don't even know where to start. And he sent me a couple names from his lawyers.

And I said, well, I really need -- I didn't tell him this. I said to myself, I really need to start with AFSA, which is a professional association, where I'm aware they have a legal defense fund. And so I called -- I emailed AFSA, the AFSA president to ask him, you know,

if I were to need to retain counsel urgently, what would I do about it. I think this was on a Saturday, so I was aware I wouldn't get an answer.

So, in parallel, I was reaching out to them to make sure I had, you know, their -- whatever the right procedure was. And then I reached out to my lawyer and I, you know, looked at his resume. He looked very qualified. And so things are moving --

[Laughter.]

THE CHAIRMAN: He wasn't qualified, so I looked for another lawyer.

MR. HOLMES: So I was a little bit frightened by how fast this was moving, and so I did what I could very quickly.

MR. JORDAN: And your counsel contacted the committee?

MR. HOLMES: My counsel --

MR. JORDAN: Then your counsel contacted the committee?

MR. HOLMES: I believe so. I believe so. Yes, sir. Yes, sir.

MR. JORDAN: All right. I'm going to let Mr. Castor go.

BY MR. CASTOR:

Q [REDACTED]?

A [REDACTED].

Q She overheard parts of the call as well?

A So I'm almost certain she knew that Ambassador Sondland was talking to the President. I do not know what she overheard, because I never talked to her about what she overheard.

Q Okay. So since the July 26th event?

A Yeah.

Q You haven't had any occasion to speak with her about the call?

A I just haven't spoken with her about the call.

Q Okay. Did you know at one point the committee had invited her to participate in this process?

A Actually, I do know that, yeah.

Q Okay. And did you have any communications with her about that?

A I didn't hear from her that she got invited to participate in the process. I heard from other people just secondhand, Hey, did you hear [REDACTED] is going back? But that was it.

Q Okay. So you haven't had any talks with her about matters relating to this investigation?

A No, not the substance of it. So she, I guess, came back. I don't exactly know what happened when she was here, because I don't talk to her on a regular basis. But when I was going to go back -- I'm trying to think how this went.

Yeah. Then I did run into her and said, I'm going back. Anything I need to know? I know you were just back. And she said -- she said, Oh, well, it turned out I didn't end up giving a deposition. I don't know what she did. And I said, Well, it's looking like this thing is moving really fast and I'm going to go back, and I think some of the things that I heard, you know, at that event that you were at as well may be relevant to this.

Q That's pretty much the sum and substance?

A That's pretty much the sum of it, yeah.

Q When you recounted this episode, you sort of identified, you told the DCM and you subsequently told Ambassador Taylor. Were there any other key figures that you communicated about this episode other than --

A About or with? I'm sorry. People I spoke with or about?

Q Any other officials at the Embassy --

A No. Right.

Q -- that you briefed out on this call, not the side conversations that you made about it?

A Right. No. That's why -- it was three people I would have wanted to brief this on, and only one was there and I did that.

Q Okay. Did the DCM give you any instructions for memorializing the conversation?

A No, she didn't.

Q Okay. So you just -- you briefed her, and that was pretty much --

A Yes.

Q -- the end of it?

A Yes.

Q And then when you reconvened with Ambassador Taylor after your vacation, and you related what you heard on the call to him, do you remember his reaction?

A You know, yes, I remember the look on his face. And it was like -- how do I describe this without -- so we can take it down. It

was like, yeah, as we expected.

Q Okay. When is the first time the Sondland-Volker component of this sort of come into your lane?

[6:27 p.m.]

MR. HOLMES: So the first time that what became, you know, called the Three Amigos, got together and came to Kyiv and engaged and I saw what they were doing and all that, I believe, was on May 20th, that inaugural delegation.

BY MR. CASTOR:

Q Okay. And was that the first time you had met Ambassador Sondland?

A Let me get it right. He came to Ukraine previously, but I wasn't involved with that. I think he went down to Odesa for a ship visit. I don't recall meeting him or engaging with him subsequently.

Q Okay. And how many times do you remember him visiting, was it the -- for the -- where you had, you know, one-on-one interactions with him? It was for the inauguration and then it was July 26th, and were there others?

A Those were the two main ones. I mean, I'm sorry, if there was another one, it would have been like I joined for one meeting or something, but not having a lot of interaction.

Q Okay. But no other meetings that raised the prospect of the investigations?

A As far as I know. I can't recall other meetings so I don't know.

Q So to the best of your knowledge, anything relating to the 7/25 call, the investigations, that's all captured in your statement?

A Yes, sir.

Q Okay. Had you been aware of the, like, the role that Volker, Sondland, and Perry were, you know, performing prior to the inaugural? Like when you saw that they were coming had you been clued in that --

A Yeah.

Q -- they had a role?

A They all had been involved in some fashion in Ukraine. Ambassador Volker in particular was a very important person for us in Washington because he was this special envoy, special representative, who sort of -- we understood was sort of helping us advance Ukraine policy, was able to get out messaging very quickly in support of Ukraine when we needed to, and he played a number of important roles, frankly, in helping, you know, from the time he came on that assignment, not only in the peace process, which was his specific focus, but in a broader range of events.

So he was well known to us. We worked closely with his staff. The external unit in the political section that I supervised was in regular contact with his staff on those issues. So he was well known to us, and we knew how to work with him.

For example, it's that relationship with him then changed in some ways when he became part of this group. And we understood that he was sort of participating in that to sort of harness the abilities of Gordon Sondland and possibly Secretary Perry to get the President's interest and engagement on Ukraine to help advance what we already knew he was working on.

Q And Ambassador Volker had been a career Foreign Service

officer. He was somebody with a professional skill set in the realm of diplomacy, right?

A I believe so, yes.

Q And the role of Secretary Perry, when did you first learn about his involvement?

A Yeah. So the Department of Energy has an attache in Kyiv. They have a whole agenda with the Ukrainian Government, whether it's from nuclear issues to energy issues of various kinds. So there is a whole range of things that the Department of Energy has worked on there.

That's not my expertise. And so I know that Secretary Perry was involved in various ways over the course of time. But the first time that I understood that he was involved in a comprehensive effort to engage in the way that they did in a new administration, formulate a new policy -- not a new -- formulate an agenda and where they were our main points of contact to do that was starting with this Three Amigos formation.

Q Okay. And the term, when did you first hear the term "Three Amigos"?

A It just started getting used. I believe Sondland might have used it in a press interview. I don't remember exactly. But it became what --

Q Okay.

A Yeah.

Q He mentioned it in the 7/26 interview that we were talking

about in the first round. I don't know if that rings any bells for you.

A Honestly, I don't know when -- the genesis of it. I was calling them the triumvirate at first, the three of them. And then people started using the Three Amigos, so I started using the Three Amigos. I don't know where it came from.

Q Okay. You mentioned Secretary Perry had passed a list to President Zelensky regarding energy industry contacts that he could trust. Is that how you --

A So I didn't see the list. I saw him pass a piece of paper. I don't know what was on it. He described it in the meeting as a list of trusted individuals who he would encourage President Zelensky to consult on energy reform issues.

Q Okay. In your interactions with Secretary Perry could you just sort of walk us through the various data points involving him?

A On what date, sir, a particular --

Q Well, he was -- and he came to the inauguration?

A Yes. So what I can say -- again, so he had involvement with Ukraine, with Embassy staff, with an attache on various issues at various times. I did not track closely because I don't work on energy issues.

The first time that I started tracking those issues closely was when he started playing a role, a central role, as the head of the Presidential inaugural delegation and as a figure in this group that were collectively advancing an agenda.

Q Okay. Are there any other key meetings involving him?

A I mean, from that point, as I understood it, he was involved in those conversations, so I don't --

Q The meetings that you were in.

A Well, on the margins of these meetings --

Q Right.

A -- we would interact, we would wait in the waiting room to go into the Presidential Administration Office or, you know, a country team brief when they'd visit and we'd give them our sense of what was going on.

So there were interactions, but I don't -- but, you know, on the margins of these other events.

Q When is the first time you became aware of the investigations, you know, whether it be Burisma or 2016? Like when is the first time that that --

A Yeah.

Q -- concept struck you?

A The concept seemed to be gathering in importance and a kind of a centrality of focus starting around March when this sort of media barrage started that I described previously, and that was a consistent theme of those narratives. And that's when I started focusing on that as being a live issue as opposed to a historical issue, because a lot of that stuff happened before I even arrived in Ukraine.

Q Okay. And did you learn of that just through news accounts?

A Yes, mostly. I mean, but people were talking about it, you

know. So you would meet people at a, you know, reception or something, and they would say, you know, what's going on with these press reports about Burisma and all that, you know. I mean, it was a topic of conversation.

Q Okay. But it wasn't any firsthand information based on Sondland, Volker, or Perry? In that timeframe.

A Well, except what I've testified to, sir.

Q In the March timeframe.

A Not that I'm aware of. Not that I'm aware of, no.

Q I guess what I'm trying to connect is, you know --

A Yeah, sure.

Q -- it was a concept that was in the news and people were talking about it.

A It was.

Q And then it became part of your -- something that you participated in and you started to get firsthand information about.

A That's correct.

Q And I was wondering if you could just sort of explain how that came to be.

A I think I've outlined it in my testimony, sir, that we hear about these -- this investigation coming from various sources, whether it's in the media, and then over time through these interactions that I've explained sort of started drawing the conclusion this was a -- potentially a central element of kind of an agenda that was not consonant with what we understood to be our formal policy.

Q And did you ever, you know, relate concerns that you had with your DCM or Ambassador Taylor or Ambassador Volker or Ambassador Sondland when these events were coming together?

A In a different kind of way. We were told to do our jobs and advance our Ukraine policy as we understood it. And we were trying to understand why these things were coming to prominence and were not going away and why there's so much focus on them. So that's how I focused on it more.

Q Okay. And do you know if anybody at the -- at post, you know, tried to confer with Volker or Sondland or Secretary Perry to express concern about these investigations?

A So, again, you know, we were -- how do I put this? We understood those things to be political things that are relevant in U.S. domestic politics, and we stayed out of that.

And so I'm not sure if we expressed concern that there was a narrative in the U.S. media about this sort of thing, but we were concerned that that was out and was something that seemed increasingly important.

And it was a concern of ours that we didn't understand why, we didn't know what to do about it, and it seemed increasingly to impinge upon our ability to advance the policy that we understood. So there was an expression of concern, but we didn't know what to do about it.

Q Okay. And do you know if anyone from post tried to connect with Volker? Because among the three, Volker is probably closest to someone with the skill set in professional diplomacy, correct?

A I mean, the conversations, the interactions that I've testified to and that I understand that Ambassador Taylor testified to are the ones we think are relevant with respect to these issues.

Q Okay. So you never had an opportunity to have a one-on-one conversation with Ambassador Volker to get his feeling on where these matters are proceeding?

A Not outside of the instance that I've described and others have described.

Q Okay. So you haven't really had a one-on-one with Volker?

A I have not had a one-on-one with Volker, but in Volker's visits we would talk about things, you know, in the course of the visits.

Q Okay. When Ambassador Taylor arrived in Kyiv, was there ever an introductory briefing to him where any of these issues were discussed?

A The reason I'm trying to remember is because he arrived -- he was aware of these issues when he arrived, I mean, perhaps more than we were. He'd just come out of a bunch of meetings in Washington where he was talking about what he was going to -- what his, you know, role was in Ukraine.

I've seen it reported and he has mentioned also that he wanted to meet the Secretary personally to ensure he understood what his mandate was and if he would be backed by the Secretary to implement the Ukraine policy as he understood it. So I seem to recall him testifying about some of these issues.

So he came to post, at least on this set of issues, these

investigations and whatnot, aware and telling us what the Secretary, you know, his instructions to him, yes, I'll back you and whatnot.

So it wasn't like we did a soup-to-nuts briefing for him on the Burisma issue, but we, you know -- and like I said, it was something that preceded us. We were all reading the media.

Q I mean, he arrived at post about a month into this, you know, if the Three Amigos, as they're called, you know, came for the inauguration, you know, May 20th. A month later, June 17th, Ambassador Taylor arrives. And I guess I was wondering, did -- if you remember any of the introductory meetings with Ambassador Taylor. Did he communicate anything specific about, is this going to be our posture?

A Yeah. He said, we don't get involved in U.S. politics. He said, do your jobs, be professionals. Focus on implementing Ukraine policy. Don't worry about that. Don't worry about that static. That's for other people to worry about.

So, sorry, I didn't convey that clearly, but that's what he brought to post. His instructions were to do our jobs as we understood them.

Q Okay. So to the extent Sondland, Volker, Perry were involved with some of these issues, you had instructions, understanding from the Ambassador, Ambassador Taylor, not to get involved?

A Correct, which is in many cases why Ambassador Taylor is wanting to have those interactions with them, not those of us on the staff.

Q Okay. Fair enough.

You related the conversation you had with Ambassador Sondland at the lunch.

A Sure.

Q And I think you said something to the effect of, you know, why doesn't President Trump care about Ukraine? Is that right?

A Yes, sir.

Q And, you know, there are sort of a number of, you know, facts that have occurred during the Trump administration that have been favorable, correct?

A Yes, sir.

Q You know, the providing of --

A Yes, sir.

Q -- lethal defensive weaponry --

A Yes.

Q -- the Javelins --

A That's right.

Q -- is a positive development.

A Yes, sir.

Q Also a symbolic development.

A Exactly.

Q And the delegation to President Zelensky's inauguration was a good group, correct?

A I would regard that as -- how do I put this? That was not as senior a delegation as we might have expected.

Q Okay. Even given the short timeframe?

A It's a fair consideration. It's a fair question. But, like I said, it's not the level that we were hoping for.

Q Like our understanding from the Vice President's side of things is that, you know, willing to go and had given some dates and I believe the dates were, you know, May 28th, 29th.

A Yes.

Q Do you recall any of that, the window the Vice President's office --

A Yeah. It was a narrow window. I'm just saying that even despite the narrow window, our understanding was the proposal was for the Vice President to attend and in the end he didn't. I'm not --

Q Okay.

A Yeah.

Q And the May 20th inaugural date was set, I believe, on the 16th or --

A Yes.

Q -- right around that time?

A So, yeah, we knew there was going to be an inauguration from the time he was elected in the second round, and so we began making preparations for what that delegation would look like. I don't want to put the date on it, but we knew we'd need to do that and preparations were underway.

You're right, when it was actually finally called was very close to when it happened, but we had had an indication before that about when it was likely to happen.

Q Okay. But marshalling the Vice President's operation is somewhat complicated, correct?

A That's correct, yes.

Q He's got a whole Secret Service component --

A Yes, sir.

Q -- to do advance work and book hotels, and his traveling contingent is --

A That's correct.

Q -- much larger than just about anyone other than the President, correct?

A That's correct.

Q So if the Vice President, you know, couldn't attend given the short timeframe or for some other reason, like, what type of delegation did you -- were you hoping for?

A Well, I'm going to just -- we were hoping for the Vice President and --

Q Right.

A -- but since he wasn't available then sending a Cabinet secretary was a reasonable thing to do.

Q Okay.

A So I'm not saying we were dissatisfied with the delegation, I'm just saying, you know, it wasn't where we started.

But then it also turned out that that delegation became the people who were de facto in the lead on our Ukraine policy going forward. So just stating it as a fact.

Q Okay. And I can't remember as we sit here today whether it was Ambassador Sondland or Ambassador Volker, but one of the witnesses, you know, that has provided testimony that has been released has, I think, characterized the delegation as being one of the larger delegations from the visiting countries. Is that fair to say?

A The United States usually is one of the bigger delegations in my experience because we're an important country.

Q Right.

A They make room for us because we matter. I'm not sure how we compared to other delegations in that instance. I'm not sure.

Q Okay. But if one of the witnesses characterized our delegation as, you know, one of the bigger ones, if not the biggest, that wouldn't be completely out of -- that wouldn't be inconsistent with your recollections?

A It was a five-person delegation, and I don't think that is especially large. I don't recall if that was large relative to others.

Q Okay. And then there were some other -- and I don't know if you consider them high level -- but there was a delegation that visited with the National Security Advisor in July?

A Well, there's Tim Morrison, his staff. I'm not recalling which delegation.

Q There was a delegation involving Ambassador Sondland, Ambassador Volker, I believe Mr. Yermak, and some other Ukrainian officials that visited the White House complex --

A Oh, Washington, I'm sorry. I thought you meant --

Q -- and met with Ambassador Bolton, the National Security Advisor?

A I believe so, yes.

Q In the middle of July?

A Yes.

Q And then subsequent to that, Ambassador Bolton visited Ukraine.

A Yes.

Q And were you involved at all with Ambassador Bolton's August --

A I was.

Q -- 27th, 28th, 29th visit?

A Yes.

Q And what do you recall from that set of meetings?

A I think I included that in my testimony, with the meeting with Mr. Zelensky -- actually, there were other meetings. There was a meeting with Mr. Bohdan, and then there were the things I heard Ambassador Bolton say on the margins of that meeting as well.

Q Okay. But that was a productive visit?

A Yes.

Q I mean, was that the type of -- you know, a signal the U.S. could send that it values its relationship with Ukraine?

A That was the -- I would say probably the biggest visit we had since President Zelensky's inauguration. He's not the President of the United States. That's who they were asking for. And he left

his post, I think, the next week.

Q Okay. And then several days later President Zelensky met with Vice President Pence in Warsaw?

A Yes. President -- National Security Advisor Bolton came with the news that President Trump was going to meet Zelensky in Warsaw. And then he did not go to Warsaw. So they met -- again, the expectation was that that was an opportunity to meet the President and it turned out not.

Q So just -- when you asked the question of Ambassador Sondland about, you know, sounds like President Trump doesn't care much about Ukraine, I mean, there are several, you know, data points -- the Javelins, the engagement at the inauguration, the two Bolton meetings, the Vice President Pence meeting -- that at least on the other side of the coin shows that the U.S. was investing in its relationship with the new administration in the Ukraine, correct?

A So the Javelins happened quite a while ago. That was an important thing.

Q Right.

A It was positive. That was under the prior Ukrainian administration and quite a while ago.

Q Right.

A Since the election of President Zelensky on a landslide and on a platform that was consistent with our interests, including anti-corruption, a lot of senior officials expressed interest and indeed visited, as you said, but not the President.

Q Okay. And were you hoping that the President of the United States would visit Kyiv?

A No. The President ultimately sent Zelensky a congratulatory letter that said I look forward -- something like I look forward to welcoming you to the White House, without a date specified. So on that basis the Ukrainians thought that they were going to get the most important meeting that they identified.

And it was in that phase, starting in March and leading up to -- so this is now several months after March and the inauguration where we had -- the President had not engaged in -- he had not followed up on the offer of a meeting, and we didn't understand why, and in that context that I asked the question.

Q I think during the first hour of questions, going back to the meeting that you -- that occurred on May 20 -- I'm sorry, July 26th -- between Ambassador Sondland and Mr. Yermak, that you sort of lost track of Ambassador Sondland and he was ahead of you and he had a private meeting?

A Yeah.

Q I want to go back to that.

A Sure. What actually happened was, again, I was going to do the Bohdan and Zelensky meeting, and then since Sondland -- so -- sorry.

Kurt Volker had met Yermak the day before prior to Sondland's arrival. I believe it was that night or at some point after his arrival that Sondland said, well, I want to meet him, too. So we added that meeting late.

I was already going to cover the Bohdan meeting, the Zelensky meeting. That's actually quite a bit to cover and write up. And so I believe it was Kristina Kvien, the DCM, who was going to come to the President's administration to cover the Yermak meeting because Charge Taylor couldn't stay for that. He had to leave for the front lines with Volker, right?

Q Right.

A So something happened. I don't recall exactly. She didn't get access to the building or something. And so when I came out of the meeting I was told to take her place as Embassy representative in the meeting.

Q Okay. And then I think you indicated you lost track with Ambassador Sondland and then he --

A I came out of the meeting not expecting to go to the next meeting, and one of the staff people said, you're supposed to go to that meeting. I said, no, she is. Then they told me the story. By that point, he was a flight of stairs up. I tried to catch up, and I -- and he went in.

Q Okay. And so you waited in the anteroom --

A Correct.

Q -- while the meeting happened?

A Correct.

Q And how long did the meeting last?

A Thirty minutes.

Q Okay. And then Ambassador Sondland came out, and is that

when you departed for lunch?

A Yes.

Q Okay. And did you ask Ambassador Sondland what he discussed? And I apologize if you have already answered this.

A No. I said -- so it was in the context of going to lunch. I did want to know what he discussed. And I said, you know, I'd be happy to come to you with -- come to lunch with you, for example, if you would like to brief out on that meeting or talk about other issues. And he said, yeah, sure, come along.

And at the lunch I did not specifically say, what did you and Yermak discuss? Also, it was clear to me from the tone of the lunch that he didn't regard it as a working lunch. Maybe I could have asked, but I didn't.

Q Oh, okay.

THE CHAIRMAN: I just want to tell Members, we're going to see if we can get the air back on, because I know it's getting very hot in here.

MR. CASTOR: Late and hot.

MR. HOLMES: I thought it was just me.

THE CHAIRMAN: No, it's not just you. We may all have to do the Jim Jordan and take our coats off.

MR. CASTOR: I'd like to make sure that our -- Mr. Zeldin.

MR. ZELDIN: [REDACTED], did I pronounce her name correctly?

[REDACTED] --

MR. HOLMES: [REDACTED].

MR. ZELDIN: [REDACTED].

MR. HOMES: Yes, sir.

MR. ZELDIN: So you said that you haven't discussed the call with her, but you said you did speak with her after she returned from D.C. Is that correct?

MR. HOLMES: Yeah. Only once I found out that I was coming back. And I basically said, it looks like I'm going back now. It seems to me this thing is important or they're telling me it's important, so I'm going back, you know, any tips on the process, basically.

MR. ZELDIN: Did she indicate whether she had met with anyone while she was in D.C.?

MR. HOLMES: No. No.

MR. ZELDIN: And where were you when you spoke to her? Was this in person or on the phone?

MR. HOLMES: It was in person.

MR. ZELDIN: And how long did you speak to her for?

MR. HOLMES: Five minutes, less.

MR. ZELDIN: And you said you said something about the event that you had been at together being relevant to this inquiry. Is that right?

MR. HOLMES: Yeah.

MR. ZELDIN: And what did she say in response?

MR. HOLMES: You know, I said, I don't want to talk about anything of substance. It looks like that event is increasingly significant and so I'm heading back. Anything I need -- any tips on, you know, process on what this is like?

That's when she told me, actually I didn't testify in this format. And I said, yeah, I had to hire a lawyer, and we talked about working with AFSA and how you do that. And that was it, I think.

MR. ZELDIN: And by the event you were at together, you meant the lunch you were at with the President's phone call --

MR. HOLMES: Yes. Yes.

MR. ZELDIN: Did she say anything to you substantively about the event?

MR. HOLMES: No. I said, I don't want to talk about the event, I don't want to talk about that incident, but it sounds to me like that's significant.

MR. ZELDIN: I wanted to ask you a few questions about your opening statement. Starting on page three, you said, quote, with regards to the term the Three Amigos, you say, quote, later styled themselves the, quote, Three Amigos and made clear they would take the lead on coordinating our policy and engagement with the Zelensky administration.

Where did you hear that they, quote, styled themselves the Three Amigos?

MR. HOLMES: So people started using the term, and someone then told me that Sondland had used it in an interview to describe themselves. And people started using the term, like when we were talking about the three of them rather than naming them individually.

MR. ZELDIN: So the origin of that was that Sondland used it in an interview?

MR. HOLMES: I mean, I haven't traced the origin, but that's what I understood.

MR. ZELDIN: That's what you believe the origin to be?

MR. HOLMES: That's what I believed, yes, sir.

MR. ZELDIN: And can you give me a rough timeframe of when that interview was?

MR. HOLMES: I don't know, sir. It's hard to say. Like I said, I was calling them something. Someone else said, oh, actually, I've heard them called this, and I heard other people using that term. And then at some point someone said, where did that come from? And someone else said, he used it in an interview. But I don't -- it just became a term of art.

MR. ZELDIN: When did they make, quote, clear they would take the lead on coordinating our policy and engagement with the Zelensky administration?

MR. HOLMES: Yeah. That was -- so on the May 20th inaugural delegation there were preparatory meetings at the Hyatt. So there's a Country Team briefing where members of the Embassy Country Team would just sort of give a briefing on, you know, the political landscape and these sorts of things that I participated in.

And they would talk. What are we going to raise with Zelensky? And what's, you know, what's -- what are our priorities? And they would talk in terms of we need to formulate an agenda to engage this new administration, help them to succeed, and help them to deliver things that -- you know, a meeting with the President is very important, and

they think it's important, and we need to help them deliver things that will make clear to the President that a good relationship with Ukraine is important.

So it was just part of the discussions during the visit.

MR. ZELDIN: Okay. And then throughout your opening statement you referred to the term "the Three Amigos." Every time you reference it, for example, the meeting that Senator Johnson was at --

MR. HOLMES: Yes, sir.

MR. ZELDIN: -- did he use the term "Three Amigos"?

MR. HOLMES: I don't know. So I guess I'm just using it as a collective noun to describe -- not refer to the three individuals who, you know, uniquely comprised that group that they used to describe themselves. So that's why I used it that way.

MR. ZELDIN: Okay. So as we read your opening statement it's not that these different individuals are using the term. You're just, as you drafted your opening statement, you're just referring to all three as the Three Amigos --

MR. HOLMES: Yes.

MR. ZELDIN: -- instead of listing the three out?

MR. HOLMES: Correct. But they also used the term as well to describe themselves.

MR. ZELDIN: Correct. But not --

MR. HOLMES: Yes.

MR. ZELDIN: But every single time -- you reference it a lot in your opening statement.

MR. HOLMES: Oh, yeah. So, for example, for example, that meeting with Senator Johnson, it would have been those three individuals plus Senator Johnson, yes.

MR. ZELDIN: Okay. But it's not that Senator Johnson is using the term "Three Amigos"?

MR. HOLMES: You know, I don't -- I believe he may have, sir.

MR. ZELDIN: You're not sure?

MR. HOLMES: Lots of people were using that term.

MR. ZELDIN: But you're just not sure?

MR. HOLMES: I'm not sure.

MR. ZELDIN: Okay. So, okay, going back to page three, I believe you say, quote, Mr. Giuliani, a private lawyer, was taking a direct role in Ukrainian diplomacy, end quote.

How do you know that he wasn't getting involved in just trying to represent the President as his client as opposed to getting directly involved in Ukrainian diplomacy?

MR. HOLMES: The Ukrainians, conversations with the Ukrainians, viewed him as an important representative of American interests and of the United -- let me say it this way. They viewed him as a significant individual in terms of their relationship with the United States.

MR. ZELDIN: But that -- okay. But you state at the bottom of page three that Mr. Giuliani, a private lawyer, was taking a direct role in Ukrainian diplomacy. How Ukraine views Rudy Giuliani doesn't explain why you say that Mr. Giuliani was taking a direct role in

Ukrainian diplomacy.

MR. HOLMES: Sure. So that's the topic sentence of a paragraph where I describe how Ukrainians are saying that Mr. Giuliani is reaching out to them directly to make contact. And we understood from them that they regarded him as an important person to talk to, to understand -- to manage their relationship with the United States.

MR. ZELDIN: But how do you know that he wasn't just getting direct -- he wasn't getting involved in trying to represent his client as a private lawyer?

MR. HOLMES: I'm just trying to say, sir, that the Ukrainians viewed him in broader terms than that.

MR. ZELDIN: Okay. So you're saying that the Ukrainians were viewing him as that, not -- you're not saying that you concluded that Rudy Giuliani viewed himself as being directly involved in Ukrainian diplomacy?

MR. HOLMES: Also, some of the priorities he and people close to him had been articulating for weeks increasingly became, as we understood it, other priorities that the administration held, in our view. So these two things were happening in the same time, and we were increasingly becoming aware that he was playing this role.

MR. ZELDIN: Was Rudy Giuliani representing his client as a private attorney?

MR. HOLMES: I have never spoken with him, sir. So, I mean, you could ask him.

MR. ZELDIN: Okay. But you're concluding -- I'm trying to

figure out what you're concluding.

MR. HOLMES: Yes, sir.

MR. ZELDIN: Are you concluding that Rudy Giuliani wasn't representing his client as a private attorney?

MR. HOLMES: At one point he, Mr. Bakanov, told me that, you know, someone named Giuliani said he was an adviser to the Vice President. Again, this is speaking in Russian. He could've gotten the name --

MR. ZELDIN: Okay. So --

MR. HOLMES: He could've -- yeah.

MR. ZELDIN: So to that point, I mean, your quote says, someone named Giuliani who said he was an adviser to the Vice President.

MR. HOLMES: Uh-huh.

MR. ZELDIN: Are we referring to Vice President Pence, President Trump, or someone else?

MR. HOLMES: That's what he said. I don't know what he meant by that. But that's what he said. And so they -- they seem to think that he was a significant person in terms of managing their relationship with the United States.

MR. ZELDIN: Okay. You state, quote, Sondland stated, dammit, Rudy, every time Rudy gets involved he goes and effs everything up. When did Sondland say that?

MR. HOLMES: It was at the Hyatt amongst those various preparatory meetings prior to the meeting, the day.

MR. ZELDIN: I might get back to that.

You arrived in August of 2017?

MR. HOLMES: Yes.

MR. ZELDIN: What were you doing before August of 2017?

MR. HOLMES: I was in Ukrainian language training in Washington for a year, just shy of a year.

MR. ZELDIN: And what were you doing before that?

MR. HOLMES: I was at Embassy Moscow for 3 years.

MR. ZELDIN: Okay. Was this your first assignment in Ukraine?

MR. HOLMES: Yes.

MR. ZELDIN: And if I understand correctly, [REDACTED]

[REDACTED] ?

MR. HOLMES: [REDACTED].

MR. ZELDIN: [REDACTED]

[REDACTED] ?

MR. HOLMES: [REDACTED].

MR. ZELDIN: [REDACTED] ?

MR. HOLMES: [REDACTED].

MR. ZELDIN: [REDACTED] ?

MR. HOLMES: [REDACTED].

MR. ZELDIN: [REDACTED] ?

MR. HOLMES: [REDACTED]

MR. ZELDIN: When you arrived in August of 2017, is it true that the picture of President Trump wasn't yet up inside the Embassy?

MR. HOLMES: I don't recall that, sir.

MR. ZELDIN: You don't recall whether or not --

MR. HOLMES: I don't recall whether -- I mean, I don't recall whether it was up or not.

MR. ZELDIN: It may have been up, it may not have been up?

MR. HOLMES: Yes, sir.

MR. ZELDIN: When you stated that you read a lot about Sondland's testimony in the news, which news sources did you get that from?

MR. HOLMES: Sir, I don't think I did read a lot about Sondland's testimony in the news. I think I saw headlines and articles. It could have been news apps on my phone. It could have been Washington Post, Times.

Also, we have a press team at the Embassy that does a compilation every day of Western media sources, and so we get this email with all the headlines and stuff. I don't always pay attention to what the source was. But, I mean, I just take that in, sort of subsume it.

MR. ZELDIN: Other than Ambassador Taylor, who else, other than your attorney, of course, have you spoken to about your testimony today?

MR. HOLMES: About the substance of my testimony? No one. About the fact I'm testifying? People, you know, friends and family close to me.

MR. ZELDIN: And before you had that conversation last Friday with Ambassador Taylor, did you have any conversations with anyone about that call?

MR. HOLMES: Only as I've described, sir.

MR. ZELDIN: Did anyone refresh your recollection of the call? Did anyone help you refresh your recollection of the call?

MR. HOLMES: No, and that wouldn't have been needed, sir, because, as I said, the event itself was so distinctive that I remember it very clearly, and I was constantly thinking about whether that incident was relevant as this process unfolded.

MR. ZELDIN: You state in your opening statement, Ambassador Taylor did tell me on September 8th, quote, now they're insisting Zelensky commit to the investigation in an interview with CNN.

Do you know where Ambassador Taylor got that from?

MR. HOLMES: Offhand, I don't. I remember him telling me that.

MR. ZELDIN: But you don't know Ambassador Taylor's source of information?

MR. HOLMES: He'd been in -- so, again, my instructions were to do my job and not worry about Washington politics.

MR. ZELDIN: I understand, but --

MR. HOLMES: And so that's the context. And so I was aware that he was having interactions with Volker, Sondland, and Perry. He was not always briefing me out on the specific interactions, whether it was a phone call or an email.

So I don't have full -- there's a lot of things I don't know, but what I do know is he told me that.

MR. ZELDIN: Right. But just to be clear, you don't know where he got that from?

MR. HOLMES: No.

MR. ZELDIN: Did that interview -- and that interview never actually happened, right?

MR. HOLMES: Sorry, Zelensky's interview with CNN, no. To my knowledge, no. I did see a headline this morning, I haven't read the article, Fareed Zakaria discussing that interview and its scheduling or whatnot. But I haven't read that yet.

MR. ZELDIN: And the hold on aid was, in fact, released, correct?

MR. HOLMES: It was.

MR. JORDAN: On page five, Mr. Holmes, you say -- the bullet point -- or paragraph six -- or section six, freezing of security assistance, the last sentence you say, while I'm not aware of testimony regarding discussions between Ambassador Taylor, Ambassador Volker, and the Three Amigos. Is there a reason why you separated out -- I mean, my understanding is Ambassador Volker is part of the Three Amigos. Am I missing something in that sentence why it's separated out?

MR. HOLMES: I'm sorry. Which paragraph, sir, are you in?
It's --

MR. JORDAN: Page five. While I'm not aware of testimony --

MR. HOLMES: Ah.

MR. JORDAN: -- regarding -- at the bottom of the section --

MR. HOLMES: Oh, I think, sir -- so I believe that on July 19th, 20th, Taylor testified that there were some interactions, including with Volker. So I think that's why I singled him out there, because I wasn't aware of that particular one. And there may have been other ones, I don't recall exactly. But my point is, like, those were things I didn't know until I read his testimony.

MR. JORDAN: But there was -- was there something significant,

so significant that you didn't view Ambassador Volker as part of the Three Amigos --

MR. HOLMES: No, sir. No, sir. That may have just -- no, sir.

MR. JORDAN: Okay. Thank you.

MR. HOLMES: Yeah.

MR. ROY: Mr. Holmes, can you go back? I just want to go through a couple things.

MR. HOLMES: Yeah.

MR. ROY: When did you speak to Mr. Taylor first, after the call that we're talking about here today?

MR. HOLMES: That would have been the Tuesday after I returned. Is it the 6th, I think?

MR. ROY: August, the 6th?

MR. HOLMES: Yes, that sounds right.

MR. ROY: Okay. And in that conversation, how long did you all talk?

MR. HOLMES: So we have a weekly-ish kind of deep dive on political issues with the Ambassador. And so that would have been my first day back in the office. And I went -- so we bring a couple members of the Political Section to sort of talk more in depth about certain issues.

Sorry. I'm at my first day back, so I took a couple people, sat, I remember where he sat, and we discussed it. And I said, and, sir, before I left there was this call, I want to make sure you're aware, and it was significant.

MR. ROY: And how many people were in that room?

MR. HOLMES: So that particular day, I don't know. It always would have been my deputy, [REDACTED], unless she was not there, but I recall that she was. And then we usually bring the unit chiefs. There's three of them. But, again, sometimes people are out on other business. So I don't remember exactly who was there that particular day. Kristina Kvien, also the DCM, would join if she was there and available.

MR. ROY: And was that where you described the call --

MR. HOLMES: Yes.

MR. ROY: -- from July 26th?

MR. HOLMES: Yes.

MR. ROY: And what was his reaction?

MR. HOLMES: It was a knowing nod, sort of a, yeah, that confirms what we've been hearing, you know, what we've been picking up from the sources that I've been hearing. I'm interpreting -- you'd have to ask him what he heard, what he understood. But the reaction --

MR. ROY: But he reacted and understood the nature of the conversation?

MR. HOLMES: In a way that was, yeah, that's consistent with my understanding.

MR. ROY: Did you have other conversations about that conversation with Ambassador Taylor between August 6th and --

MR. HOLMES: So I referred back to my takeaways from that incident repeatedly. As we know, President --

MR. ROY: With Ambassador Taylor?

MR. HOLMES: With him in the room, yes.

MR. ROY: And other times between August 6th and --

MR. HOLMES: Correct. So I guess what I'm saying, sir, is I didn't always say, you know, stemming from that lunch with Gordon Sondland where he called the President and discussed all these sorts of things, we can conclude the following. I was just drawing the conclusion from that.

MR. ROY: And when did you talk -- was that -- it was last Friday, October 8th, when you talked to --

MR. HOLMES: Yes, sir.

MR. ROY: -- Ambassador Taylor about --

MR. HOLMES: Yes. November? Yeah.

MR. ROY: I mean -- what did I say? November.

MR. HOLMES: November, yes.

MR. ROY: November 8th, when you talked about your potentially coming forward --

MR. HOLMES: Yeah.

MR. ROY: -- and talking about the conversation yourself?

MR. HOLMES: Correct.

MR. ROY: And you talked to Ambassador Taylor about you potentially coming forward because of the importance of the conversation?

MR. HOLMES: No, I wouldn't characterize it that way. That week I was increasingly concerned that I had something that was important.

It was an anxiety of mine. I was wondering, you know, and what would I do with that and how would I do it. How do you -- I don't know how you approach an impeachment investigation here.

MR. ROY: But when you --

MR. HOLMES: Sir, he was going back. And I think the fact that he was leaving and he's a guy who's already been involved with the thing, like, led me to essentially say, sir, you know what, I've been thinking about this and I think I've got something that's important. And that's -- it was that what --

MR. ROY: And so then you explained to him the importance -- your view of the importance of that conversation on July 26th and that you -- and what was his response again? I think you characterized it earlier. Could you characterize his response?

MR. HOLMES: Yes. So, you know, sir, as you may recall, I briefed you on this incident, and it seems to me that now that people are talking about whether these three individuals are doing what they're doing with knowledge of the President or not and the fact that there's concern about firsthand information, in this light, it seems like what -- that incident is more significant.

And he said, yeah, you know, I do recall something about that. I'm not sure if you told me or someone else told me. And, yeah, I wonder if that is significant, I may mention it. I think he may have said that, I may mention that to my lawyers.

And I left it at that. I did not say I'm going to come back or I want to come back or how do I come back. I just was -- it's my last

chance to talk to someone who knew about this process and to air that concern.

MR. ROY: You characterized the July 26th conversation as remarkable, exceptional --

MR. HOLMES: Yes.

MR. ROY: -- so distinctive, constantly thinking it was relevant, right? Is that a fair characterization?

MR. HOLMES: Yes, sir.

MR. ROY: You've said that?

MR. HOLMES: Not constantly thinking it was relevant. As this process was playing out, I'm a guy in Ukraine, it's highly relevant, and I'm reading the headlines and wondering if I have something that matters. And in the back of my mind was that was a distinctive event. I wonder if it will turn out that that was important.

MR. ROY: And one last question on that is -- well, I'll go ahead. Steve.

MR. CASTOR: Our time is up, so --

THE CHAIRMAN: Okay. We're going to go to 45-minute rounds now. Would you like to take another break or go straight into it?

MR. HOLMES: If I could, it will be a very quick break.

THE CHAIRMAN: Yeah. Let's take a quick break.

MR. HOLMES: Thank you.

[Recess.]

THE CHAIRMAN: Let's go back on the record.

Mr. Noble, the floor is yours for 45 minutes.

MR. HOLMES: Mr. Chairman, could I ask just one -- I was thinking more about one question, and I just want to clarify it if I could.

THE CHAIRMAN: Certainly.

MR. HOLMES: I'll be very brief.

I believe it was Representative Zeldin, I believe, sir, I understood a question you asked about whether I discussed the 26th incident with other people in the Embassy, and I said, yeah, in general, I discussed this, you know, in staff meetings and whatnot.

I want to make sure that your question was -- or clarify if your question was, did I discuss coming back to testify with anyone else at the Embassy before I discussed it with Ambassador Taylor. I wanted to clarify I didn't. But I did have a conversation with Kristina Kvien about a week before where to her I said in a more direct way, I'm increasingly starting to wonder if this is relevant to the way the investigation is shaping up.

But I wanted to not exclude that, because that was a meeting where I said that to her. And she said, oh, I see what you mean. I guess we'll see how it develops. It wasn't any further than that, but I just wanted to be complete.

THE CHAIRMAN: Thank you.

Mr. Noble.

MR. NOBLE: Thank you, Mr. Chairman.

BY MR. NOBLE:

Q So during the last round Mr. Zeldin asked you some questions about how you were -- you knew that Rudy Giuliani wasn't just acting

as a lawyer for his private -- a personal client, the President of the United States.

In your statement, on page two, in the penultimate paragraph on that page, you write that specifically our diplomatic policy -- and this is back in March of 2019 when you became aware of this -- had been focused on supporting Ukrainian democratic reform and resistance to Russian aggression became overshadowed by a political agenda being promoted by Rudy Giuliani and a cadre of officials operating with a direct channel to the White House.

What did you mean when you wrote that Rudy Giuliani was promoting a political agenda?

A Again, we were told to do our jobs, to implement the policy, kind of, as we understood it, and to disregard all that other stuff as stuff that was relevant in Washington politics.

The themes that Mr. Giuliani was promoting and his associates were promoting were in that basket, in my view. And so that was my understanding. In my mind, those were -- those were things -- those were political things that were not related to the implementation of our policy.

Q And what were those political things being promoted by Giuliani?

A It was the things I outlined in March in these various media articles that he and his associates were pointing to or were referencing.

Q So did that include the investigation of Burisma and the

Bidens?

A Yes, sir.

Q And did it also include the investigation of the purported Ukrainian interference in the 2016 U.S. election?

A Yes, sir.

Q Okay. Do you know whether there was any factual basis for either of those allegations?

A I'm not aware of any factual basis for either one.

Q Okay. So whose political agenda was Rudy Giuliani promoting in Ukraine?

A I came to believe it was the President's political agenda.

Q Okay. And why did you come to believe that?

A Because Mr. Giuliani was promoting that investigations issue, which later I came to understand, including through these various interactions, that was -- that the President cared about.

Q Now, previously, before Ukraine, you'd been posted in Moscow as well, right?

A That's correct.

Q Were you familiar with a press conference that President Putin did in February of 2017 with Prime Minister Orban of Hungary at which President Putin voiced the allegations that it was Ukraine that had interfered in the U.S. election in 2016?

A I'll take your report that he did it at that event. I'm aware that he has said that, yes.

Q Okay. How are you aware that President Putin has advanced

the theory that it was Ukraine who interfered in our elections?

A I'm just aware that he said it. I don't recall the exact source of that. It rings a bell.

Q Okay. And why would President Putin want to advance that theory, which you said you're not aware that there's any factual basis for?

A President Putin, in my view, advances many things for which there's not a factual basis. But in this particular instance I would surmise, I would assume, that he was trying to malign Ukraine and trying to divide Ukraine from the United States, key strategic ally, partner, because President Putin, I believe his goal ultimately is to turn Ukraine back to the Russian sphere of influence.

Q Do you know why the President of the United States and his personal lawyer, Rudy Giuliani, would want to be promoting the same conspiracy theory that the President of Russia was promoting?

A I don't.

Q You reference a cadre of officials. Who were you referring to there?

A I'm sorry. Where are you --

Q Sorry, in the same paragraph. It says, cadre of officials that were promoting the political agenda along with Rudy Giuliani.

A Page two?

Q Yeah, the penultimate paragraph, last line.

A I mean, a general statement, I think, in reference to the Three Amigos, as I've called them, who ultimately, as I understood it,

came to the conclusion that getting the Ukrainians to agree to advance that investigation was important.

Q And you said that Rudy Giuliani and this cadre of officials, including the Three Amigos, had a direct channel to the White House. What were you referring to there?

A That Rudy Giuliani, as I understand it, is the President's personal lawyer. He has a direct channel in some way, according to Sondland. I witnessed him reach out to the President directly. All those three people were in at least one meeting in the Oval Office where they discussed Ukraine with the President. So that's what I had in mind.

Q Okay. Now, you've described for us today some of the Ukrainians' reactions to these events that you're testifying about. Can you just explain to us kind of how you interact with Ukrainian officials generally?

A We -- so in my role I would participate in meetings of visiting U.S. officials or senior embassy officials at various capacities, and people all the way down the chain in the embassy do the same. So all the people in the political section who work for me would come back and report out on their meetings with various counterparts, and that would be a source of information we would integrate into our analysis.

Q Okay. Based on those interactions with the Ukrainians, was it your understanding that they believe that Rudy Giuliani spoke for the President of the United States?

A I believe they were aware that he's the President's personal attorney. And I believed that they perceived him in that role to be someone who is important in -- an important conduit to the President.

Q Okay. And did you have the opportunity to review the text messages that Ambassador Volker provided during this inquiry? Have you seen those?

A I believe I read of them in Ambassador Taylor's deposition statement.

Q Okay. Well, maybe I'll ask you this. Independent of those text messages, were you aware that Andrey Yermak had asked to be introduced to Rudy Giuliani? Specifically he asked --

A I was not aware Ambassador Volker -- I was unaware that he asked to be introduced to Rudy Giuliani, no.

Q Were you aware that Ambassador Volker did, in fact, introduce Yermak to Giuliani?

A Yes.

Q Okay. When did you become aware of that?

A I believe soon after they met I heard that they had -- that he had arranged that.

Q Did you learn that from Ambassador Volker?

A I'm not recalling exactly where I learned that. I don't recall if I heard it directly from Ambassador Volker.

Q I think in the last round you testified that in some way Ambassador Volker's role kind of over time evolved or changed. Can you explain what you meant by that?

A Yeah. So let's say, prior to the March events, Ambassador Volker was a very important senior person in the State Department who was on a daily basis very focused on Ukraine and helping us to essentially advance what I understood to be our Ukraine policy.

Starting in March -- I'd say that continued until May really, until May 20th, the inaugural delegation, where then my impression was that Ambassador Volker saw Ambassador Sondland and Secretary Perry as useful for him to help achieve his priorities and his agenda, which largely was consistent with what I understood to be our policy priorities.

And this was in the context of a new administration coming in and the importance of the imprimatur of a meeting with the President.

So especially Kurt Volker, who was working on the peace process, felt that it was important for President Zelensky to have the backing of the President of the United States as he engaged with President Putin to show that, you know, we supported him and that the security assistance in particular was sound, as he was taking these risks to pursue peace.

Q Did you or anyone else that you're aware of at the Embassy have concerns about Ambassador Volker's interactions with Rudy Giuliani along with Ambassador Sondland?

A Yes.

Q Can you explain why?

A Yes. So, again, Ambassador Volker was someone we knew, largely trusted, and we thought we were pursuing the same ends. And

then, I think as Ambassador Taylor has testified, he's basically described the two channels as diverging in terms of their goals and even clashing or coming into conflict.

And it was my impression that Ambassador Volker was trying to minimize -- was trying to manage things, was trying to get the Ukrainians what he felt they needed and while navigating Washington politics essentially.

And it was at the point when he arranged the meeting or played a role in arranging the meeting for Mr. Yermak that I felt that he was leaning in perhaps too far in that, leaning into the other channel too far.

Q I mean, can you expand on that? What do you mean by leaning into the other channel? What other channel? What was Ambassador Volker doing that was raising this concern?

A Well, I think as we discussed before, you know, Rudy Giuliani did not have an official role. The Ukrainians perceived him to be important in various ways, but he did not have an official role in that way.

And so for Ambassador Volker to be connecting a Ukrainian Government official with him, and, again, with the implication that they needed to talk and hear what he had to say and potentially take it seriously, that was, in my view, sort of leaning in towards that other alternative channel.

Q So that meeting between Andrey Yermak and Rudy Giuliani occurred in Madrid in early August. Were you aware of that?

A That's my understanding.

Q Okay. Were you aware at that time that Ambassador Volker and Gordon Sondland were working with Rudy Giuliani to help draft a statement for President Zelensky to deliver about Burisma and the 2016 election interference?

A No, sir. As I testified, I didn't become aware of that until, I believe, until I read Ambassador Taylor's testimony. I was, as I said, I was surprised that it was that level of specificity in terms of what the ask was or what was being recommended.

Q Okay. And would you characterize that as further evidence of Ambassador Volker leaning into this irregular channel to push the Ukrainians to go along with this political agenda?

A Yeah, I want to be very clear, I believe Ambassador Volker had good intentions to try to achieve things he thought the Ukrainians needed, to try to achieve important things like peace. I believe that.

I believe as the situation became increasingly clear that the investigations were the thing that was required for them to get the support they needed, you know, I can't speak for Ambassador Volker, but that's, in my view when, again, advancing our understanding of our Ukraine policy veered into the Washington politics lane.

Q Okay. Ambassador Sondland described it, as you said, become, I think, more clear, he described it as becoming more insidious. Would you agree with that characterization?

A I don't know. I don't know if I'd agree with that, sir. I don't know. I'm not sure.

Q Did anyone at the Embassy ever send any emails or cables or memoranda or other documents regarding Giuliani back to the State Department?

A I don't want to make a categorical statement and say, no, I'm not aware of anything specific on Rudy Giuliani. But, again, I would also say, you know, we weren't in the habit of reporting on what Americans were doing in Ukraine. And as we became aware of these things, the senior people who would ordinarily need to be aware of those things were aware of those things. And so we would, you know, discuss them -- did you see that Rudy Giuliani gave an interview today and said this and this? And so it was known.

And to my knowledge, apart from the engagements with Mr. Giuliani or other things that have been testified to, I'm not aware of other engagements with Mr. Giuliani apart from the media interviews and whatnot.

Q Okay. On page three and the top of page four, though, you reference Ivan Bakanov --

A Yes.

Q -- coming to you to tell you that Rudy Giuliani had said he was an adviser to the Vice President.

I want to ask you about some other interactions that we understand Mr. Giuliani had with Ukrainian officials, just whether or not you're aware of these.

In November or December of 2018, were you aware of any communications he was having with former Prosecutor General Viktor

Shokin? Did you hear anything about that?

A I have since heard that he had interaction with Shokin, yes.

Q Okay. But you weren't aware at the time?

A No.

Q Okay. What about with -- a meeting with Yuriy Lutsenko in New York in January of 2019?

A Not at the time, but subsequently. I can't tell you exactly when I became aware that there was a meeting in New York with Lutsenko and possibly -- possibly others.

Q Is it fair to say that both of those Ukrainian prosecutors are generally considered to be corrupt?

A Yes.

Q What about a meeting in February of 2019 between Giuliani and Lutsenko at the Middle East summit in Warsaw, on the sidelines of that summit?

A Sorry, say again who?

Q Sure. Giuliani and Lutsenko. Were you aware of that meeting at the time?

A So I heard a rumor of that meeting, but I -- I think someone on my staff heard a rumor of that meeting from a Ukrainian. And so it was pretty distant from firsthand information.

Q Okay. What about a May 17th meeting between Giuliani and former Ukrainian diplomat Andrii Telizhenko in New York?

A Again, I was aware that Mr. Telizhenko was, how do I say, possibly trying to get involved in these issues, but I was not aware

specifically of that meeting.

Q Can you explain what you were aware -- what was Mr. Telizhenko doing, trying to get involved, as you said?

A So he's a consultant in Ukraine. Not clear to me what he consultants on. But he is one of these people who is sort of trying to get access to important people. He worked for Yuli Tymoshenko (ph), former prime minister, for a little while on some political project.

So he's someone who portrays himself as having access in -- he portrays himself to Ukrainians as having access in Washington, and I believe in Washington as being a conduit to certain Ukrainians. What he actually does, I'm not sure.

[7:43 p.m.]

BY MR. NOBLE:

Q Was Telizhenko previous posted here at the Embassy here in D.C. -- the Ukrainian Embassy in D.C.?

A It's my understanding, yes.

Q And are you familiar with his reputation for truthfulness or his character?

A We didn't meet with him at the Embassy.

Q Why not?

A I don't think we found his perspective to be always credible and useful.

Q Were you familiar with a meeting in May of 2019 between Giuliani and an Ukrainian anti-corruption prosecutor, Nazar Kholodnitsky, in Paris?

A I did hear, again, that Giuliani had been in contact with Kholodnitsky, I'm not sure I knew it was in Paris or exactly when.

Q Who is Kholodnitsky?

A Kholodnitsky is the special anti-corruption prosecutor, or the head of the special anti-corruption prosecutor's office. This is one of the independent anti-corruption institutions that the United States and others set up as part of this chain of independent institutions that would investigate, prosecute, and convict high-level Ukrainians of official corruption.

So SAPO was the prosecutor's office, NABU was the investigative bureau, and then, we, as I testified to, worked to set up

anti-corruption court to try those cases.

Q Do you know whether Kholodnitsky was involved at all in kind of promoting this political agenda relating to the investigation?

A So Kholodnitsky was caught on a listening device coaching witnesses in cases that he was overseeing.

Q As a prosecutor?

A Yes, sir. Yes, sir. Subsequently, someone planted a listening device in his aquarium in his office. And so, he was caught on tape coaching witnesses. After that, the Embassy -- I was not directly involved in this, but I'm aware of it. The Embassy decided we couldn't work with him anymore. You can't have an anti-corruption prosecutor who was caught coaching witnesses.

And through a series of engagements that I was not directly involved with, but involving then-Deputy Chief of Mission George Kent, and, I believe, Ambassador Yovanovitch, and perhaps other people in the Embassy, they had a series of meetings with him where they essentially told him, You know, this is unacceptable, we can't work with your office. You should resign. It was a private meeting.

And so subsequently, I don't think we met with him since. And then Ambassador Yovanovitch, in a speech, I don't recall when, but in the spring, a speech on anti-corruption essentially said that, you know, you can't have an anti-corruption prosecutor caught coaching witnesses, and it was taken as a call for his resignation, and there was a kind of controversy over that, whether she should have called for that or not.

When President Zelensky came into office, he basically told the head of SAPO and NABU, look I'm going to give you one more chance, you guys have to work together, I want to see results, and that's what we're waiting to see right now.

Q And I believe the speech by Ambassador Yovanovitch, that was sometime in early March?

A Sounds right.

Q Is that right? So Rudy Giuliani met with this corrupt prosecutor in Paris in late May, this was after it was known by U.S. officials that the prosecutor had been caught on tape coaching witnesses in investigations. Is that right? This was the person Rudy Giuliani was meeting with?

A Kholodnitsky?

Q Kholodnitsky.

A Yeah, I'll take your word that it happened in Paris on that date.

Q Right. Okay.

A Yes.

Q Are you familiar with associates of Rudy Giuliani, Igor Fruman and Lev Parnes?

A I've learned about them recently.

Q Okay. So you've read press reports about them?

A Yes. Correct.

Q But did you know at the time, like, back in the spring of 2019, or whether or not they had any role in helping Giuliani make

connections in Ukraine?

A Around that time, I encountered their names once or twice, and I didn't have any basis on which to know who they were or what they were doing. And so, it wasn't until that period that I started identifying them more specifically with some of these activities. I say that because it's possible that they have surfaced previously in other meetings, I just didn't know their significance. It's possible. And, again, American citizens we don't, you know --

Q Normally --

A -- track the activities of American citizens or report on American citizens.

Q Okay. Just going back quickly to the January meeting between Giuliani and Lutsenko. I think you said something that there were possibly others at that meeting?

A Say it again, which meeting was that?

Q January, between Giuliani and Lutsenko in New York, that maybe others had participated. Did you say that?

A Yeah. Again, rumors, that I've heard that there were some interpreter there, perhaps others, but I don't have specific information.

Q Okay. I want to ask you some questions about Ambassador Yovanovitch's recall.

A Uh-huh.

Q How long did you work under Ambassador Yovanovitch, first of all?

A So from my arrival in August 2017 until her departure.

Q What is your opinion of her performance as the Ambassador to Ukraine?

A She's one of the hardest working people I've ever met. I thought she was incredibly professional, dedicated, determined.

Q And what about her reputation for promoting anti-corruption efforts in Ukraine?

A As good as anyone known for that.

Q Is it fair to say that fighting corruption under Ambassador Yovanovitch was among the Embassy's top priorities in Ukraine?

A It was among them, yes.

Q She was a huge advocate for anti-corruption efforts?

A Correct.

Q Now, were you aware at the time of the circumstances that led to her sudden recall on April 24th?

A In what aspect?

Q The events that led up to her being recalled?

A Yes. Yes. Yes, absolutely.

Q And those were the media reports that you were seeing at the time?

A Yes. As I testified, in early March, things changed considerably.

Q Yeah.

A And we were all wondering what that meant, and yeah, we followed it closely.

Q And that's been described as essentially a smear campaign that were based on certain allegations about Ambassador Yovanovitch. Do you have any reason to believe that any of the allegations that were being made about her in the spring of 2019 were true?

A The specific allegations that I noted in my testimony, I have no reason to believe they are true.

Q Did you ever hear her badmouth President Trump?

A Never.

Q Can you describe for us -- so Ambassador Yovanovitch is told to fly back on April 24th, how did you and other people at the Embassy kind of react to this sudden recall?

A So when she went back on consultations, after this media storm, I think we thought that that possibly meant that she was going to get recalled, which would have been extraordinary. But in light of how extraordinary what we were seeing was, it was plausible. There was also, and I don't recall the timeframe, but there was a period in which she was hoping that Secretary Pompeo would make a statement explicitly backing her, and that statement wasn't made. And then when she was called back for consultations, that's -- without that statement having been made, that's when a lot of us were concerned that that -- reading the writing on the wall.

Q You said just now that you believed at the time that it had been extraordinary for her to actually be removed, which is what ended up happening. And you wrote in your statement that it was unlike anything I have seen in my professional career.

A Yeah. So the media, the intensity and consistency of the media attacks on her personally by name as a U.S. Ambassador and the scope of the allegations that were leveled against her, the intensity of that, I've never seen anything like that. And then, to have an Ambassador recalled because of this media campaign, I had never seen anything like that.

And I will say, however, that, of course, it's the prerogative of the President to recall an ambassador and to ensure he has ambassadors who represent him and he trusts them. That's why we were wondering what was happening because a President can just recall ambassadors. They can say, I want a different direction, I want a different personally, a voice, profile, or whatever, you don't need this media storm, right? Which is why this was so, I don't know, confusing to us.

Q Okay. How did the Ukrainians react to Ambassador Yovanovitch's removal?

A Yeah. So there was a lot of expressions of concern and solidarity with her while she was -- while this was happening. I guess I would say that a lot of Ukrainians were essentially seeing it for what it turned out to be, and they were expressing their disappointment and their solidarity with her for that happening to her, and then when she was recalled.

I caught snippets of her testimony this morning, and I agree with a point that she made that, you know, to have that media campaign, or whatever it was, succeed in achieving her recall, and possibly

involving figures like Lutsenko, who were basically, you know, disliked and very deeply unpopular because of the perception that he was so corrupt, so to have him succeed in that was a blow to our anti-corruption effort.

Q Do you think it confirmed for the Ukrainians the power and the connections that Rudy Giuliani had to the President and his ability to kind of wield the powers of the United States to achieve something, which you said is extraordinary?

A I think that's plausible.

Q You think the Ukrainians saw -- would have seen it that way?

A I think it's plausible some saw it that way.

Q Now, Yovanovitch was recalled right after President Zelensky was elected and before he was inaugurated. How did her recall, and kind the vacuum that it created, affect the ability of the Embassy to carry out the three primary missions that you described in your statement?

A Yeah. The Presidential election is a pretty big thing for an embassy. Two rounds and then a parliamentary election, an inauguration in the middle, these are big, big events. I think we sent -- the Embassy sent something like 20 observation teams across the country to observe the actual polling day. Our security office and locaters had a screen where they were located every moment and could zoom in on cameras if they got in trouble. I mean, it's a big operation.

And so to not have an ambassador in that period, and you have -- thank goodness we have such a strong deep bench to back that

up. But it has an effect, it has a negative effect in our ability to do our jobs.

Q And just going back to Lutsenko for a second. In your statement, you describe essentially an ax that he had to grind against Ambassador Yovanovitch?

A Yes.

Q Can you explain what happened that was kind of driving him to --

A Yeah.

Q -- want to get Ambassador Yovanovitch out of there?

A Yeah. So Lutsenko was a big disappointment. He was, at one point, a dissident and opponent of the prior regime, in prison for a while. And people thought he had a lot of potential to come out of that and do important things for kind of the western Ukraine that we were supporting. It turned out he was sort of just a politician. He was an ally of Poroshenko, and he was promoting his own interests. So even his appointment as a prosecutor general raised a lot of eyebrows, because he didn't have a law degree, Poroshenko had to actually change the law to enable him to appoint him.

So the context here is Shokin, Poroshenko, against his will, had to fire Shokin, who was widely regarded as corrupt, partly to get the IMF assistance that was used as leverage to get him out. And Poroshenko then appointed Lutsenko, a very close associate, and engineered the legal pretext of appointing him. And he promised early on to pursue the reforms that Shokin was supposed to pursue and whatnot, and he just

didn't, he just never did. He never reformed the office like he was supposed to and a variety of things.

Again, I'm not an expert on all these things. A lot of these things happened before my time, but I'm aware of this story.

So, he didn't do it. He didn't do it. And then over time, it became apparent that he was shielding allies from prosecution, possibly enriching himself.

Q This is Lutsenko?

A Lutsenko -- by some way and in the way he moved cases around and whatnot. It was a -- yeah. So Ambassador Yovanovitch was working hard on anti-corruption issues, who helped set up NABU, which Lutsenko viewed as a competitor alternative agency they didn't control, that could actually hold officials to account. All the things she was working on he saw as eroding his authority.

Ultimately, he wanted us to organize high-level visits to Washington for him to boost his stature and his political viability in Ukraine, at a time when he was deeply unpopular, and we refused to do that, because he was not a good partner, and I think it made him angry. And I think, ultimately, he realized that his low opinion poll ratings was partly -- he thought, I think, partly because we didn't provide him that platform to brand himself as a reformer.

Q During the U.S. delegation to President Zelensky's inauguration on May 20th, they were there for May 20th and May 21st. Is that right?

A I believe so.

Q And you reference this meeting earlier with Secretary Perry when he provided a list of names to the Ukrainians?

A That was on the 20th. That was on the 20th. That was the meeting with Zelensky, yeah.

Q Did you know what the list contained?

A Only what he said it contained.

Q Okay.

A In his opening remarks, in this meeting, he made a number of points, and said energy security is very important to us, and he passed a piece of paper, and he said, this is a list of trusted -- people I trust, from whom I -- from which I recommend that you draw if you want input on -- or advice on energy-sector reform. I have it in my notes. He handed over the paper.

Q Yeah. Have you turned those notes over to the State Department as well?

A Yes.

Q Was there any discussion in advance about Secretary Perry providing this list of names to the Ukrainians for people they should go to on energy issues?

A Not to my knowledge.

Q You weren't involved in any of those discussions if there were any?

A There were discussions before the meeting.

Q But that didn't come up?

A But that didn't come up.

Q During the meeting with President Zelensky and the U.S. delegation, Lieutenant Colonel Vindman was there, correct?

A Yes.

Q Do you recall him bringing up, during that meeting, advice to President Zelensky that he should avoid getting involved in U.S. domestic politics?

A He did say that.

Q What did he say? What is your recollection of what Colonel Vindman said?

A I just reviewed my notes the other day, and he said precisely that. He had a very short intervention because he was the last of them to speak. And I want to say, I believe he said something about the peace process or about, you know, we think that's important, conflict diplomacy, whatnot. And he said, I want to be very clear, it's very important that you stay out of -- despite what might be going on, and this is at a time that we were all aware of the media issues and Ambassador Yovanovitch's departure, recall. He said, I want to make -- underscore to you the importance of staying out of U.S. domestic politics.

Q Was that part of the pre-meet? Was there any discussion about providing this kind of warning to Zelensky to avoid getting drawn into U.S. domestic politics?

A I don't recall it being specifically discussed. It might have been, I mean, each of them had a couple things they wanted to raise. They weren't explicit about what all those things were, but it was clear

each of them would take a turn and raise a couple of things of importance. He may have mentioned that, but I don't recall specifically.

Q Are you aware that there was a -- after the delegation got back to the United States, a meeting in the Oval Office on May 23rd --

A Yes.

Q -- between the delegation and President Trump?

A Yes.

Q Did you get a readout of that meeting?

A Not a formal readout. I believe I heard -- I can't say from where, but I believe Kurt Volker said it had gone well, and there was some unspecified concerns. Later I heard from, in that meeting with Senator Johnson with President Zelensky, a different characterization of the meeting.

Q What was that characterization?

A I believe he said he was shocked at the negative reaction -- President Trump's negative reaction when they proposed essentially engaging President Zelensky to show support.

Q That was Senator Johnson who said he was --

A That was the characterization, yes.

Q Are you aware of any instruction that President Trump provided at that meeting to the Three Amigos?

A I'm not aware of any instructions, no.

Q Okay. Did you ever learn whether there was any discussion of Rudy Giuliani during that meeting?

A I don't think so. Sorry, I don't think I learned that. I don't --

Q Okay. Are you familiar with an NSC director by the name of Kash Patel?

A I've heard the name, but only in a press report in the last few weeks.

Q You never worked with him?

A No.

Q Interacted with him?

A No.

Q So moving forward to June 28th, and you may have referenced this in your statement. On page 5, you write, that "While Ambassador Taylor did not brief me on every detail of his communications with the Three Amigos, he did tell me that on a June 28th call with President Zelensky, Ambassador Taylor and the Three Amigos, it was made clear that some action on a Burisma-Biden investigation was a precondition for an Oval Office meeting."

And my question is, were you aware that Ambassador Volker was scheduled to meet with President Zelensky during a reform conference in Toronto in early July?

A I aware of that, yes.

Q How were you aware that?

A I mean, it was just -- we would talk about upcoming engagements that were relevant. Okay. Again, this is all in the context of trying to find opportunities for Zelensky to meet the

President, and we thought, okay, if Zelensky is going to be in Toronto, perhaps he could come back through Washington; perhaps other senior U.S. officials would be in Toronto. I don't recall who specifically we're talking about at that point. It was another one of those opportunities we saw to make that happen. And, ultimately, I recall that Kurt Volker went to that conference.

Q Okay. And I should have asked you this, but were you on that June 28th conference call with, first, U.S. Government officials, and then President Zelensky?

A I was not.

Q You were not?

A I believe Ambassador Taylor testified that he was, but I was not.

Q Did you ever get a readout from Toronto, like what happened at Toronto?

A No. Not that I'm aware of.

Q Moving forward to the July 10th meeting that you were asked about in the last round?

A I may have gotten it, I don't recall what it said.

Q Specifically?

A Yeah, the substance of that. I don't recall knowing what happened in that meeting. It's possible I got a readout and didn't take particular note of it.

Q Okay. Did you get a readout of what happened on July 10th when Andrey Yermak and Oleksandr Danylyuk went to the White House for

meetings?

A I did not -- I'm going to say no, because it was much later that I learned a lot more things happened in those meetings than I was aware at the time. It was not until I read the testimonies, the recent testimonies about some of the things -- calling the meeting short and whatnot, Sondland's reference to the investigation. I learned that from this process, not at the time.

Q Okay. So at the time you didn't have any conversations with NSC staffers about what had occurred at the July 10th meeting that you can recall?

A It's possible that I saw a readout, but not those elements.

Q Okay. And so any knowledge you have about what occurred there --

A I now understand --

Q -- were the more recent testimony and press reports?

A Yes, sir. That's correct.

Q So let's go to the hold that was placed on Ukraine security assistance. On page 5, you testified that you learned about the hold via a secure video conference on July 18th. Is that right?

A That's correct.

Q You participated in that SVTC?

A Yes, sir.

Q Prior to July 18th, did you know that a hold had been put in place or was being considered?

A No.

Q So this was the first you heard of it?

A Yes.

Q What was your reaction when you learned that this hold had been placed?

A I believe Ambassador Taylor testified that we were shocked, and I would subscribe to that.

Q Were you and Ambassador Taylor in the same room?

A Yes, with several other Embassy staff.

Q And why were you shocked?

A Security assistance is a linchpin of our relationship with Ukraine and supports them in their effort to stand up to Russian aggression, extremely symbolically important as well, probably more so than any of the other assistance we provide Ukraine, although that's important, too. But a symbolism of backing them on security issues is very important, it's one of the reasons that the javelin missiles were so important as well, the symbolic backing of them in the security sphere.

So to suddenly hear, without any prior warning, that those funds were suspended was extremely significant.

Q And would withholding that security assistance undermine what, at least had been longstanding U.S. Government policy toward Ukraine, and interfere with the goals that you laid out in your statement that you were trying to achieve?

A In my view, yes.

Q Did you ever have any conversations with

Ukrainians -- Ukrainian Government officials about the hold?

A Not beyond what I've testified to. I went back through all my notes on those issues. And there was an issue about when they actually found out about that, and I don't have much to add to that. We were aware of it, trying to figure out how to lift it. Separately, at some point, they became aware of it, I'm not sure if I can tell you exactly when those two things converged.

Q You said you, at some point, they became aware of it. Do you recall --

A I think --

Q -- when you learned that?

A I remember, at some point, they assumed -- they likewise assumed that there -- sorry. I don't recall -- I recall reading in testimony there was some explanation about when they might have come to -- aware of it and in what way. There was a Politico article, I believe, that was when it became public officially. I believe some people might have suggested they knew before that, but I don't think I had knowledge of whether they did or did not know or when they came to know it.

Q Okay. Did you ever learn the official reason why a hold had been put in place and subsequently lifted on September 11th?

A No.

Q So I want to move to July 20th. Are you familiar with a secure call that Dr. Charles Kupperman, he was then the deputy national security advisor, did with Oleksandr Danylyuk?

A That rings a bell. I'm aware the call happened, I don't know the substance, and I don't recall the --

Q That was 2 days after the SVTC where you learned about the freeze?

A Yes.

Q But you don't know what Kupperman and Danylyuk discussed?

A I don't recall having heard what they discussed.

Q Okay. So around this time, I'm talking mid-July, Ambassador Taylor has testified and there are text messages to the same effect that he had had conversations with Ukrainians where they said that President Zelensky is sensitive about Ukraine being taken seriously and not merely as an instrument in Washington domestic reelection politics?

A Uh-huh.

Q Were you hearing similar concerns from Ukrainians around that time, that this political agenda that Rudy Giuliani and others were pushing on President Trump's behalf was drawing the Ukrainians into U.S. politics?

A There's potentially two different things. I do think that -- Ambassador Taylor's characterization --

Q -- sure, Yeah. Just from your testimony.

A But Ambassador Taylor repeatedly, with these senior officials, was clear that -- was advised to stay out of U.S. politics. Alex Vindman made that point as well. In many of our engagements, we made the point that they should stay out of -- it's not going to help

in the long run to be seen to be meddling in U.S. domestic politics. That was a clear point we made on a regular basis. So I believe they were aware that that was an issue, yes.

Q Given all of the circumstances that we've been talking about, was it your impression that the Ukrainians felt pressure to proceed or announce these investigations, given the campaign that Rudy Giuliani and others were doing at the behest of the President?

A I think the Ukrainians gradually came to understand that they were being asked to do something in exchange for the meeting and the security assistance hold being lifted.

Q Okay. So I think I know the answer to this because I asked you something similar earlier. Are you aware of a conversation around July 22nd between Rudy Giuliani and Andrey Yermak setting up this meeting that happened in Madrid in early August?

A I mean, they met in Madrid, but --

Q You weren't involved in the communications leading to that meeting?

A No. No. I did hear -- well, yeah, I don't -- I was not involved.

MR. NOBLE: Okay. Thank you. My time is up.

THE CHAIRMAN: Would you like to take a short break before the next 45 minutes?

MR. HOLMES: Yes.

THE CHAIRMAN: Let's take a short break.

[Recess.]

MR. SWALWELL: [Presiding.] Okay. Forty-five back to minority.

MR. JORDAN: Mr. Holmes. So let's go back to the call.

MR. HOLMES: Uh-huh.

MR. JORDAN: The call happens at the restaurant, there are four of you there, but you're the only one that goes back to the Embassy, and back at the Embassy you talk to Ms. Kvien. Is that right?

MR. HOLMES: Kvien, yes.

MR. JORDAN: Kvien.

MR. HOLMES: K-V-I-E-N.

MR. JORDAN: K-V-I-E-N. All right. You talked to Ms. Kvien. And tell me what you told her about that conversation again? Describe it, if you would, for me?

MR. HOLMES: I told her the whole story. I said, You wouldn't believe what I just heard. At lunch, Ambassador Sondland pulled out his cell phone and called the President. And then I told her the version of events that I testified to.

MR. JORDAN: Where you have it in quotes on page 6, things that Sondland says, things the President said, that's exactly how you heard -- that's the quote?

MR. HOLMES: Yes, sir. Yes, sir.

MR. JORDAN: And did you come back, and refresh my memory, you may have said this earlier, did you come back and write these things down?

MR. HOLMES: No.

MR. JORDAN: It's from memory?

MR. HOLMES: Yeah.

MR. JORDAN: Okay.

MR. HOLMES: And I recounted this, in this level of detail, multiple times to various people, because it was so distinctive.

MR. JORDAN: So the same things you have in your testimony on page 6, you told Ms. Kvien on July 26th, an hour or so after it happens?

MR. HOLMES: Yes.

MR. JORDAN: All right. Did you talk to anyone else that day?

MR. HOLMES: Sir, I have a recollection that I told whoever I ran into -- not whoever I ran -- but people, my colleagues who might have found this useful or interesting about it in the same way. You wouldn't believe what I just heard. I was in this meeting when this happened.

MR. JORDAN: So Ms. Kvien knows?

MR. HOLMES: Yes, I don't know specifically who was there that I told, but I do recall telling other people.

MR. JORDAN: Other people. Several other people?

MR. HOLMES: Colleagues.

MR. JORDAN: Yeah, but several other people at the Embassy?

MR. HOLMES: Yes.

MR. JORDAN: Any idea how many?

MR. HOLMES: In the time I was there in the afternoon, maybe two.

MR. JORDAN: Two, three, one?

MR. HOLMES: Maybe two, sir.

MR. JORDAN: Maybe two.

MR. HOLMES: Okay. There were a lot of people away supporting these other trips, these other visits.

MR. JORDAN: Okay. And then you go on vacation?

MR. HOLMES: Yes.

MR. JORDAN: Do you tell folks, aside from family, do you tell folks on vacation? Do you call people up, and say, You're not going to believe what happened the day before I headed off to the -- wherever you went for vacation?

MR. HOLMES: No.

MR. JORDAN: You don't talk about it over the next, what is that? Week and a half? 2 weeks?

MR. HOLMES: I met with up with a number of friends of mine for a trip, and I do recall telling them that I was just part of this lunch where someone called the President, and it was, like, a really extraordinary thing, it doesn't happen very often. I didn't go into any level of detail because they don't know this stuff.

MR. JORDAN: You told friends you were sitting by an ambassador who was talking on his cell phone with the President of the United States, you told your buddies about that?

MR. HOLMES: Yeah.

MR. JORDAN: How many people did you tell?

MR. HOLMES: Sir, again, I don't recall specifically. I don't recall specifically. I was traveling with six friends.

MR. JORDAN: Six friends?

MR. HOLMES: Yeah.

MR. JORDAN: So now it's up to nine people. When you come back on the 6th, who all did you tell then?

MR. HOLMES: In the meeting with Ambassador Taylor, I told him, and the other people in that meeting would have heard it. So, as I said before, I believe it was my deputy -- sir, I don't recall who was in the room at that instance when I told them -- I guess what I'm saying is that -- I'm focused on telling Ambassador Taylor, he's the person I'm there to brief. And I don't always know who else was in the room.

But what I'm saying is that at that meeting that I used to brief Ambassador Taylor, typically there are that scope of people in the room. DCM Kvien, if she's available, my deputy, if she's available, and the three unit chiefs in the political section, if they're available. I don't recall who was there that day.

MR. JORDAN: So potentially six people in that meeting?

MR. HOLMES: Yes.

MR. JORDAN: That would be the first time they heard it, at least from you?

MR. HOLMES: Unless I ran into them earlier that day in the political section, these are my colleagues that I work right next to. If I ran into one of them there, I might have told them.

Sir, what I'm trying to express is I felt like I had an obligation to tell my supervisor. That's the specific instance where I distinctly recall briefing it out. Other than that, it was just something interesting I had to share with people, if it felt right, to run into someone and say -- if they had an interest in this sets of issues, my

colleagues, I might have told them.

MR. JORDAN: Was this a regular scheduled start-of-the-week meeting you had with Ambassador Taylor and the people who were typically there?

MR. HOLMES: So it's a weekly meeting, but we don't always have it every week, because events come up, and it sometimes shifts on the schedule to the different times, different days.

MR. JORDAN: Any idea how long the meeting was?

MR. HOLMES: Typically about an hour.

MR. JORDAN: An hour-long meeting? Was this like, you walk in, everyone -- was the 6th a Monday?

MR. HOLMES: Tuesday.

MR. JORDAN: Tuesday. The 6th is a Tuesday. You walk into this meeting -- and this is your first day back from vacation?

MR. HOLMES: Yes, sir.

MR. JORDAN: And was it like, Ambassador, I got to tell you something. I didn't get a chance before I left -- did you start the meeting off with this?

MR. HOLMES: I don't recall I did. So partly, that meeting, in particular, I would have been more in receive mode because I have been away. So I would have used it as an opportunity to hear from my team the things that had been going on and our priorities. Ordinarily, I would be the one to go into that meeting with the ambassador, and I would say, Sir, here is the five or six things that I think you need more information than you've heard in our regular interactions. So

we do a slightly deeper dive.

So that's where I would have obtained the opportunity for myself to brief on that issue, whereas other people would have briefed on other issues in their portfolio.

MR. JORDAN: How does the meeting normally work? Is the Ambassador in charge, or is this like -- I mean, we do some of these things in our staff. I'm sitting down and the staff is briefing me. Which way is the typical flow in this meeting?

MR. HOLMES: He sits down and says: What do you got for me? Then, typically, I am the person who's the head of the other people in the room and --

MR. JORDAN: You're the guy kind of leading the meeting?

MR. HOLMES: Yes.

MR. JORDAN: And you're saying that wasn't the case this time on this August 6th day? You weren't leading it?

MR. HOLMES: Well, I would have been less likely to lead, because I didn't have the latest information about all the events that happened in the past week. I had that one thing that I had heard before I left, but my deputy would have been in charge while I was away and would have been more up-to-date on the issues that she thought the ambassador hadn't heard that he needed to hear. So I would have added that issue for myself.

MR. JORDAN: Tell me how a normal meeting works. Not the August 6th meeting; a normal meeting works -- this weekly meeting.

MR. HOLMES: Yeah.

MR. JORDAN: You all walk in the ambassador's office?

MR. HOLMES: Yes, sir.

MR. JORDAN: You walk in the ambassador's office, a morning meeting?

MR. HOLMES: No, again, it can move -- I think it's usually 1:30, but it often changes to accommodate his schedule.

MR. JORDAN: And normally when it starts, you are kicking it off, and, Ambassador, here's what we got for you, and you go through and you brief?

MR. HOLMES: I would, again, I have representatives from different parts of the section who cover different issues, and I would typically say, Sir, let's start with the conflict, and I got the external unit here that covers that, and here they're going to brief you on the levels of fighting. We always start with the fighting brief because we're keeping track of the hot war in the east where Ukrainians are getting killed. We are giving the latest casualty figures and the trends and all that. We usually start with that. And then anything else in the external unit.

MR. JORDAN: But you orchestrate it. You're saying, so-and-so, can you brief the Ambassador on this, the situation you just described, so-and-so can you brief on this, and give him a full report of everything he needs to know? So you're the one kind of choreographing it and orchestrating it?

MR. HOLMES: Yes. But oftentimes, they are on the fly, sir, because things move pretty quick. So whoever is available to attend

who thinks they have something to offer, sometimes I'll say, Do you need to be in the meeting this week? And they'll say, Yeah. I say, Okay, great, I'll turn to you, and you can say what you got. So I don't always know exactly what everyone is going to brief on, but I trust my people to brief on what they think.

MR. JORDAN: Got it. Got it. But you're the guy in charge? You're delegating --

MR. HOLMES: Yes, sir. Yes, sir.

MR. JORDAN: You're the MC, so to speak?

MR. HOLMES: Sure.

MR. JORDAN: But on August 6th you weren't? You weren't the MC, or were you?

MR. HOLMES: Well, sir, it's still my section and I'm still responsible, but I would not have had the latest information about what happened in the past week, or know what the ambassador had or had not heard in that week while I was away, my deputy would have heard that. So I might have been more likely to say in that meeting, you know, why don't you lead this one, because I don't know what's been happening. But I have this thing that I want to be sure you know about before I left.

MR. JORDAN: I guess what I'm getting at, you may not have had the latest information, but you sort of had a pretty big piece of information?

MR. HOLMES: I did. That's why, sir, I'm saying in that meeting I recall briefing him on that. I can't tell you if I started out and

said I want to start with my thing, or if I turned it to -- and said, what else is going on, and said I wanted to add my piece.

MR. JORDAN: So potentially, six people in that meeting, at some point in that meeting, a meeting that you typically lead and conduct, at some point you told him about the phone call on the 26th?

MR. HOLMES: Yes.

MR. JORDAN: And everyone else was still in the room when you described the call?

MR. HOLMES: Yes.

MR. JORDAN: All right. Then you say in your testimony today, I also repeatedly referred to the call over the next weeks and months and whatever?

MR. HOLMES: Yes. In conversations with my staff --

MR. SWALWELL: Actually, just for the sake of the reporter, once Mr. Jordan finishes, if you could just answer because the cross-talk is making it hard and I can see that.

MR. HOLMES: I'm sorry. Thank you for pointing that out.

MR. JORDAN: So let me just rephrase it. So you said in your testimony, after you shared this with Ambassador Taylor and the other individuals in the room, you then repeatedly referred to this call over the weeks and months to follow?

MR. HOLMES: That's correct.

MR. JORDAN: And you've continued to do that?

MR. HOLMES: Yes, but I want to be clear. I didn't always brief the whole call. Right? I would refer -- I would say, you know, as

we know, or as we learned from that incident, you know, it's going to be hard for us to convince the President to schedule this meeting. That's what we're up against.

So it was the conclusion from that that I drew -- one of the conclusions that I drew from that incident that I referred back to repeatedly.

MR. JORDAN: And do you know how many times you repeatedly brought this up with people at the Embassy? Repeatedly sounds like several.

MR. HOLMES: It was my view, and it was an important data point. And so when it was relevant, I raised it, I would estimate, and this is really hard to do, maybe once or twice a week when it was relevant. When it wasn't, I didn't.

MR. JORDAN: Once or twice a week, you would typically refer back to this call because it had a bearing on how you were thinking and --

MR. HOLMES: But, sir, I want to be very clear. I didn't always say the call, I said, as we know, or as we've learned, you know, the President doesn't care about Ukraine, and cares about these other things. So it's going to be difficult for us as we do this. And some people would say, oh, well, what if we go pursue, you know, hypothetically, this reform that the President might care about? Well, maybe, but I'm not sure that will scratch the itch because of what we learned. So it's not every case that I was briefing the call.

MR. JORDAN: Was it brought up again in the weekly meetings that you just talked about on the 6th that typically happen once a week that you orchestrate, or you kind of choreograph and conduct, did it happen

in those meetings over the next several weeks and months?

MR. HOLMES: I don't have distinct memories of other times that I referred to the call, sir, but it was part of my outlook, my point of view.

MR. JORDAN: Was it likely that it came up in the weekly meeting?

MR. HOLMES: Sir, I don't recall.

MR. JORDAN: Okay. Any idea how many different people at the Embassy you shared this account of the call between Ambassador Sondland and President Trump?

MR. HOLMES: Sir, I'm sorry to split hairs, it depends on what you mean by this account of the call. I distinctly -- what I reported already is the people who I've told there was this meeting, there was this -- sorry, there was this event; there was this call; he talked about this issue and this issue; and then we had this conversation, and I took away from it this, this, and this.

I've only briefed that level of detail on it. I'm only certain I briefed that level of detail on it to Kristina Kvien that same day. And I believe that I briefed the gist of that, more than the gist of that, to Ambassador Taylor when I got back.

I was confident that when I referred to it subsequently that it wasn't the first time -- when I referred to my conclusions from that call subsequently, I didn't need to say it was from this call on this date that I derived this conclusion. I referred to it and people would nod their heads. So I don't know if they then recalled if that was from the call, or if they were just agreeing with my assessment, I can't

interpret that.

MR. JORDAN: But you were confident when you brought it up, they understood that you were referring to the call that you described previously?

MR. HOLMES: Sir, I'm not confident that they knew I was referring to the call. I'm confident that I was raising my conclusions from the call repeatedly.

MR. JORDAN: Okay. Mr. Zeldin.

MR. ZELDIN: Mr. Holmes, on page 6, staying with the call.

MR. HOLMES: Uh-huh.

MR. ZELDIN: You say, quote: Ambassador Sondland replied that, quote, "He's gonna do it," end quote. Do you have any basis of knowledge to confirm that was from anyone in Ukraine as opposed to Sondland just stating that on his own?

MR. HOLMES: I'm just reporting what I heard him say, sir.

MR. ZELDIN: And did you hear the whole conversation between Ambassador Sondland and the President, or just part of it?

MR. HOLMES: As I've testified here, I heard both sides of the start of the call when Ambassador Sondland was pulling the phone away from his head, and at some point, he stopped doing that and I did not hear both sides of the call for the remainder of the call. But I heard everything that Sondland said for the remainder of the call, and that was roughly when the Sweden portion began.

MR. ZELDIN: How long did the call last?

MR. HOLMES: I think I said 2 minutes.

MR. ZELDIN: How noisy was it in the restaurant at the time?

MR. HOLMES: It was -- where I was sitting, it wasn't noisy. There was a street on the other side of [REDACTED] and [REDACTED], not directly, but there was a -- the remainder of the terrace, a small kind of waist high glass wall, a sidewalk, some cars parked, and then a road. So it was -- I could distinctly hear everything that I've described. I don't know if that might have impacted the other two ladies and their perceptions.

MR. ZELDIN: And just to be clear, was it just the four of you at the table?

MR. HOLMES: Yes, sir.

MR. ZELDIN: On the top of page 7, you state, quote: Ambassador Sondland replied that he meant, quote, "big stuff," end quote, that benefits the President, like the, quote, "Biden investigation," end quote, that Mr. Giuliani was pushing.

MR. HOLMES: Uh-huh.

MR. ZELDIN: I just want to understand an earlier exchange that you had with Chairman Schiff.

MR. HOLMES: Uh-huh.

MR. ZELDIN: You said that was my understanding. What were you referring to when you used those words earlier?

MR. HOLMES: I'm sorry.

MR. ZELDIN: There was a question and answer about this earlier with the chairman where you referred to the words, "that was my understanding." What were you referring to?

MR. HOLMES: I --

MR. ZELDIN: Do you recall?

MR. HOLMES: I don't remember what that referred to at what point I said that.

MR. ZELDIN: I might get back to that one.

MR. HOLMES: Okay.

MR. ZELDIN: Recently you stated: I'm not aware of any factual basis in either investigation. Do you recall testifying to that a little earlier with regards to the investigations?

MR. HOLMES: I don't recall saying that.

MR. ZELDIN: Is it your opinion that there was any factual basis on the investigation related to Burisma, Zlochevsky, and the Bidens?

MR. HOLMES: I don't -- I'm not aware that there's a factual basis for those investigations.

MR. ZELDIN: Do you know what the Burisma and Zlochevsky investigation was about?

MR. HOLMES: So the issue, as I understand it, came up before my time in Ukraine. There was no active investigation, to my knowledge, of those issues while I was there. And so the question, I guess, is what investigation are you referring to, something that happened before or something they were looking for that was new, I'm not exactly sure. So I heard allegations about this issue. I've read about them, but I don't have any specific detailed knowledge about what may or may not have been investigated and what the judgment about whether something should.

MR. ZELDIN: I'm just trying to ask a simple question.

MR. HOLMES: Okay.

MR. ZELDIN: Do you know what the Burisma-Zlochevsky investigation was about?

MR. HOLMES: Sir, I guess I'm trying to say, it's my understanding there was some kind of investigation before my time, and I'm not sure if you're referring to that one or if you're referring to --

MR. ZELDIN: I'm referring to the investigation that you have been reading about, that you just stated that you've been reading about an investigation that was from before your time. And I'm just asking if you know what that investigation was about?

MR. HOLMES: When I hear you say the investigation, I'm wondering if you mean a concrete one that already happened, or a request that the Ukrainians begin an investigation. So when I say an investigation, I'm referring to the request that they begin one.

MR. ZELDIN: So the investigation, before you get to Ukraine, that was the subject of a Viktor Shokin action, are you familiar with that investigation?

MR. HOLMES: This is why I mentioned this.

MR. ZELDIN: I just want to know whether or not you are aware of what the -- are you aware of the investigation?

MR. HOLMES: Sir, I don't know which investigation. Let me be fair --

MR. ZELDIN: Are you aware of any investigation?

MR. HOLMES: Sir, I am aware, but not in a detailed way, because

it happened before I focused on these issues, there may have been investigations about that issue in Ukraine, but I was not a part of that, and I didn't have direct knowledge of it, and I'm not an expert on those issues. And that's why when you say the investigation, were you aware of the investigation, the past tense, well, there may have been one in the past tense that I'm not aware of.

If you're referring to the phrase, the investigation, and how it was coming up at this time, I'm referring to the request, the demand, whatever you want to call it, for the Ukrainians to open a new investigation into what may have happened in that time before I arrived in Ukraine. So that's the investigation that I'm referring to.

MR. ZELDIN: I'll try to word it a little bit differently so that we're clear.

MR. HOLMES: Yeah.

MR. ZELDIN: Are you aware of this state prosecutor in Ukraine ever having an investigation into Burisma-Zlochevsky?

MR. HOLMES: Sir, I've heard that there were legal processes involving that issue, but again, I'm not an expert on those things and I was not there at the time.

MR. ZELDIN: And this past spring you testified that it became more of a topic of conversation at the Embassy, correct? The issue?

MR. HOLMES: Well, I want to differentiate between what we mean by the issue. What became a topic of conversation at the Embassy was the fact that a number of commentators in the media, including people associated with Mr. Giuliani, were pressing for the opening of an

investigation into those events that happened previously, about which there may have been prior investigations.

MR. ZELDIN: When that started to become such a topic of conversation, was there any effort by anyone in the Embassy to investigate the merits of the issue?

MR. HOLMES: So, sir, because it happened before my time, but not before everyone's time, so we have people working on the Ukraine policy issue, broadly speaking, people like George Kent, who were involved deeply in the issue and who are experts on those things. And so, in many cases, we would defer to his judgment and expertise and his personal knowledge of those issues that he was directly involved with and he was still involved, and the fact that he's in a senior position in terms of our policy. So those are the kinds of things we would have -- you know, he would have had something to say about it and we would defer to his judgment.

MR. ZELDIN: Was there anyone in the Embassy at all who wanted or did look into any of the merits of anything at all related to Burisma and Zlochevsky?

MR. HOLMES: Yeah. Sir, we weren't aware of any new reasons to open an investigation. So we were aware of the investigations previously, and we were not aware of any new reason to open an investigation. So of the universe of possible investigations of anti-corruption-related offenses and whatnot, that wasn't one we were focused on, because there was not anything new to that issue in our time there, it was from something that happened before.

MR. ZELDIN: So you just dismissed that, and that conversation -- in those conversations this past spring?

MR. HOLMES: No, sir. We defer to the judgment of people who were there at the time and their judgment that there was, you know, not anything new, no new factual basis for the Embassy to weigh in on advocating for a particular investigation over all the other possible investigations that they might undertake.

MR. ZELDIN: It just seemed surprising that there wouldn't be a desire to look into it if that is -- if it's such a big conversation around the Embassy. But a little earlier when it was after our round, before the start of the majority round, you went back to correct one of the answers that you gave to me.

MR. HOLMES: Yes, sir. Uh-huh.

MR. ZELDIN: And you mentioned that you did speak to Kristina Kvien.

MR. HOLMES: Kvien, yes.

MR. ZELDIN: Kvien. What did you speak to her about?

MR. HOLMES: Yeah. So she would sometimes just drop by my office, and we would discuss issues, she would have a question, whatever it was. And she dropped by my office once, and I said, You know, the way things are developing in terms of the media coverage of this impeachment inquiry, it's starting to make me wonder if that incident that I witnessed is becoming increasingly relevant. And she essentially, not word for word, but essentially said, Yeah, you know, I see your point. It's interesting, we'll see how that develops.

She didn't give me any particular advice or say you should go back and testify. She didn't say, yeah, you're 100 percent right. We didn't talk about -- I didn't re-brief her on the incident. I assumed that she recalled what I briefed her on previously. It was just a natural conversation about how things were developing, and I was airing my -- as I've said, airing my, you know, the fact that I was focused on it, wondering if it mattered.

MR. ZELDIN: When was that conversation?

MR. HOLMES: I believe it was the Tuesday, the week before Ambassador Taylor flew back on a Friday, I'm sorry, I don't have the dates.

MR. ZELDIN: So a week ago Tuesday?

MR. HOLMES: He came back on last Friday, so it was the Tuesday before that, perhaps.

MR. ZELDIN: And was it a conversation just between the two of you?

MR. HOLMES: Yes.

MR. ZELDIN: One other thing I wanted to ask you about is, throughout your opening, you give testimony of things that you heard that one could say would be an attempt to build a case to support an impeachment inquiry, but you leave out information. For example, you talk about the -- you reference the texts.

MR. HOLMES: Uh-huh.

MR. ZELDIN: And that exchange that Ambassador Taylor was involved in, but you don't mention that Ambassador Sondland said that

he was told by the President, no quid pro quo. Why would you leave out facts like that, that help fill in some of the empty space that you leave in your opening?

MR. HOLMES: Yes, sir, I understand. So my starting point, as I've testified, has always been, from my point of view at the Embassy in Ukraine, where there are things that I saw or was a part of that could potentially be relevant to this inquiry. And as I've testified, I took that seriously, that I might have a responsibility to report that. And so, I followed other people, the testimony of other people, who were in this similar position to me, and their testimony, and I was largely confident that the account, their accounts, were consistent with my general sense of what happened, and, in many cases, I learned things from their testimony that I wasn't aware of.

And so I thought that the story and, you know, what I had to offer was available to this investigation. So that's why I focused on Ambassador Yovanovitch who was covering essentially the first chapter, if you want to call it that, of my involvement in this, and then Ambassador Taylor, who was covering another chapter. And then I also added in essentially the middle part where neither one of them were there, and I covered that whole period.

So I wasn't necessarily looking at what Ambassador Sondland, who I have -- I covered the incidents in which I may have overlapped with Ambassador Sondland, but I was trying to give a full account from my point of view of potentially the relevant events that I was involved with.

MR. ZELDIN: Is it accurate to say that Ukraine didn't have a confirmation of a hold on aid until after that Politico story August 29th?

MR. HOLMES: I'm not sure that is accurate, sir. Let me just say, that is the first public announcement of that that I'm aware of. I'm not going -- I'm not sure that they hadn't caught wind of this in various ways earlier.

MR. ZELDIN: And you read Ambassador Taylor's opening statement from Wednesday?

MR. HOLMES: Actually, I didn't. I read the one from the prior -- from the closed door.

MR. ZELDIN: Because what you're saying is contradicting what Ambassador Taylor stated.

MR. HOLMES: Sir, I haven't read the latest statement yet.

MR. ZELDIN: Last question. In your opinion, is this impeachment inquiry helping or harming our relationship with Ukraine?

MR. HOLMES: I hope it doesn't harm our relationship with Ukraine. I'm not aware of -- I'm not aware that Ukrainians have formed a judgment as to whether this process helps or hurts our relationship.

MR. ZELDIN: I understand what you want, I'm asking if right now -- I mean, you're in Ukraine, we're not, we're here in Washington, D.C., do you believe that this impeachment inquiry is helping or hurting that relationship?

MR. HOLMES: Sure. I think some of the issues we've discussed and have come -- that have been raised in the process are issues that

they think affect the relationship. I'm not sure the process itself is helping or hurting the relationship.

MR. CASTOR: Mr. Jordan.

MR. JORDAN: Sorry, Steve.

MR. CASTOR: Absolutely.

MR. JORDAN: I want to go back. So the 26th you have the call, you overhear the call, you talk to Ms. Kvien that day.

MR. HOLMES: Yes.

MR. JORDAN: You mentioned in this first line, you talked to at least two other people that day in the Embassy, whether you meet them in the hall or whatever. Is that accurate?

MR. HOLMES: Yes.

MR. JORDAN: And you go on vacation and you said there were six friends, and you talked to those six friends about the call.

MR. HOLMES: About the fact of the call. I'm not sure I shared any of the details.

[8:53 p.m.]

MR. JORDAN: Fine. Then you had the meeting when you get back on the 6th where Ambassador Taylor is in the meeting, you're in the meeting, and potentially four other individuals.

MR. HOLMES: Yes, sir.

MR. JORDAN: All right. And then you said it repeatedly came up where you repeatedly referred to the call. And I think you told me that was at least once or twice a week. Is that all accurate?

MR. HOLMES: I hope this doesn't sound like I'm splitting hairs. I repeatedly referred to my conclusions that I drew from the call. I'm not sure if every time I said, as I learned in that call.

MR. JORDAN: But at least sometimes. Is that fair?

MR. HOLMES: I don't distinctly remember the times that I referred to the call along with my conclusions from the call.

MR. JORDAN: Okay. Then there's two of the times that you've talked about today that you talked about the call, and that was, again, a week ago Tuesday, on the 5th, with, again, Ms. Kvien, the lady you first spoke to about the call.

MR. HOLMES: Yes, sir.

MR. JORDAN: And then on Friday the 8th with Ambassador Taylor. Is that right?

MR. HOLMES: Yes, sir.

MR. JORDAN: Okay, so take me back. I want to go to the Tuesday, November 5th, conversation with Ms. Kvien.

MR. HOLMES: Okay.

MR. JORDAN: Tell me exactly what happened in that conversation.

MR. HOLMES: She dropped by my office. I don't recall if she raised other issues or not. And I was increasingly, frankly, I was getting concerned that I might have something relevant to the impeachment inquiry.

And so, because I had briefed her previously on the call and she's my direct supervisor, I said, you know, Kristina, I'm starting to wonder if what I heard might be relevant to this --

MR. JORDAN: She's your boss.

MR. HOLMES: Yes, sir.

MR. JORDAN: And you bring up this call --

MR. HOLMES: Yes.

MR. JORDAN: -- that you had first told her about.

MR. HOLMES: Yes.

MR. JORDAN: And what did she tell you to do, as your boss?

MR. HOLMES: She didn't give me any specific instructions. She said, I see your point, I guess we'll have to see how this develops.

MR. JORDAN: Did you tell her you might be testifying in front of Congress in an impeachment inquiry?

MR. HOLMES: Sir, I hadn't -- I was wondering if the information was important. I had not gotten to the point yet where I knew that it was and then started to think that I need to go testify and how I do that and how I arrange that. I hadn't gotten to that point yet.

MR. JORDAN: So she didn't give you advice one way or the other?

MR. HOLMES: No.

MR. JORDAN: Then you talked to Mr. Taylor on the 8th.

MR. HOLMES: Yes.

MR. JORDAN: Tell me about that conversation.

MR. HOLMES: I was in his office.

MR. JORDAN: Did you go there specifically to bring this up?

MR. HOLMES: No. We were having another conversation in my office -- no, we were having another meeting, not in my office, another meeting in another place -- and then -- and I had on my list things -- sorry.

We were having another meeting and I remember thinking, you know, this might be my last chance to raise this with him. It was something that was weighing on me. And I didn't get the chance or I forgot to raise it in whatever that meeting was. And so I walked with him back to his office and said --

MR. JORDAN: It might be the last chance because you knew he was coming here to testify?

MR. HOLMES: Yes, sir. And because in the days preceding, the week preceding, it had become increasingly apparent that this might be important information. And so he's the only person I knew who was actually personally involved in this process.

Look, I've never been involved in an impeachment process. I don't know how it works. I don't know how -- so if I were to come to the conclusion that I thought this was important information, I would still need to know how you even do this.

And he was already involved, and so I said, sir, I'm starting to

think it might be relevant. And he said, as I've testified, oh, I wonder, maybe you're right, I might mention that to my lawyers. And my understanding is he did, and I'm testifying.

MR. JORDAN: It was that sort of a conversation, you said, Ambassador, I'm concerned about this, I'm thinking about testifying. And he said, let me talk to my lawyers and I'll give you some advice.

MR. HOLMES: Sir, I did not say I was thinking about testifying. I said, in the context of this impeachment inquiry --

MR. JORDAN: Is it fair to say you were thinking about coming forward?

MR. HOLMES: I have never desired to come forward for the purpose of coming forward. I have wondered whether I might have something that would create an obligation for me to come forward. I increasingly came to the conclusion that I might have something that would create an obligation to come forward, and it concerned me. I hadn't yet concluded that it was something that I had an obligation to bring forward.

I mentioned to him, I think this is becoming increasingly significant. I did not ask him if I should go testify. I did not ask him his advice. And I did not say I intended to testify. And I did not say, I think I've got an obligation to testify. I just reminded him of this conversation and my increasing realization that it might be relevant.

MR. JORDAN: Okay. And his counsel was, let me talk to my lawyers and I'll get back with you.

MR. HOLMES: He said, I think I might have to mention that to my lawyers.

MR. JORDAN: He didn't say like, you know, do what you think's right, do what you think's best, let me go to talk to Ms. Kvien, and her and I, as your bosses, we'll give you some counsel, none of that?

MR. HOLMES: Sir, I didn't ask him for advice. I didn't say, do you think I should go testify? I didn't say, do you think I have an obligation to report this? I just made the point, analytical point, that it seemed to me that it was becoming increasingly relevant.

MR. JORDAN: Okay. And one last thing. So now we're all the way up to last Friday. Is there anyone else that you spoke to about the call, not counting your lawyer, of course, but anyone else you spoke to about that between Friday and today?

MR. HOLMES: No.

MR. JORDAN: The last time you talked about the call with anyone else other than your counsel was a week ago Friday when you asked Ambassador Taylor his thoughts or you let him know you were thinking about this?

MR. HOLMES: Sir, we've been talking about this a lot, so I'm trying to remember if there's anyone else I talked to specifically about the call.

I -- when I explained to people I may be going back to testify, I said, you know, there may be something I overheard that's relevant to the investigation. But at no point did I tell -- give anyone the

full account of that incident.

MR. SWALWELL: Mr. Jordan, just for the record.

When you said "we" and you pointed to your attorney, were you talking about you and your attorney?

MR. HOLMES: I was, yes. Yes, sir.

MR. JORDAN: Steve. Oh, I'm sorry, you want to go to Chip?

MR. HOLMES: Okay. Sir, Mr. Jordan, that's a fair point. My attorney reminded me that I accepted the date you postulated for when I had that conversation with Kristina Kvien.

I don't recall that it was specifically that date. I recall that it was about a week before Ambassador Taylor left. I think it could have been that day, but I'm not entirely sure. It was about a week before.

MR. JORDAN: If -- were you -- if you weren't asking for counsel or -- why did you tell Ambassador Taylor if you weren't seeking his advice or counsel or okay or -- I mean, why go tell him? And, frankly, for that matter, why tell Ms. Kvien? If it's your decision and -- why go talk to both of them?

MR. HOLMES: These are people who were aware of the call and the context and were my colleagues and we discussed things. And this is something that was weighing on me. And so I was airing my concern, my view.

MR. JORDAN: I mean, but you didn't -- you weren't asking for, what do you think I should do? Did you ask that?

MR. HOLMES: No.

MR. JORDAN: Okay.

BY MR. CASTOR:

Q The State Department, they didn't try to prevent you from testifying here today?

A No, sir.

Q So once you decided that you needed to get a lawyer and come forward, nobody gave you any issue?

A Correct.

Q I was going to say give you shade, but maybe that's not the right term.

MR. SWALWELL: That will come in the form of a tweet next week.

MR. HOLMES: It wouldn't be the first time today.

BY MR. CASTOR:

Q Are you familiar with a letter to Lutsenko from a bunch of Senators about the Mueller probe?

A It doesn't ring a bell, sir.

Q Okay. So in May of 2018, Senators Menendez, Leahy, Durbin wrote to Lutsenko, and I wondered if you were familiar with that?

A I'm not.

Q Okay. So nobody at the Embassy talked about it or it didn't become an issue for your section?

A Not that I recall, sir.

Q Okay. On page 3 of your statement, the very first paragraph, the last sentence, Mr. Lutsenko said that Ambassador Yovanovitch's posting in Kyiv, she would face "serious problems" in the United States.

A Yes, sir.

Q And the serious problems is in quotes?

A Yes.

Q Where did that come from?

A So that's quoting -- okay. A meeting between an Embassy contact and another Embassy officer who -- so in that meeting, the Embassy contact relayed that he had had, you know -- he was drinking with Lutsenko for 3 hours the night before and Lutsenko had aired these issues. And he'd relayed that Lutsenko -- these are the -- relayed what Lutsenko said.

Q Okay. And any more context to what "serious problems" meant?

A No, sir.

Q Okay. And was there any initiative to try to reverse Lutsenko's efforts here on a more Embassy-wide basis?

A So I guess what I would say, sir, is I've since become aware through Ambassador Yovanovitch's testimony, I believe, that she had an indication, I think maybe about 2 weeks earlier --

Q Right.

A -- from a more senior official in the Ukrainian Government. This is the "watch your back" quote.

Q Right.

A I was not aware of that at the time, so what I'm reporting here is the first time I was made aware of this. And I can't say whether she took that up in any way with perhaps our security personnel and

all that. But in light of the way she's described that, I wouldn't be -- and knowing her -- I wouldn't be surprised if she had taken some action when she heard that.

Q Okay. Was there ever any consideration to calling Lutsenko out, you know, from the Embassy perspective, you know, right then and there, that this is, you know, outright lies or --

A Well, on one of the allegations there certainly was. But on -- well, that wasn't a public thing that he said, the serious problems. You're referring to the broader scope.

Q Okay. The broader scope, that's right.

A Yeah, the broader scope. So, yes, so there was a statement out of the Department --

Q That was out of Washington, though, right?

A It was, yeah. But oftentimes, it's the Embassy that will basically identify that as an issue and look for Washington to back us up by releasing a statement themselves. Yeah.

Q Okay. But Lutsenko was never engaged directly by the Embassy?

A Not in the context of this set of events, as far as I know. He was -- we met him previously on other issues until a certain point when it seemed like meeting him wasn't getting us very far. All he wanted to do was to get -- raise his profile in the United States.

Q Okay. And then just a question about the reading that you've been doing about this investigation.

You've read news accounts?

A Uh-huh.

Q And --

MR. SWALWELL: Is that a yes or no?

MR. HOLMES: I'm sorry. Yes.

BY MR. CASTOR:

Q And you said you've read some of the opening statements or all of the opening statements that have been released?

A So in their entirety, I believe I've only read Ambassador Yovanovitch, Ambassador Taylor's deposition opening statements and then news reports of the proceedings. I know that the testimony has been released, hundreds and hundreds of pages. I've read news reports of those things. But I have not gone to the original sources.

Q So you haven't read complete transcripts?

A No, sir.

Q Just news accounts?

A Correct.

Q And then a couple of the opening statements?

A Correct.

MR. CASTOR: Okay. I'm done.

MR. SWALWELL: We're going to keep going if you're okay with that, just so we can get all of us out of here. I don't think we have too much more.

So one of your colleagues, Catherine Croft -- do you know who she is?

MR. HOLMES: Yes, sir.

MR. SWALWELL: As it relates to when the Ukrainians found out about the security assistance being held up, she said she was impressed with their tradecraft as far as finding things out.

Is that how you would judge the Ukrainians as far as finding out what's going on in the U.S. as it relates to them outside what you're telling them?

MR. HOLMES: Mindful this is an unclassified discussion, we're not going to discuss in detail their tradecraft. But as a general matter, I'd say some things -- sometimes I'm surprised what they know and other times I'm surprised what they don't know.

MR. SWALWELL: Mr. Zeldin earlier suggested you might be here to build a case to support an impeachment inquiry. Is that how you view your testimony today?

MR. HOLMES: No, not at all. I think it's my duty to be here, based on what I know and the significance it seemed to have acquired.

MR. SWALWELL: You didn't go to the press about what you knew?

MR. HOLMES: In my Foreign Service career, I have never gone to the press about anything.

MR. SWALWELL: And despite seeing that administration officials like Mick Mulvaney, John Bolton, Rick Perry have refused to honor the request to participate in this investigation, you have decided to fly from Ukraine here to answer our questions?

MR. HOLMES: I'm aware that there are a number of people who are closer to these events on a more regular basis than I am. I've reported out what I was involved with.

MR. SWALWELL: Are you a Never Trumper?

MR. HOLMES: No.

MR. SWALWELL: You mentioned that you heard Ambassador Sondland say to President Trump, Zelensky will do, quote, anything you ask, end quote. Did you interpret that to mean that President Trump has leverage over President Zelensky?

MR. HOLMES: I don't know if I interpret that statement to mean he has leverage over him. I think I interpret that statement to mean that President Zelensky was open to doing what he felt he needed to get what he wanted.

MR. SWALWELL: And as an experienced diplomat, certainly educated in what's going on in Ukraine, Zelensky needed what President Trump had to offer in the way of a White House meeting and security assistance. Is that right?

MR. HOLMES: Yes, sir.

MR. SWALWELL: You also mentioned that on the July 26th meeting with President Zelensky, President Zelensky referenced that there were sensitive issues that President Trump brought up three different times. Do you recall that?

MR. HOLMES: Correct.

MR. SWALWELL: And President Zelensky did not address those sensitive issues with you. Is that right?

MR. HOLMES: Correct. He said, I would need to take them up in person with the President.

MR. SWALWELL: And did you take that to mean that he had business

to do with the President of the United States, but no one in that room was going to be involved in what that business was?

MR. HOLMES: Yes. And I would also say that in preparation for my testimony, I was struck, in retrospect, at the extent to which the Ukrainians we met with on a regular basis seemed to not raise those issues with the Embassy personnel and they confined that to a different track in which Mr. Yermak was very prominent.

MR. SWALWELL: And as other witnesses in this investigation have publicly described either a two-track system with Ukraine or a regular channel and an irregular channel, as Ambassador Taylor described, is that what you perceived by President Zelensky's statement?

MR. HOLMES: Yes.

MR. SWALWELL: And discussing those, quote, sensitive issues with President Trump, quote, in person, would that be in the regular channel or the irregular channel?

MR. HOLMES: I guess I would say President Zelensky would be where those channels would come together, and Mr. Yermak would have been one of his most close -- closest, trusted emissaries.

MR. SWALWELL: And he is -- and Mr. Yermak had a one-on-one meeting immediately following that meeting with Mr. Sondland. Is that right?

MR. HOLMES: Correct.

MR. SWALWELL: You said that multiple times President Zelensky was told by you and others to, quote, stay out of U.S. politics. Is that right?

MR. HOLMES: Correct.

MR. SWALWELL: Now, the President's lawyer, Rudy Giuliani, said in May of this year that he was going to Ukraine or he sought to go to Ukraine not to meddle in an election but to meddle in an investigation. Do you remember that quote?

MR. HOLMES: I do recall that quote, yes.

MR. SWALWELL: And that is the opposite of staying out of U.S. politics. Would you agree?

MR. HOLMES: Is that Giuliani coming to Ukraine --

MR. SWALWELL: Yeah --

MR. HOLMES: -- to involve himself in -- to promote Ukraine's investigation? So --

MR. SWALWELL: And let me, I guess, let me back up. If Mr. Giuliani is successful as President Trump's lawyer to meddle in investigations with Ukrainians, that would be the opposite of staying out of U.S. elections. Would you agree with that?

MR. HOLMES: I guess I would say that Giuliani was sort of meddling in Ukrainian affairs by asking them to open an investigation that would -- could be perceived as meddling in U.S. politics.

MR. SWALWELL: And that would -- and you're telling them to stay out of U.S. politics, correct?

MR. HOLMES: Correct.

MR. SWALWELL: And what Mr. Giuliani was saying was contra to what you were advising them?

MR. HOLMES: We regarded the Ukrainians -- we understood the

significance of opening a new investigation of the Bidens and/or Burisma as being motivated primarily by a domestic U.S. political concern, because we were not aware of another reason, new facts or other reasons to initiate a new investigation.

MR. SWALWELL: Now, after you heard that call between President Trump and Ambassador Sondland where President Trump invokes the investigations, did you ever again advise President Zelensky to stay out of U.S. politics?

MR. HOLMES: I distinctly recall advising Yermak to stay out of U.S. politics, and it was a consistent theme of our messaging. I'm not sure if I can recall another time when we specifically said to President Zelensky the same message.

But what I will say is he understood that message, because he would repeat -- not repeat it back to us, but he would say things like, I've got enough problems with Russia meddling in my elections, why would I want to go meddle in someone else's election? I mean, he had internalized the point.

MR. SWALWELL: So you agree that the President of the United States sets the foreign policy for the United States?

MR. HOLMES: Yes, sir.

MR. SWALWELL: You heard the President of the United States on July 26th tell the Ambassador to the European Union that his priority was investigations as it related to the Ukrainians, essentially. Is that right?

MR. HOLMES: Yes, sir.

MR. SWALWELL: And after that phone call, you're telling the President of Ukraine's emissary in Yermak something that is counter to what the President of the United States is saying. Is that right?

MR. HOLMES: Sir, we never --

MR. SWALWELL: Let me back up. Let me back up.

MR. HOLMES: Okay.

MR. SWALWELL: Did you tell him that -- did you tell Mr. Yermak to stay out of U.S. politics despite what the President of the United States said on July 26th because you believed it was wrong and unlawful for a President to ask what he was asking of the Ukrainians, meaning do you have to -- are you obliged to follow an unlawful order?

MR. HOLMES: To our knowledge, the President never communicated that opening an investigation was a policy priority that should be pursued by any element of the United States Government.

MR. SWALWELL: You didn't learn that until September 25?

MR. HOLMES: That's correct. To my knowledge, he did not, through the interagency process or in some formal way, issue instructions for agencies of the United States Government and embassies overseas to go deliver a message to that government to open an investigation. That would have been what I would regard as the normal process.

The fact that he raised it in a phone call made us wonder, you know, are we supposed to be promoting that, because we've never heard that. We never heard a rationale for that. We never heard it explained to us. We've never been tasked with it.

MR. SWALWELL: If you were asked by the President of the United States to be a part of an investigative scheme with the Ukrainians for the President's political opponent in the -- inside the United States, would you have participated in that?

MR. HOLMES: We -- so it's a hypothetical, but I can answer for myself. I would have raised concerns --

MR. SWALWELL: Why?

MR. HOLMES: -- through the chain of command for two reasons. One, because, as a general matter, you know, Ukrainians and other countries have been accused of meddling in U.S. domestic politics. That was a problem. That was -- people considered that to be a problem. And so for them to do that or to walk into that would have been a problem for Ukraine.

So that's something we would have to consider, I think. And a part of our job would be to say, are we sure we want to do this? Let's consider this. Let's look at the implications of encouraging them to do that. So that, I think -- that's the main reason.

But also, I would have just had concerns. It doesn't sound like that's something that is an appropriate thing to ask a country to do, to take actions that could be regarded as meddling in our politics. It at least would have been important to have a conversation about this and to understand the instructions better, to understand how -- that they were appropriate.

MR. SWALWELL: Are you aware of the Hatch Act?

MR. HOLMES: I am.

MR. SWALWELL: And the Hatch Act prevents you from using your official capacity to advance any Federal officeholder's political interest. Is that correct?

MR. HOLMES: In general, that's my understanding, yes. I'm not an expert on the Hatch Act.

MR. SWALWELL: Mr. Noble.

BY MR. NOBLE:

Q So I'll try to keep this brief, and we'll just do a lightning round.

First of all, when you were on vacation and you told your friends about the lunch you had with Ambassador Sondland, you didn't disclose the contents of the communication --

A No.

Q -- between President Trump and Ambassador Sondland, did you?

A No.

Q And going back to January 2019, the meeting between Rudy Giuliani and Yuriy Lutsenko, did you ever hear rumors or learn any information to suggest that President Trump may have participated via telephone on that -- during that meeting?

A I had not heard that.

Q So now, I want to go through some of the things you said in your statement, just ask you a few questions. So if you turn to page 7, when Ambassador Bolton came to Kyiv at the end of August, he expressed, you said, frustration about Mr. Giuliani's influence with the President, making clear there was nothing he could do about it.

Can you expand on that? What did Ambassador Bolton say about Rudy Giuliani's influence on the President?

A Almost exactly what I said there and not a lot more than that, except for the other things I reported related to that.

Q Was there a discussion about whether there was anything that you all in the official regular foreign policymaking channel could do

to stop what Rudy Giuliani was doing? Is that why Ambassador Bolton said that he didn't think there was anything he could do?

A I understood this to mean that Rudy Giuliani had input with the President on these issues and, for whatever reason, people like Bolton were not -- did not assess they could change that dynamic. He did give advice to us to send a first-person report.

Q That's the cable?

A Yes. As I testified, as sort of the best we could do.

Q And it sounds like Ambassador Bolton was also frustrated about Ambassador Sondland's role in Ukraine. Did he give any more specifics about what was frustrating?

A I've almost reported that specifically as here. This was a conversation while we're waiting. Between meetings in a hold room we're waiting for another meeting, and so, it was not an extensive discussion.

Q Did he mention anything about a drug deal that Sondland and Mulvaney had been cooking up?

A I'm aware he's allegedly used that phrase in another context, but not in that -- not in this particular meeting.

Q Then if you turn to page 8, when the Senators, Johnson and Murphy, came to Kyiv on September 5th, Senator Johnson, you said, explained that he was shocked by President Trump's negative reaction during the Oval Office meeting on May 23rd. Is "shocked" the word that the Senator actually used, Senator Johnson used?

A Yes.

Q Okay. And did he explain what -- why he found President Trump's reaction to what the delegation was telling him about Ukraine, why he found that shocking?

A He didn't specify, but the context of that remark was Senator Johnson communicating to President Zelensky that he had -- that the President had negative views about Ukraine, and that it would be difficult for him to change those views. He used the shocked allusion as a justification for why he felt that way.

Q And so at this point, September 5th, it was public that the U.S., or President Trump, had placed a hold on the security assistance. Was there any discussion during that meeting with the Senators about what the Ukrainians could do or had to do to get the hold lifted?

A No. Zelensky opened by asking about it, and they were trying to give reassurance that -- they hoped the President would lift it. They weren't sure why it was imposed. But they stressed that because of the bipartisan support for Ukraine in the Congress, you know, they hoped that in the long run, that this hold wouldn't affect the level of support.

Q Was there any discussion about Zelensky's consideration of going onto CNN to make the announcement? Do you know whether the Senators were aware of that?

A I don't recall that coming up in that meeting.

Q That didn't come up in that meeting?

A I don't recall.

Q So in the next paragraph, Ambassador Taylor you said, did

tell me on September 8th, quote, "Now they're insisting Zelensky commit to the investigation in an interview with CNN," end quote. Who's the "they're" that was insisting that Zelensky do that?

A I think the people he was talking to about that issue were the Three Amigos. I don't know if he was referring to one in particular, what engagement he had where he drew that -- from which he drew that conclusion, but that's the domain of people who he was communicating with about those issues.

Q And you said that you were surprised the requirement was so specific and concrete.

A Yeah.

Q Can you explain why you were surprised by that?

A At this stage, when this issue was discussed, I was -- I personally was recommending that we -- the Ukrainians were struggling with what to do with their increasing assumption that they needed to do something in the investigations.

In those conversations, we essentially say to them, you know, Why don't you say something like we're going to appoint a new prosecutor general, and he'll investigate any credible allegations, and if you have any new information please share with us and we will follow the rule of law. We would find a way to get them to give assurances they were willing to move forward with anything within the scope of the rule of law and express openness to doing that.

And so, I mean, my assumption is, again, in normal government channels, you have mechanisms to share evidence between the governments

and whatnot, and so that one can follow up on these things. So I'm not expert on how that works, but MLAT processes and things like that. So normal channels, right, and they're open to new evidence or whatnot, and they would follow that evidence to wherever it would lead.

So that was my advice. And so that when I heard this, the advice that I was giving was nowhere near -- I realized nowhere near meeting -- hitting the mark on what, at that point, the Ukrainians understood was required of them.

Q And what the Ukrainians understood was required of them is that President Zelensky was going to have to go onto CNN and announce the specific investigations that President Trump and Rudy Giuliani wanted?

A That President Zelensky personally was going to announce on CNN the specific investigations. All those things are very concrete and specific, and that level of concreteness and specificity was far more detailed than I was aware we were involved with.

Q And I believe you testified earlier that that -- the Ukrainians believed they had to do that in order to get the freeze on the security assistance lifted and to get the White House meeting?

A Yes.

Q Both of those things?

A Yes.

Q And then later on, you go on to say that, even after the security assistance, or the hold was lifted, we were still concerned that President Zelensky may have committed to give the interview at

the YES Conference. The "we" in that statement, is that you and Ambassador Taylor?

A Yes.

Q Okay. Anyone else that you had that concern with?

A Yes. So those of us in the Embassy who were aware of this set of issues and were focused on it collectively developed that concern that there may have been a Ukrainian commitment to do that that may have contributed to the lifting of the hold. We were not yet confident that we were, you know, out of the woods on the possibility of that -- of them doing that interview.

Q So you thought the hold may have been lifted because the Ukrainians had committed to having Zelensky go on CNN?

A We were worried that was possible and, as I've testified, there was some evidence to that effect.

Q Well, and then some of the evidence is that you -- it looks like you received a text message --

A Yes.

Q -- from a colleague at the U.S. Embassy to the EU. Is that right?

A So this gets a little bit confusing. My deputy, [REDACTED] received --

MR. SWALWELL: Can you spell that?

MR. GOLDMAN: He spelled it earlier.

MR. HOLMES: [REDACTED]. I can spell it better this time, though. [REDACTED].

So she received, I believe it was a phone call from a colleague at USEU, and she text -- [REDACTED] texted a summary of that phone call to me.

BY MR. NOBLE:

Q And during that phone call, it was relayed to [REDACTED] that, what you said here, Sondland said the Zelensky interview was supposed to be today, which would have been the 13th of September or Monday, the 16th of September?

A Correct.

Q And they plan to announce that a certain investigation that was on hold will progress.

A Yes.

Q So did that set off alarm bells for you?

A It validated our concern that we weren't out of the woods yet on the possibility of an interview.

Q And did you have an understanding of what that certain investigation that had been on hold would progress, what that meant?

A My assumption is it was the same investigation that we've been talking about for months, the Burisma and Biden investigation.

Q So that same day that you received the text message relaying the phone call, you and Ambassador Taylor met with President Zelensky. Is that right? On the last paragraph there?

A I believe so. Yes, yes.

Q Met in his private office, and you took notes?

A Yes, that is correct.

Q Did you turn those notes over to the State Department?

A Yes, except that I wasn't taking notes when we ran into Yermak on the way out. Yeah.

Q Okay. But the notes of the Zelensky meeting you turned over?

A Yes. This was not a topic of conversation at that meeting.

Q You didn't bring up the investigations with Zelensky?

A No. Yeah. The meeting opened with Ambassador Taylor sharing with them, although they already knew that the hold was lifted.

Q Okay.

A And then we said, Great, now you get the security assistance, it's important we move on. And then we moved on to the other topics on our agenda.

Q Okay. But then on the way out you guys ran into Mr. Yermak?

A Correct.

Q Ambassador Taylor again stressed the importance of staying out of U.S. politics, and said he hoped no interview was planned. And then Mr. Yermak reacted by shrugging in resignation, and he did not answer, and you say it was to indicate they had no choice.

Can you just explain a little bit that interaction with Mr. Yermak, the shrugging, and why you interpreted that as resignation?

A That may be the best I can put it into words aside from demonstrating what it looked like. But we were coming out of the meeting. Yermak was going into the President's private office. We stopped and talked to him. And, look, a lot had happened in the last day or two, the lifting of the hold and then we had this YES Conference

coming up. There's a lot going on. A meeting with the President is a big deal. So a lot was going on.

And, so, we came out and Ambassador Taylor said something to the effect of, Andrey, I hope you're still not thinking about doing this interview. You've got to stay out of American politics. It will not help you. Pretty pointed. And Yermak [nonverbal response] you know, shrugged kind of with resig -- I took him to be saying, what choice do we have?

Again, I wouldn't draw too much from that, except that we were also hearing these other data points that would suggest that just because the hold was lifted didn't mean necessarily they weren't -- they hadn't committed to doing the interview.

And can I just add, the 12th to the 14th the YES Conference with Fareed Zakaria in Kyiv happening. I mean, it just seemed too coincidental not to be a serious concern.

Q Jumping to later in that -- in September, on page 9, you referenced not having seen a readout of the September 25th meeting between President Trump and President Zelensky at the U.N. General Assembly. Did you write that because that's abnormal, or why did you note that you still haven't seen a readout?

A It is abnormal for me -- for us to receive no significant readout. Sometimes we'll just get a line or two. That's rare. Usually we'll get something more formal if not a full readout, but to receive nothing is unusual.

And I also mention it because that same day, the July 25th

transcript was released. And I worried at the time and I told my staff, like, let's remember there was a separate meeting today. Let's not assume that things that were in the July 25th transcript happened on September 25th. And I'm not sure -- I expressed concern I'm not sure people would focus on the fact that it may have been a totally different meeting on the 25th. I just don't know.

And I have never myself, to my knowledge, received a readout that completed that for me, my understanding of what happened on the 25th.

Q And by "what happened," you mean what happened when President Trump met President Zelensky at the U.N. General Assembly?

A Yes.

Q I mean, obviously, you saw there's the public version of what happened, which is -- you know, was televised live. But there was a private meeting either before or after. Is that your understanding?

A It's my understanding, yes.

Q Okay. And you don't know what happened in the private meeting?

A I don't know. I don't know.

Can I clarify? Can I clarify the last point? It's possible a readout of the private thing came out, but the waters were so muddy. There was this public portion that was on camera, and it went on far longer than I anticipated it would. I had a general sense what happened there, but I was waiting for another readout for the private portion. I don't know if the private portion happened or not. I just was never able to complete the story of what transpired on September 25th.

Q Did you ever discuss what happened with any Ukrainian officials?

A What happened in what?

Q At that meeting between Trump and Zelensky at UNGA?

A No, not to my recollection.

Q Were you surprised or concerned to learn that President Trump still had not committed to an Oval Office meeting for President Zelensky at that time?

A By that time -- this is now months after President Zelensky was elected -- I think we assumed that was the best we're going to get.

Q The UNGA meeting?

A Yes. They had a meeting. And the reason I say it that way is because far earlier in this process when the letter was sent offering the meeting but without a date specified, on May 20th, the inaugural delegation discussed when to have a meeting. And I believe one of the people -- maybe it was Kurt Volker -- recommended that they don't look to UNGA as the opportunity to have -- the General Assembly as the opportunity to have the meeting, because it could get watered down by other bilats between the President and other world leaders. And so, ideally, it would be the Oval Office meeting, which is a different kind of thing.

So much earlier, we were suggesting there was something better than a meeting at UNGA. By the time -- after going through all this and the UNGA meeting took place, I think we concluded that for at that stage, that was probably the best we could get.

Q But still today, a meeting between President Trump and President Zelensky in the Oval Office would send a strong message of support to Ukraine, despite what's happened, and a strong message to Russia that the U.S. is still supporting Ukraine. Wouldn't you agree?

A If it was a good meeting. If the message out of the meeting was full support for Ukraine, then yes, it would be extremely important.

Q Well, and earlier Mr. Zeldin asked you some questions about whether you thought the investigation that the committees are conducting was harmful to U.S.-Ukrainian relations, but isn't it true that 2 days after the committees launched the investigation on September 9th, it was on September 11th that President Trump finally lifted the hold on the security assistance and, arguably, lifting the hold on the security assistance benefited the relationship between the U.S. and Ukraine. Wouldn't you say that?

A That is true.

Q And wouldn't you agree that investigating this irregular channel of diplomacy that was pushing the President's political agenda through people like Rudy Giuliani and others, including the Three Amigos, shedding light on that and revealing this back channel that was occurring and putting pressure on the Ukrainian Government is beneficial to U.S.-Ukraine relations?

A I'm just not prepared to say whether the Ukrainian people have come to a conclusion about, on balance, what this process means to them. I just don't know.

Q Fair enough. A couple of other just quick questions, things

I noted in your statement.

You said President Poroshenko actually put out a statement of support for Ambassador Yovanovitch, I believe, on March 22nd. Is that right?

A Yes.

Q Okay. So the President of Ukraine put out a statement in support of the U.S. Ambassador, but the State Department would not put out a statement of support for the U.S. Ambassador after all these rumors started coming out?

A That's my understanding, yes.

Q And you also said that in your statement Ukrainians, based on public polling, did not believe the lies that Lutsenko was pedaling.

A Yeah.

Q Was there public polling on this in Ukraine?

A Yeah. There was a ZIK TV poll. I believe it was on March 25th. And I'm estimating here, but it was asked, who do you believe, Lutsenko or Yovanovitch? And my recollection is that something like 88 percent believed Yovanovitch, and something like 5 percent believed Lutsenko, with the balance unsure.

Q And just final questions, because I have to ask. Who was the rapper that Ambassador Sondland and President Trump were talking about during the July 26 call?

A I understand that to be A\$AP Rocky --

Q And Ambassador Sondland --

A -- with a dollar sign.

Q -- further told the President that Sweden, quote, "should have released him on your word," end quote, but that, quote, "you can tell the Kardashians you tried." Do you understand why he was saying you can tell the Kardashians you tried? So what's that about?

A I didn't follow this issue closely. It's my understanding that a number of U.S. celebrities were advocating for the government to help him in his legal issues in Sweden. But I didn't follow this closely.

Q Is that an outlandish request? You don't have to answer that.

A Thank you.

MR. NOBLE: Okay. That's --

MR. CASTOR: End of the lightning round?

MR. NOBLE: Sorry.

MR. SWALWELL: Mr. Holmes, thank you for coming in.

MR. JORDAN: Hang on one second.

MR. SWALWELL: Mr. Jordan.

MR. JORDAN: Is the description Three Amigos, is that a widely used term around the Embassy in Kyiv?

MR. HOLMES: I've heard it used a lot by them and by -- by those three individuals as well as by people in the Embassy, yes.

MR. JORDAN: So people in the Embassy use that term?

MR. HOLMES: I think people in the Embassy would understand what was meant by that term, and people who interacted with them and knew that they were comfortable with the use of that term might use that

term.

MR. JORDAN: Just to be clear, is it a positive connotation around the term or is it a negative connotation with the folks in the Embassy?

MR. HOLMES: I think it was -- it's indicative of the fresh approach to some of these issues that people like Gordon Sondland brought who are -- he's kind of a theatrical guy, and so he like branded them. And we thought, oh, that's kind of interesting.

MR. JORDAN: So it's not negative?

MR. HOLMES: No. It's not negative, no.

MR. JORDAN: Okay.

MR. HOLMES: It is interesting. You don't often hear diplomats, you know, doing that, describing themselves in that way or something, but it's interesting. Yeah.

MR. JORDAN: Okay. And what did Senator Murphy say in the meeting?

MR. HOLMES: In which meeting, sir?

MR. JORDAN: The meeting you had with Senator Johnson and Senator Murphy. You relate Senator Johnson, some of the things he stated in the meeting. What did Murphy say?

MR. HOLMES: Yeah. So he was part of that general conversation about bipartisan support and hoped that, you know, whatever happened on the current security assistance hold that in the long run, that hopefully that support would make sure that there was adequate support for the Ukrainians. That was kind of the tone of the conversation. He was part of that conversation.

MR. JORDAN: Did he bring up any people, any names, anything specific you can remember about Senator Murphy's --

MR. HOLMES: I recall at the time that -- I mean, I do have my notes. I can refer back to them. I don't recall any other details. I recall that the press conference he gave immediately after the meeting was very close to what he said in the meeting. I don't know what you mean by individual people. I don't recall anything like that.

MR. JORDAN: Did he reference the Three Amigos? Did he reference any people, any Ukrainian officials?

MR. HOLMES: I'm sorry, sir. I don't recall any specific references, but it's possible that -- yeah.

MR. JORDAN: Thank you, Mr. Holmes.

MR. HOLMES: Sure.

MR. SWALWELL: Okay, we're going to adjourn.

Mr. Holmes, thank you for accommodating this request. Thank you for flying from Ukraine here. And thank you to counsel.

So we'll adjourn.

[Whereupon, at 9:41 p.m., the deposition was concluded.]

STATEMENT OF
DAVID A. HOLMES
U.S. EMBASSY KYIV, DEPARTMENT OF STATE
BEFORE THE
HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
COMMITTEE ON FOREIGN AFFAIRS, AND
COMMITTEE ON OVERSIGHT & REFORM
CONCERNING
THE IMPEACHMENT INQUIRY
PRESENTED ON
NOVEMBER 15, 2019

I. Introduction

My name is David Holmes, and I am a career Foreign Service Officer with the Department of State. Since August 2017, I have been the Political Counselor at the U.S. Embassy in Kyiv, Ukraine. While it is an honor to appear before you, I want to make clear that I did not seek this opportunity to testify today. You have determined that I may have something of value to these proceedings, and it is therefore my obligation to appear and tell you what I know. Indeed, Secretary Pompeo stated last week, "I hope everyone who testifies will go do so truthfully, accurately. When they do, the oversight role will have been performed, and I think America will come to see what took place here." That is my goal today: to testify truthfully and accurately to enable you to perform that role. And to that end, I have hurriedly put together this statement over the past couple days to describe as best I can my recollection of events that may be relevant to this matter.

II. Background

I have spent my entire professional life serving my country as a Foreign Service Officer. Prior to my current post in Kyiv, Ukraine, I served at the Embassy in Moscow, Russia as Deputy and Internal Unit Chief in the Political Section, and before that as Senior Energy Officer in the Economics Section. In Washington, I served on the National Security Council staff as Director for Afghanistan and as Special Assistant to the Under Secretary of State. My prior overseas assignments include New Delhi, India; Kabul, Afghanistan; Bogotá, Colombia; and Pristina, Kosovo. I am a graduate of Pomona College in Claremont, California, and received graduate degrees in international affairs from the University of St. Andrews (Scotland) and Princeton University's Woodrow Wilson School of Public and International Affairs.

As the Political Counselor at the U.S. Embassy in Kyiv, I lead the Political Section covering Ukraine's domestic politics, foreign policy, and conflict diplomacy, and serve as the senior policy and political adviser to the Ambassador. The job of an embassy political counselor is to gather information about the host country's internal politics, foreign relations, and security policies, report back to Washington, represent U.S. policies to foreign contacts, and advise the Ambassador on policy development and implementation.

In this role, I am a senior member of the Embassy's Country Team and continually involved in addressing issues as they arise. I am also often called upon to take notes in meetings involving the Ambassador or visiting senior U.S. officials with Ukrainian counterparts, particularly within the Ukrainian Presidential Administration. For this reason, I have been present in many meetings with President Zelenskyy and his administration, some of which may be germane to this inquiry. Other issues that may be relevant to this inquiry, including energy and the justice sector, did not fall under my specific portfolio and I was not the expert, but I followed those issues inasmuch as they had a political component.

While I am the Political Counselor at the Embassy, it is important to note that I am not a political appointee or engaged in U.S. politics in any way. It is not my job to cover or advise on U.S. politics. On the contrary, I am an apolitical foreign policy professional and my job is to focus on the politics of the country in which I serve so that we can better understand the local landscape and better advance U.S. national interests there. I joined the Foreign Service through an apolitical, merit-based process under the George W. Bush administration and I have proudly served administrations of both parties and worked for their appointees, both political and career.

III. Service in Ukraine Prior to Zelenskyy's Inauguration

I arrived in Kyiv to take up my assignment as Political Counselor in August 2017, a year after Ambassador Yovanovitch received her appointment. From August 2017 until her removal from Post in May 2019, I was Ambassador Yovanovitch's chief policy advisor and developed a deep respect for her dedication, determination, and professionalism. During this time we worked together closely, speaking multiple times per day, and I accompanied Ambassador Yovanovitch to many of her meetings with senior Ukrainian counterparts. I was also the note-taker for senior U.S. visitors with President Poroshenko, whom I met at least a dozen times.

Our work in Ukraine focused on three pillars addressing peace and security, economic growth and reform, and anti-corruption and rule of law. These pillars match the three consistent priorities of the Ukrainian people since 2014 as measured in public opinion polling, namely, an end to the conflict with Russia that restores national unity and territorial integrity, responsible economic policies that deliver European standards of growth and opportunity, and effective and impartial rule of law institutions that deliver justice in cases of high-level official corruption. Our efforts on this third pillar merit special mention because it was during Ambassador Yovanovitch's tenure that we achieved the hard-fought passage of a law establishing an independent anti-corruption court to try corruption cases brought by the National Anti-corruption Bureau (NABU), another independent institution established with U.S. support. These efforts strained Ambassador Yovanovitch's relationship with President Poroshenko and some of his allies, including Prosecutor General Yuriy Lutsenko, who resisted fully empowering truly independent anti-corruption institutions that would help ensure that no Ukrainians, however powerful, were above the law. However, the Ambassador and the Embassy kept pushing anti-corruption and the other pillars of our policy toward Ukraine.

Beginning in March 2019, the situation at the Embassy and in Ukraine changed dramatically. Specifically, our diplomatic policy that had been focused on supporting Ukrainian democratic reform and resistance to Russian aggression became overshadowed by a political agenda being promoted by Rudy Giuliani and a cadre of officials operating with a direct channel to the White House.

That change began with the emergence of press reports critical of Ambassador Yovanovitch and machinations by Mr. Lutsenko and others to discredit her. In mid-March 2019, an Embassy colleague learned from a Ukrainian contact that Mr. Lutsenko had complained that Ambassador Yovanovitch had "destroyed him" with her refusal to support him until he followed through with his reform commitments and ceased using his position for personal gain. In retaliation, Mr. Lutsenko made a series of unsupported allegations against Ambassador Yovanovitch, mostly suggesting that Ambassador Yovanovitch improperly used the Embassy to

advance the Democrats' political interests. Mr. Lutsenko claimed that the Embassy had ordered NABU to investigate the former head of Ukraine's tax service solely because the former head was the main Ukrainian contact of the Republican Party and of President Trump personally. Mr. Lutsenko also claimed that the Embassy had pressured former Prosecutor General Shokin to engineer the closing of the case against former Minister of Ecology Zlochevsky because of the connection between his company Burisma and former Vice President Biden's son. Mr. Lutsenko said that after Ambassador Yovanovitch's posting in Kyiv, she would face "serious problems" in the United States.

Embassy colleagues also heard from a reporter that Mr. Lutsenko had made additional unsupported claims against Ambassador Yovanovitch, including that she had allegedly given him a "do not prosecute list" containing the names of her supposed allies, an allegation that the State Department called an "outright fabrication," and that Mr. Lutsenko later retracted. Mr. Lutsenko also alleged he never received \$4.4 million in U.S. funds intended for his office. Finally, he alleged that there was a tape of the current head of NABU saying he was trying to help Hillary Clinton win the 2016 election. Public opinion polls in Ukraine indicated that Ukrainians generally did not believe Mr. Lutsenko's allegations, and on March 22, President Poroshenko issued a statement in support of Ambassador Yovanovitch.

Around this same time, the Ukrainian presidential election was approaching, and Volodymyr Zelenskyy was surging in the polls, ahead of Mr. Lutsenko's political ally, President Poroshenko. On April 20, I was present for Ambassador Yovanovitch's third and final meeting with then-candidate Mr. Zelenskyy ahead of his landslide victory in the runoff election the next day. As in her two prior meetings that I also attended, they had an entirely cordial, pleasant conversation and signaled their mutual desire to work together.

On April 26, Ambassador Yovanovitch departed for consultations in Washington, DC, where she learned she would be recalled. I did not know the details of her conversations in Washington until I read her deposition statement, but it was clear at the time that she was being removed early. The barrage of allegations directed at Ambassador Yovanovitch, a career ambassador, which included aggressive reporting against her in the U.S. media, is unlike anything I have seen in my professional career.

IV. Zelenskyy's Inauguration, Rudy Giuliani, and the "Three Amigos"

Following President-elect Zelenskyy's victory, our attention in the Embassy focused on getting to know the incoming Zelenskyy administration and coordinating with Washington on preparations for the inauguration scheduled for May 20, the same day Ambassador Yovanovitch departed Post permanently. In early May, shortly after Mr. Giuliani cancelled a visit to Ukraine alleging Mr. Zelenskyy was "surrounded by enemies of the [U.S. President]," we learned that Vice President Pence no longer planned to lead the Presidential Delegation to the inauguration. The White House ultimately whittled back an initial proposed list for the official Presidential Delegation to the inauguration from over a dozen individuals to just five: Secretary Perry as its head, Ambassador to the European Union Gordon Sondland, Special Representative for Ukraine Negotiations Kurt Volker representing the State Department, National Security Council Director Alex Vindman representing the White House, and temporary acting Charge d'Affaires Joseph Pennington representing the Embassy. While Ambassador Sondland's mandate as Ambassador to the European Union did not cover individual member states, let alone non-member countries like Ukraine, he made clear that he had direct and frequent access to President Trump and Chief of Staff Mick Mulvaney, and portrayed himself as the conduit to the President and Mr. Mulvaney for the group. Secretary Perry, Ambassador Sondland, and Ambassador Volker later styled themselves the "Three Amigos," and made clear they would take the lead on coordinating our policy and engagement with the Zelenskyy Administration.

Around the same time, I became aware that Mr. Giuliani, a private lawyer, was taking a direct role in Ukrainian diplomacy. On April 25, Ivan Bakanov, who was Mr. Zelenskyy's childhood friend, campaign chair,

and ultimately appointed head of the Security Services of Ukraine, indicated to me privately he had been contacted by “someone named Giuliani who said he was an advisor to the Vice President.” I reported Mr. Bakanov’s message to Deputy Assistant Secretary of State George Kent. Over the following months, it became apparent that Mr. Giuliani was having a direct influence on the foreign policy agenda that the Three Amigos were executing on the ground in Ukraine. In fact, at one point during a preliminary meeting of the inauguration Delegation, someone wondered aloud about why Mr. Giuliani was so active in the media with respect to Ukraine. My recollection is that Ambassador Sondland stated, “Dammit Rudy. Every time Rudy gets involved he goes and f---s everything up.”

The inauguration took place on May 20, and I took notes in the delegation’s meeting with President Zelenskyy. During the meeting, Secretary Perry passed President Zelenskyy a list of “people he trusts” from whom Zelenskyy could seek advice on energy sector reform, which was the topic of subsequent meetings between Secretary Perry and key Ukrainian energy-sector contacts, from which Embassy personnel were excluded by Secretary Perry’s staff.

On May 23, Ambassador Volker, Ambassador Sondland, Secretary Perry, and Senator Ron Johnson (who had also attended the inauguration, though not in the official delegation) returned to the United States and briefed President Trump. On May 29, President Trump signed a congratulatory letter to President Zelenskyy, which included an invitation to visit the White House at an unspecified date.

It is important to understand that a White House visit was critical to President Zelenskyy. He needed to demonstrate U.S. support at the highest levels both to advance his ambitious anti-corruption agenda at home, and to encourage Russian President Putin to take seriously President Zelenskyy’s peace efforts. President Zelenskyy’s team immediately began pressing to set a date for the visit. President Zelenskyy and senior members of his team made clear they wanted President Zelenskyy’s first overseas trip to be to Washington to send a strong signal of Western support, and requested a call with President Trump as soon as possible. We at the Embassy also believed that a meeting was critical to the success of President Zelenskyy’s administration and its reform agenda, and we worked hard to get it arranged.

When President Zelenskyy’s team did not receive an affirmative reply, they made plans for President Zelenskyy’s first overseas trip to be to Brussels, in part to attend an American Independence Day event that Ambassador Sondland hosted on June 4. Ambassador Sondland hosted a dinner in President Zelenskyy’s honor following the reception, which included President Zelenskyy, Jared Kushner, Ulrich Brechbuhl, Federica Mogherini, and comedian Jay Leno, among others. In the week leading up to the event, Ambassador Sondland, Secretary Perry, and Secretary Perry’s staff were taking a very active and unconventional role in formulating our priorities for the new Zelenskyy Administration and personally reaching out to President Zelenskyy and his senior team.

V. Ambassador Taylor and an Oval Office Meeting

Ambassador Bill Taylor arrived in Kyiv as Charge d’Affaires on June 17. For the next month, a focus of our activities – along with the Three Amigos – was to coordinate a White House visit, and to that end we were working with the Ukrainians to deliver things we thought President Trump might care about, such as commercial deals benefitting the United States. Ambassador Taylor reported that Secretary Pompeo had told him prior to his arrival in Kyiv, “We need to work on turning the President around on Ukraine.” Ambassador Volker told us the next five years (i.e. President Zelenskyy’s term) could hang on what could be accomplished in the next three months.

Within a week or two, it became apparent that the energy sector reforms, commercial deals, and anti-corruption efforts on which we were making progress were not making a dent in terms of persuading the

White House to schedule a meeting between the presidents. On June 27, Ambassador Sondland told Ambassador Taylor in a phone conversation (the gist of which Ambassador Taylor shared with me at the time) that President Zelenskyy needed to make clear to President Trump that President Zelenskyy was not standing in the way of “investigations.” I understood that this was referring to the Burisma/Biden investigations that Mr. Giuliani and his associates had been speaking about in the media since March. While Ambassador Taylor did not brief me on every detail of his communications with the Three Amigos, he did tell me that on a June 28 call with President Zelenskyy, Ambassador Taylor, and the Three Amigos, it was made clear that some action on a Burisma/Biden investigation was a precondition for an Oval Office meeting. We became concerned that even if a meeting could occur it would not go well, and I discussed with Embassy colleagues whether we should stop seeking a meeting altogether.

VI. The Freezing of Security Assistance

I was present in the Embassy conference room for the National Security Council secure video conference call July 18 when an Office of Management and Budget staff member surprisingly announced the hold on Ukraine security assistance near the end of an almost two-hour meeting. The official said the order had come from the President and had been conveyed to OMB by Mr. Mulvaney with no further explanation. This began a week or so of efforts by various agencies to identify the rationale for the freeze, conduct a review of the assistance, and to reaffirm the unanimous view of the Ukraine policy community of its importance. NSC counterparts affirmed that there had been no change in our Ukraine policy, but could not determine the cause of the hold or how to lift it. While I am now aware of testimony regarding discussions between Ambassador Taylor, Ambassador Volker, and the Three Amigos on July 19-20, I was not aware of those discussions at the time.

VII. July 26 Meetings and Ambassador Sondland’s Call to the President

On July 25, President Trump made a congratulatory phone call to President Zelenskyy, after his party won a commanding majority in Ukraine’s parliamentary election. Contrary to standard procedure, the Embassy received no readout of the call, and I was unaware of what was discussed until the transcript was released September 25. Upon reading the transcript, I was deeply disappointed to see that the President raised none of what I understood to be our inter-agency agreed upon foreign policy priorities in Ukraine and instead raised the Biden/Burisma investigation and referred to the theory about CrowdStrike, which was supposedly connected to Ukraine and allegedly played a role in the 2016 election.

The next day, July 26, 2019, I attended meetings at the Presidential Administration Building in Kyiv with Ambassador Taylor, Ambassador Volker, and Ambassador Sondland and took notes during those meetings.

We first had a meeting with Andriy Bohdan, the Chief of Staff to President Zelenskyy. The meeting was brief, as Mr. Bohdan had already been summoned by President Zelenskyy to prepare for a subsequent broader meeting, but he did say that President Trump had expressed interest during the previous day’s phone call in President Zelenskyy’s personnel decisions related to the Prosecutor General’s Office.

The delegation then met with President Zelenskyy and several other senior officials. During the meeting, President Zelenskyy stated that during the July 25 call, President Trump had “three times” raised “some very sensitive issues,” and that he would have to follow up on those issues when they met “in person.” Not having received a readout of the July 25 call, I did not know what those sensitive issues were.

After the meeting with President Zelenskyy, Ambassador Volker and Ambassador Taylor quickly left the Presidential Administration Building for a trip to the front lines. Ambassador Sondland, who was to fly out that afternoon, stayed behind to have a meeting with Andriy Yermak, a top aide to President Zelenskyy.

As I was leaving the meeting with President Zelenskyy, I was told to join the meeting with Ambassador Sondland and Mr. Yermak as note-taker. I had not expected to join that meeting and was a flight of stairs behind Ambassador Sondland as he headed to meet with Mr. Yermak. When I reached Mr. Yermak's office, Ambassador Sondland had already gone in. I explained to Mr. Yermak's assistant that I was supposed to join the meeting as the Embassy's representative and strongly urged her to let me in, but she told me that that Ambassador Sondland and Mr. Yermak had insisted that the meeting be one-on-one, with no note-taker. I then waited in the anteroom until the meeting ended, along with a member of Ambassador Sondland's staff and a member of the U.S. Embassy Kyiv staff.

When the meeting ended, the two staffers and I accompanied Ambassador Sondland out of the Presidential Administration Building and to the embassy vehicle. Ambassador Sondland said that he wanted to go to lunch. I told Ambassador Sondland that I would be happy to join if he wanted to brief me on his meeting with Mr. Yermak or discuss other issues, and Ambassador Sondland said that I should join. The two staffers joined for lunch as well.

The four of us went to a nearby restaurant and sat on an outdoor terrace. I sat directly across from Ambassador Sondland and the two staffers sat off to our sides. At first, the lunch was largely social. Ambassador Sondland selected a bottle of wine that he shared among the four of us, and we discussed topics such as marketing strategies for his hotel business.

During the lunch, Ambassador Sondland said that he was going to call President Trump to give him an update. Ambassador Sondland placed a call on his mobile phone, and I heard him announce himself several times, along the lines of "Gordan Sondland holding for the President." It appeared that he was being transferred through several layers of switchboards and assistants. I then noticed Ambassador Sondland's demeanor change, and understood that he had been connected to President Trump. While Ambassador Sondland's phone was not on speakerphone, I could hear the President's voice through the earpiece of the phone. The President's voice was very loud and recognizable, and Ambassador Sondland held the phone away from his ear for a period of time, presumably because of the loud volume.

I heard Ambassador Sondland greet the President and explain that he was calling from Kyiv. I heard President Trump then clarify that Ambassador Sondland was in Ukraine. Ambassador Sondland replied, yes, he was in Ukraine, and went on to state that President Zelenskyy "loves your ass." I then heard President Trump ask, "So, he's gonna do the investigation?" Ambassador Sondland replied that "he's gonna do it," adding that President Zelenskyy will do "anything you ask him to." Even though I did not take notes of these statements, I have a clear recollection that these statements were made. I believe that my colleagues who were sitting at the table also knew that Ambassador Sondland was speaking with the President.

The conversation then shifted to Ambassador Sondland's efforts, on behalf of the President, to assist a rapper who was jailed in Sweden, and I could only hear Ambassador Sondland's side of that part of the conversation. Ambassador Sondland told the President that the rapper was "kind of f---d there," and "should have pled guilty." He recommended that the President "wait until after the sentencing or it will make it worse," adding that the President should "let him get sentenced, play the racism card, give him a ticker-tape when he comes home." Ambassador Sondland further told the President that Sweden "should have released him on your word," but that "you can tell the Kardashians you tried."

After the call ended, Ambassador Sondland remarked that the President was in a bad mood, as Ambassador Sondland stated was often the case early in the morning. I then took the opportunity to ask Ambassador Sondland for his candid impression of the President's views on Ukraine. In particular, I asked Ambassador Sondland if it was true that the President did not "give a s--t about Ukraine." Ambassador

Sondland agreed that the President did not “give a s--t about Ukraine.” I asked why not, and Ambassador Sondland stated that the President only cares about “big stuff.” I noted that there was “big stuff” going on in Ukraine, like a war with Russia, and Ambassador Sondland replied that he meant “big stuff” that benefits the President, like the “Biden investigation” that Mr. Giuliani was pushing. The conversation then moved on to other topics.

Upon returning to the Embassy, I immediately told the Deputy Chief of Mission and others at the Embassy about the call with the President and my conversation with Ambassador Sondland. I also emailed an Embassy official in Sweden regarding the issue with the U.S. rapper that was discussed on the call.

July 26 was my last day in the office ahead of a planned vacation that ended on August 6. After returning to the Embassy, I told Ambassador Taylor about the July 26 call. I also repeatedly referred to the call and conversation with Ambassador Sondland in meetings and conversations where the issue of the President’s interest in Ukraine was potentially relevant. At that time, Ambassador Sondland’s statement of the President’s lack of interest in Ukraine was of particular focus. We understood that in order to secure a meeting between President Trump and President Zelenskyy, we would have to work hard to find a way to explain Ukraine’s importance to President Trump in terms that he found compelling.

VIII. Lifting the Hold on Security Assistance

Over the ensuing weeks, we continued to try to identify ways to frame the importance of Ukraine in ways that would appeal to the President, and to try to move forward on the scheduling of a White House visit by President Zelenskyy. On July 28, while President Trump was still not moving forward with a meeting with President Zelenskyy, he met with Russian President Putin at the G20 Summit in Osaka, Japan, sending a further signal of lack of support for Ukraine.

Ukrainian Independence Day is August 24 and presented a good opportunity to show support for Ukraine. Secretary Pompeo had considered attending (National Security Advisor Bolton attended in 2018 and Defense Secretary Mattis attended in 2017), but in the end nobody senior to Ambassador Volker attended.

Shortly thereafter, on August 27, Ambassador Bolton visited Ukraine and brought welcome news that President Trump had agreed to meet President Zelenskyy on September 1 in Warsaw. I took notes in Ambassador Bolton’s meeting with President Zelenskyy and Chief of Staff Mr. Bohdan. Ambassador Bolton told Mr. Bohdan that the meeting between the presidents in Warsaw would be “crucial to cementing their relationship.”

Between meetings that day, I heard Ambassador Bolton express to Ambassador Taylor and National Security Council Senior Director Tim Morrison his frustration about Mr. Giuliani’s influence with the President, making clear there was nothing he could do about it. He recommended that new Prosecutor General Ruslan Ryaboshapka, who would replace Mr. Lutsenko, open a channel with Attorney General Barr in place of Mr. Yermak’s channel with Mr. Giuliani. He also expressed frustration about Ambassador Sondland’s expansive interpretation of his mandate, musing that he should ask his staff to confirm that the mandate of the U.S. Ambassador to the European Union was limited to the European Union and had no authority with the individual member states, let alone non-members like Ukraine. Ambassador Bolton further indicated the hold on security assistance would not be lifted prior to the Warsaw meeting, where it would hang on whether President Zelenskyy was able to “favorably impress” President Trump.

President Trump ultimately pulled out of the Warsaw trip, so the hold remained in place with no clear means to get it lifted. After the trip was cancelled, Ambassador Taylor also told me that Ambassador Bolton recommended that Ambassador Taylor send a first-person cable to Secretary Pompeo articulating the

importance of the security assistance. At Ambassador Taylor's direction, I drafted and transmitted the cable August 29, which further attempted to explain Ukraine's importance and the importance of the security assistance to U.S. national security.

During this time, we were still trying to appeal to President Trump in foreign policy and national security terms. By this point, however, my clear impression was that the security assistance hold was likely intended by the President either to express dissatisfaction that the Ukrainians had not yet agreed to the Burisma/Biden investigations or as an effort to increase the pressure on them to do so. I have since read in Ambassador Taylor's testimony an account of a meeting in Warsaw in which Ambassador Sondland told Mr. Yermak (according to Mr. Morrison) that the security assistance freeze would not be lifted until President Zelenskyy committed to the Burisma/Biden investigation. I have also read Ambassador Taylor's testimony about the text exchange and phone call between Ambassador Taylor and Ambassador Sondland in which Ambassador Sondland admitted that "everything" was dependent on such an announcement and that President Trump wanted President Zelenskyy "in a public box."

On September 5, I took notes at Senator Johnson and Senator Chris Murphy's meeting with President Zelenskyy in Kyiv. President Zelenskyy asked about the security assistance. Although both Senators stressed bipartisan Congressional support for Ukraine, Senator Johnson cautioned President Zelenskyy that President Trump has a negative view of Ukraine and that President Zelenskyy would have a difficult time overcoming it. Senator Johnson further explained that he was "shocked" by President Trump's negative reaction during an Oval Office meeting on May 23, when he and the Three Amigos proposed that President Trump meet President Zelenskyy and show support for Ukraine.

I was not aware until I read Ambassador Taylor's testimony of the various exchanges on September 7-8 about President Trump apparently insisting that President Zelenskyy personally go to a microphone and say he was opening investigations of the Bidens and 2016 election interference, or Mr. Yermak's message to Ambassador Sondland that President Zelenskyy was prepared to make a statement on CNN. However, Ambassador Taylor did tell me on September 8 "now they're insisting Zelenskyy commit to the investigation in an interview with CNN." I was surprised the requirement was so specific and concrete. While we had advised our Ukrainian counterparts to voice a commitment to following the rule of law and generally to investigating credible corruption allegations, this was a demand that President Zelenskyy personally commit to a specific investigation of President Trump's political rival on a cable news channel.

On September 11, the hold on security assistance was lifted, though it remained unclear why it was imposed in the first place. Although we knew the hold was lifted, we were still concerned that President Zelenskyy may have committed to give the interview at the annual YES! Conference in Kyiv on September 12-14 where CNN's Fareed Zakaria was one of the moderators. On September 13, an Embassy colleague received a phone call from a colleague at the U.S. Embassy to the European Union (under Ambassador Sondland) and texted me regarding the call, "Sondland said the [Zelenskyy] interview is supposed to be today or Monday [Sept 16] and they plan to announce that a certain investigation that was 'on hold' will progress." The text also explained that our European Union Embassy colleague did not know if this was decided or if Ambassador Sondland was advocating for it.

Also on September 13, following a meeting with President Zelenskyy in his private office in which I took notes, Ambassador Taylor and I ran into Mr. Yermak on the way out. When Ambassador Taylor again stressed the importance of staying out of U.S. politics and said he hoped no interview was planned, Mr. Yermak shrugged in resignation and did not answer, as if to indicate they had no choice. In short, everyone thought there was going to be an interview, and that the Ukrainians believed they had to do it. The interview ultimately did not occur.

On September 21, Ambassador Taylor and I collaborated on input he sent to Mr. Morrison to brief President Trump ahead of a September 25 meeting that had been scheduled with President Zelenskyy in New York on the margins of the UN General Assembly. The transcript of the July 25 call was released the same day. As of today, I still have not seen a readout of the September 25 meeting.

As the current impeachment inquiry has progressed, I have followed press reports and reviewed the statements of Ambassador Taylor and Ambassador Yovanovitch. Based on my experience in Ukraine, my recollection is generally consistent with their testimony and I believed that the relevant facts were therefore being laid out for the American people. However, in the last week or so, I read press reports expressing for the first time that certain senior officials may have been acting without the President's knowledge in their dealings with Ukraine. At the same time, I also read reports noting the lack of first-hand evidence in the investigation and suggesting that the only evidence being elicited at the hearings was "hearsay." I came to realize I had first-hand knowledge regarding certain events on July 26 that had not otherwise been reported, and that those events potentially bore on the question of whether the President did, in fact, have knowledge that those officials were using the levers of our diplomatic power to induce the new Ukrainian President to announce the opening of a particular criminal investigation. It is at that point that I made the observation to Ambassador Taylor that the incident I had witnessed had acquired greater significance, which is what he reported in his testimony earlier this week.

IX. Conclusion

I would like to take a moment to turn back to Ukraine. Next week marks six years since throngs of pro-Western Ukrainians spontaneously gathered on Kyiv's Independence Square to launch what became known as the Revolution of Dignity. While the protests began in opposition to a turn toward Russia and away from the West, they expanded over three months to reject the entire corrupt, repressive system that the President oversaw and ultimately led to his flight from Ukraine to Russia. Those events were followed by Russia's occupation of Ukraine's Crimean peninsula and invasion of Ukraine's eastern Donbas region, masterminding an ensuing war that, to date, has cost Ukraine almost 14,000 lives. Over the past five years, they have rebuilt a shattered economy, adhered to a peace process, and moved economically and socially closer to the West – toward our way of life.

Earlier this year, large majorities of Ukrainians again chose a fresh start by voting for a political newcomer as president, replacing 80 percent of their parliament, and endorsing a platform consistent with our democratic values, reform priorities, and strategic interests. This year's revolution at the ballot box underscores that, despite its imperfections, Ukraine is a genuine and vibrant democracy and an example to other post-Soviet countries and beyond – from Moscow to Hong Kong.

How we respond to this historic opportunity will set the trajectory of our relationship with Ukraine and our position on core principles central to our vital national interests for years to come. Ukrainians want to hear a clear and unambiguous reaffirmation that our long-standing, bipartisan policy of strong support for Ukraine remains unchanged and that we fully back it at the highest levels. Vice President Pence said after his meeting with President Zelenskyy in Warsaw, "The U.S.-Ukraine relationship has never been stronger." Ukrainians and their new government earnestly want to believe that.

Ukrainians cherish their bipartisan American support that has sustained their Euro-Atlantic aspirations, and they recoil at the thought of playing a role in U.S. domestic politics or elections. At a time of shifting allegiances and rising competitors in the world, we have no better friend than Ukraine – a scrappy, unbowed, determined, and above all dignified people who are standing up against Russian authoritarianism and aggression. We are now at an inflection point in Ukraine, and it is critical to our national security that we stand

in strong support of our Ukrainian partners. Ukrainians and freedom-loving people everywhere are watching the example we set of democracy and the rule of law.

Thank you, I am happy to answer any questions.

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: JOHN MICHAEL "MICK" MULVANEY

Friday, November 8, 2019

Washington, D.C.

The deposition in the above matter was held in Room HVC-304,
Capitol Visitor Center, commencing at 9:07 a.m.

Present: Representative Schiff.

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1 Appearances:

2

3

4 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

5

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10

11

12 For the COMMITTEE ON OVERSIGHT AND REFORM:

13

14 [REDACTED]

15 [REDACTED]

16

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1 MR. GOLDMAN: This is the deposition of Acting Chief of Staff Mick
2 Mulvaney.

3 It is 9:07 a.m. Mr. Mulvaney was subpoenaed to appear at 9:00
4 a.m. He is not here. At the request of the chairman, we will recess
5 until 11:30.

6 [Recess.]

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1 [11:34 a.m.]

2 THE CHAIRMAN: We will now begin today's proceeding. This is the
3 continuation of a deposition of John Michael "Mick" Mulvaney, Acting
4 Chief of Staff to the President.

5 This deposition is being conducted by the House Permanent Select
6 Committee on Intelligence, in coordination with the Committees on
7 Foreign Affairs and Oversight and Reform, pursuant to the impeachment
8 inquiry announced by the Speaker of the House on September 24, 2019,
9 and affirmed by House Resolution 660 on October 31, 2019.

10 On Wednesday, November 5th, 2019, the committees sent a letter
11 to Mr. Mulvaney requesting that he voluntarily appear for a deposition
12 today, November 8, as part of this inquiry.

13 On November 6th, the White House Counsel's Office acknowledged
14 receipt of the deposition request on Mr. Mulvaney's behalf, but neither
15 Mr. Mulvaney nor White House Counsel substantively responded to the
16 request.

17 Because the committees never received any substantive response,
18 on November 7, the Intelligence Committee issued a duly authorized
19 subpoena to Mr. Mulvaney commanding his appearance this morning.

20 Despite his legal obligations to comply, Mr. Mulvaney is not
21 present here today and has therefore defied a duly authorized
22 congressional subpoena.

23 This morning, in an email received at 8:59 a.m., 1 minute before
24 the deposition was supposed to commence, Mr. Mulvaney's personal
25 attorney indicated that, quote, "Mr. Mulvaney will not be attending

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1 the deposition today," unquote, based upon a letter received from White
2 House Counsel and an accompanying opinion from the Department of
3 Justice's Office of Legal Counsel that Mr. Mulvaney is purportedly
4 absolutely immune from compelled congressional testimony.

5 According to the White House Counsel's letter, based upon the OLC
6 opinion, quote, "The President directed Mr. Mulvaney not to appear to
7 the committee's scheduled deposition," unquote.

8 Neither Congress nor the courts recognize a blanket absolute
9 immunity as a basis to defy a congressional subpoena. Mr. Mulvaney
10 and the White House, therefore, have no legitimate legal basis to evade
11 a duly authorized subpoena.

12 The President's direction to Mr. Mulvaney to defy our subpoena
13 can, therefore, only be construed as an effort to delay testimony and
14 obstruct the inquiry, consistent with the White House Counsel's letter
15 dated October 8, 2019.

16 Furthermore, to the extent the White House believes that an issue
17 could be raised in Mr. Mulvaney's deposition that might implicate a
18 valid claim of privilege, the White House could seek to assert that
19 privilege with the committee in advance of the deposition. To date,
20 as has been the case in every other deposition as part of this inquiry,
21 the White House has not done so.

22 As Mr. Mulvaney was informed when the Intelligence Committee
23 served the subpoena on him and the White House Counsel, the committees
24 may consider his noncompliance with the subpoena as evidence in a future
25 contempt proceeding. His failure or refusal to appear, moreover,

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1 shall constitute evidence of obstruction of the House's impeachment
2 inquiry and may be used as an adverse inference against the President.

3 The subpoena remains in full force.

4 The committees reserve all of their rights, including the right
5 to raise this matter at a future Intelligence Committee proceeding at
6 the discretion of the chair of the committee.

7 Mr. Mulvaney's nonappearance today adds to the growing body of
8 evidence of the White House seeking to obstruct the House's impeachment
9 inquiry. It also flies in the face of historical precedent. Even
10 absent impeachment proceedings, congressional committees have deposed
11 senior White House officials, including Chiefs of Staff, such as
12 President Clinton's Chiefs of Staff, Mack McLarty and Erskine Bowles.

13 I am therefore entering into the record for the impeachment
14 inquiry the following documents:

15 Exhibit 1 is the committees' November 5, 2019, letter to
16 Mr. Mulvaney requesting his voluntary appearance at the deposition.

17 Exhibit 2 is the Intelligence Committee's subpoena to
18 Mr. Mulvaney, which was served on Mr. Mulvaney and the White House
19 Counsel on November 7th.

20 Exhibit 3 is the correspondence received from Mr. Mulvaney's
21 personal counsel at 8:59 a.m. this morning, including the letter from
22 White House Counsel and accompanying OLC opinion.

23 [Majority Exhibit No. 1
24 was marked for identification.]

25 [Majority Exhibit No. 2

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1 was marked for identification.]

2 [Majority Exhibit No. 3

3 was marked for identification.]

4 THE CHAIRMAN: Mr. Mulvaney's role in facilitating the White
5 House's obstruction of the impeachment inquiry does not occur in a
6 vacuum. Over the past several weeks, we have gathered extensive
7 evidence of the President's abuse of power related to pressuring
8 Ukraine to pursue investigations that would benefit the President
9 personally and politically and jeopardize national security in doing
10 so.

11 Some of that evidence has revealed that Mr. Mulvaney was a
12 percipient witness to misconduct by the President and may have had a
13 role in certain actions under investigation. The evidence shows that
14 Mr. Mulvaney may have coordinated with U.S. Ambassador to the European
15 Union Gordon Sondland, Rudy Giuliani, and others to carry out President
16 Trump's scheme to condition a White House meeting with President
17 Zelensky on the Ukrainians' pursuit of investigations of the Bidens,
18 Burisma Holdings, and purported Ukrainian interference in the 2016 U.S.
19 Presidential election.

20 In addition, evidence suggests that Mr. Mulvaney may have played
21 a central role in President Trump's attempt to coerce Ukraine into
22 launching his desired political investigations by withholding nearly
23 \$400 million in vital security assistance from Ukraine that had been
24 appropriated by Congress.

25 At a White House press briefing on October 17, 2019, Mr. Mulvaney

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8

1 admitted publicly that President Trump ordered the hold on Ukraine
2 security assistance to further the President's own personal political
3 interests rather than the national interest.

4 Specifically, in discussing the reasons President Trump ordered
5 the hold, Mr. Mulvaney stated, quote, "Did [President Trump]" -- in
6 brackets -- "also mention to me in passing" -- [sic] -- "in pass the
7 corruption related to the DNC server? Absolutely. No question about
8 that. But that's it, and that's why we held up the money."

9 Shortly thereafter, Mr. Mulvaney engaged in the following
10 colloquy with a reporter:

11 So the demand for an investigation into the Democrats was part
12 of the reason that he ordered to withhold funding to Ukraine?

13 Answer: The lookback to what happened in 2016 --

14 Question: The investigation into Democrats.

15 Answer: -- certainly was part of the thing he was worried about
16 in corruption with that nation. And that is absolutely appropriate.

17 And withholding the funding?

18 Yeah. Which ultimately then flowed. By the way, there was a
19 report that we were worried that the money wouldn't -- that if we didn't
20 pay out the money, it would be illegal, okay? It would be unlawful.
21 That is one of those things that has the little shred of truth in it
22 that makes it look a lot worse than it really is.

23 Question: But to be clear, what you described is a quid pro quo.
24 It is: Funding will not flow unless the investigation into the
25 Democratic server happens as well.

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1 know, these things aren't always able to come together as quickly as,
2 you know, 6:30 at night to 9:00 in the morning. So this is probably
3 one of those instances when more time might be productive.

4 And I'd also note that the statement that you mentioned on October
5 17th was followed up with a subsequent statement by Mr. Mulvaney
6 clarifying his remarks.

7 THE CHAIRMAN: I thank the counsel.

8 I would just note that the explanation you've offered for
9 Mr. Mulvaney's absence is not the explanation Mr. Mulvaney offered.
10 He didn't ask for more time, didn't say he needed more time to find
11 counsel. He said, instead, he was relying on instructions from the
12 White House and an OLC opinion that he attached.

13 And, with that, this will conclude the deposition proceedings,
14 and we are adjourned.

15 [Whereupon, at 11:42 a.m., the deposition was concluded.]

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Congress of the United States
Washington, DC 20515

November 5, 2019

The Honorable John Michael "Mick" Mulvaney
Acting Chief of Staff
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. Mulvaney:

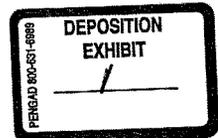
Pursuant to the House of Representatives' impeachment inquiry, we hereby write to request your appearance at a deposition on **November 8, 2019 at 9:00 a.m. at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence under the Rules of the House of Representatives in exercise of its oversight and legislative jurisdiction and after consultation with the Committee on Foreign Affairs and the Committee on Oversight and Reform. The deposition transcript shall be collected as part of the House's impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.¹ Your failure or refusal to appear at the deposition, including at the direction or behest of the President, shall constitute further evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against you and the President.

The Committees are investigating the extent to which President Donald J. Trump jeopardized U.S. national security by pressing Ukraine to interfere with our 2020 election and by withholding a White House meeting with the President of Ukraine and security assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

Based on evidence gathered in the impeachment inquiry and public reporting, we believe that you possess substantial first-hand knowledge and information relevant to the House's impeachment inquiry. Specifically, the investigation has revealed that you may have been directly involved in an effort orchestrated by President Trump, his personal agent, Rudolph Giuliani, and others to withhold a coveted White House meeting and nearly \$400 million in security assistance in order to pressure Ukrainian President Volodymyr Zelensky to pursue investigations that would benefit President Trump's personal political interests, and jeopardized our national security in attempting to do so.

¹ See Letter from Chairman Jerrold Nadler, House Committee on the Judiciary, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence; Chairwoman Maxine Waters, House Committee on Financial Services; Chairman Elijah E. Cummings, House Committee on Oversight and Reform; and Chairman Eliot L. Engel, House Committee on Foreign Affairs (Aug. 22, 2019) (online at <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/FiveChairsLetter8.22.pdf>).



The Hon. John Michael “Mick” Mulvaney
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Evidence gathered in the impeachment inquiry and public reporting suggest that you may have coordinated with U.S. Ambassador to the European Union Gordon Sondland, Mr. Giuliani, and others to carry out President Trump’s scheme to condition a White House meeting with President Zelensky on the Ukrainians’ pursuit of investigations of the Bidens, Burisma Holdings, a natural gas company on whose board former Vice President Joseph R. Biden Jr.’s son, Hunter Biden, once sat, and purported Ukrainian interference in the 2016 U.S. presidential election.

For example, it has been publicly reported that during a July 10, 2019, meeting at the White House, Ambassador Sondland “told Ukraine officials ... that Kyiv needed to deliver specific investigations in order to get a hoped-for meeting with Mr. Trump.”² Following that meeting, former National Security Advisor John R. Bolton told a National Security Council (NSC) staffer “to notify the chief lawyer for the National Security Council about a rogue effort by Mr. Sondland, Mr. Giuliani, and Mick Mulvaney” to pressure Ukraine for political help.³

Ambassador Bolton, who appears to have believed that you were directly involved in the President’s scheme, reportedly instructed the NSC staffer to tell the NSC lawyers, “I am not part of whatever drug deal Sondland and Mulvaney are cooking up.”⁴ The “drug deal” appears to be a reference to the scheme to pressure Ukraine to pursue the investigations for the political benefit of President Trump.

In addition, the evidence and public reporting suggest that you played a central role in President Trump’s attempt to coerce Ukraine into launching his desired political investigations by withholding nearly \$400 million in vital security assistance from Ukraine that had been appropriated by Congress and approved by the national security interagency for disbursement. According to multiple press reports, at some point in July 2019, President Trump ordered you to freeze security assistance to Ukraine, and you reportedly conveyed the President’s order “through the budget office to the Pentagon and the State Department, which were told only that the administration was looking at whether the spending was necessary.”⁵

Moreover, at a White House press briefing on October 17, 2019, you admitted publicly that President Trump ordered the hold on Ukraine security assistance to further the President’s own personal, political interests, rather than the national interest. Specifically, in discussing the reasons President Trump ordered the hold, you stated, “Did [President Trump] also

² *Gordon Sondland’s Testimony About Ukraine Investigations Under Scrutiny*, Wall Street Journal (Oct. 29, 2019) (online at www.wsj.com/articles/gordon-sondlands-testimony-about-ukraine-investigations-under-scrutiny-11572378583).

³ *Bolton Objected to Ukraine Pressure Campaign, Calling Giuliani ‘a Hand Grenade,’* New York Times (Oct. 14, 2019) (online at www.nytimes.com/2019/10/14/us/politics/bolton-giuliani-fiona-hill-testimony.html).

⁴ *Id.*

⁵ *Trump Said to Have Frozen Aid to Ukraine Before Call with Its Leader*, New York Times (Sept. 23, 2019) (online at www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html).

The Hon. John Michael “Mick” Mulvaney
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mention to me in pass [sic] the corruption related to the DNC server? Absolutely. No question about that. But that’s it. And that’s why we held up the money.”⁶

President Trump’s desire for Ukraine to investigate the “DNC server”—which President Trump specifically demanded President Zelensky pursue during their July 25, 2019, phone call—appears to be an allusion to a thoroughly debunked conspiracy theory that the Democratic National Committee’s server that was hacked by Russia during the 2016 U.S. election was actually hacked by Ukraine in order to frame Russia and was thereafter secreted to Ukraine.⁷ After referencing the baseless DNC server conspiracy theory, you then engaged in the following colloquy with a reporter:

Q: So the demand for an investigation into the Democrats was part of the reason that he ordered to withhold funding to Ukraine?

A: The look back to what happened in 2016—

Q: The investigation into Democrats.

A: —certainly was part of the thing that he was worried about in corruption with that nation. And that is absolutely appropriate.

Q: And withholding the funding?

A: Yeah. Which ultimately, then, flowed. By the way, there was a report that we were worried that the money wouldn’t—that if we didn’t pay out the money, it would be illegal, okay? It would be unlawful. That is one of those things that has the little shred of truth in it, that makes it look a lot worse than it really is.

...

Q: But to be clear, what you just described is a quid pro quo. It is: Funding will not flow unless the investigation into the Democratic server happens as well.

A: We do that all the time with foreign policy. ... And I have news for everybody: Get over it. There’s going to be political influence in foreign policy.⁸

⁶ The White House, *Press Briefing by Acting Chief of Staff Mick Mulvaney* (Oct. 17, 2019) (online at www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/).

⁷ *President Trump’s Alternate Reality on Ukraine*, Washington Post (Oct. 29, 2019) (online at www.washingtonpost.com/politics/2019/10/29/president-trumps-alternative-reality-ukraine/).

⁸ The White House, *Press Briefing by Acting Chief of Staff Mick Mulvaney* (Oct. 17, 2019) (online at www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/).

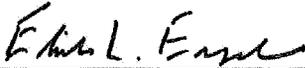
The Hon. John Michael "Mick" Mulvaney
Page 4

Despite your subsequent attempts to walk-back this clear admission,⁹ your statements to the American public on October 17 were nothing less than a televised confession that President Trump's order to freeze Ukraine security assistance was explicitly linked to Ukraine pursuing investigations as part of an effort to bolster the President's 2020 re-election campaign.

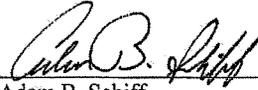
Accordingly, we hereby request your appearance at a deposition on November 8, 2019, at 9:00 a.m. Because the House deposition regulations do not permit agency counsel to participate in depositions, please have your personal counsel contact us to arrange for your appearance. As you know from your previous service in the House of Representatives, both Republican and Democratic-led committees have conducted depositions without agency counsel for decades with high-level White House aides—including White House Chiefs of Staff.¹⁰

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

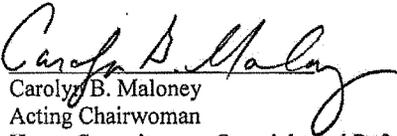
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

⁹ See, e.g., *Read Mulvaney's Conflicting Statements on Quid Pro Quo*, New York Times (Oct. 17, 2019) (quoting statement released by the White House from Acting Chief of Staff Mick Mulvaney) (online at www.nytimes.com/2019/10/17/us/politics/mulvaney-transcript-quid-pro-quo.html).

¹⁰ See House Committee on Oversight and Reform, *Congressional Depositions in the House of Representatives: Longstanding Republican and Democratic Practice of Excluding Agency Counsel* (Nov. 5, 2019) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Committee%20Depositions%20in%20the%20House%20of%20Representatives_Longstanding%20Republican%20and%20Democratic%20Practice%20of%20Excluding%20Agency%20Counsel.pdf) (describing depositions of previous White House Chiefs of Staff Mack McLarty and Erskine Bowles, among other White House officials).

The Hon. John Michael "Mick" Mulvaney
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cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

SUBPOENA

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICA**

To THE HONORABLE JOHN MICHAEL ("MICK") MULVANEY

You are hereby commanded to be and appear before the
Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: _____
 Date: _____ Time: _____

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HUC-304, U.S. CAPITOL
 Date: NOVEMBER 8, 2019 Time: 9:00 AM

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

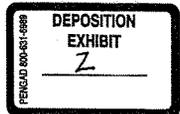
Place of testimony: _____
 Date: _____ Time: _____

To The U.S. Marshals Service, or any authorized Member or congressional staff to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at
the city of Washington, D.C. this 4th day of NOVEMBER, 2019.

Attest: [Signature]
Clerk

[Signature]
Chairman or Authorized Member



PROOF OF SERVICE

Subpoena for THE HONORABLE JOHN MICHAEL ("MICK") MULVANEY
Address _____
_____ before the Permanent Select Committee on Intelligence
_____ *U.S. House of Representatives*
116th Congress

Served by (print name) Maher Bitar
Title General Counsel
Manner of service Electronic Mail
Date 11/7/2019
Signature of Server 
Address Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol

[REDACTED]

From: William Pittard <[REDACTED]>
Sent: Friday, November 8, 2019 8:59 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Purpura, Michael M. EOP/WHO; Chris Muha
Attachments: Subpoena to Mick Mulvaney
PAC Letter to Mr. Pittard 11.8.2019.pdf; Mulvaney Immunity Letter.pdf

Mr. [REDACTED]

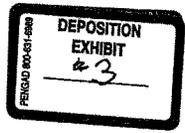
My firm has been retained by Mick Mulvaney to represent him in connection with the subpoena that you emailed to him last night. Since receiving that subpoena, Mr. Mulvaney has been provided the attached letter by the White House Counsel and an accompanying opinion from the Department of Justice's Office of Legal Counsel, also attached. In light of all of that, Mr. Mulvaney will not be attending the deposition today, and he is considering the full range of his legal options.

Thank you,

--Bill Pittard

William Pittard
KaiserDillon PLLC
1099 Fourteenth St., N.W.; 8th Floor—West
Washington, D.C. 20005
(202) [REDACTED] office
(202) [REDACTED] (mobile)

This communication is from a law firm and may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone at 202-640-2850.



THE WHITE HOUSE

WASHINGTON

November 8, 2019

Mr. William Pittard
KaiserDillon PLLC
1099 14th Street, N.W.
Washington, D.C. 20005

Dear Mr. Pittard:

I write in response to your request regarding the subpoena issued to your client, Mick Mulvaney, by the Permanent Select Committee on Intelligence of the United States House of Representatives (the "Committee") on November 7, 2019. The subpoena directs Mr. Mulvaney to appear to testify at a deposition at 9:00 a.m. on November 8, 2019.

The Department of Justice (the "Department") has advised me that Mr. Mulvaney is absolutely immune from compelled congressional testimony with respect to matters related to his service as a senior adviser to the President. See Letter to Pat A. Cipollone, Counsel to the President, from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel (Nov. 7, 2019). The Department has long taken the position—across administrations of both political parties—that "the President and his immediate advisers are absolutely immune from testimonial compulsion by a Congressional committee." *Immunity of the Former Counsel to the President from Compelled Congressional Testimony*, 31 Op. O.L.C. 191, 191 (2007) (quoting *Assertion of Executive Privilege with Respect to Clemency Decision*, 23 Op. O.L.C. 1, 4 (1999) (opinion of Attorney General Janet Reno)); *Immunity of the Counsel to the President from Compelled Congressional Testimony*, 20 Op. O.L.C. 308, 308 (1996). That immunity arises from the President's position as head of the Executive Branch and from Mr. Mulvaney's position as a senior adviser to the President, specifically Assistant to the President and Acting White House Chief of Staff.

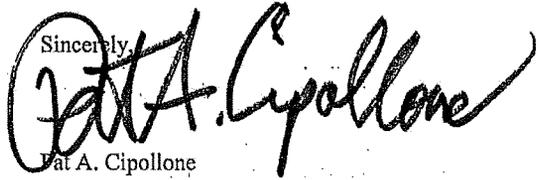
As the Department's letter states, Mr. Mulvaney qualifies as a senior presidential adviser entitled to immunity. The Department's opinions on this topic have consistently recognized that this immunity extends to immediate advisers "'who customarily meet with the President on a regular or frequent basis,' and upon whom the President relies directly for candid and sound advice." *Immunity of the Assistant to the President and Director of the Office of Political Strategy and Outreach from Congressional Subpoena*, 38 Op. O.L.C. __, at *2 (June 15, 2014) (quoting Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, *Re: Power of Congressional Committee to Compel Appearance or Testimony of "White House Staff"* at 7 (Feb. 5, 1971)). Accordingly, Mr. Mulvaney cannot be compelled to appear before the Committee because "[s]ubjecting a senior presidential adviser to the congressional subpoena power would be akin to requiring the President himself to appear before Congress on matters

Mr. William Pittard, Esq.
Page 2

relating to the performance of his constitutionally assigned executive functions.” *Assertion of Executive Privilege with Respect to Clemency Decision*, 23 Op. O.L.C. at 5. The constitutional immunity of current and former senior advisers to the President exists to protect the institution of the Presidency and, as stated by former Attorney General Reno, “may not be overborne by competing congressional interests.” *Id.*

Accordingly, in order to protect the prerogatives of the Office of President today and in the future, and in response to your request, the President directs Mr. Mulvaney not to appear at the Committee’s scheduled deposition on November 8, 2019. This long-standing principle is firmly rooted in the Constitution’s separation of powers and protects the core functions of the Presidency, and this office is adhering to this well-established precedent in order to allow future Presidents to effectively execute the responsibilities of the Office of President. I also attach the letter opinion provided by the Department regarding Mr. Mulvaney’s immunity.

Thank you for your attention to this matter. Please do not hesitate to contact me or Mike Purpura if you have any questions.

Sincerely,

Pat A. Cipollone
Counsel to the President



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

November 7, 2019

Pat A. Cipollone
 Counsel to the President
 The White House
 Washington, DC 20500

Dear Mr. Cipollone:

On November 7, 2019, the Permanent Select Committee on Intelligence of the House of Representatives issued a subpoena seeking to compel Mick Mulvaney, Assistant to the President and Acting White House Chief of Staff, to testify at a deposition on Friday, November 8. The Committee subpoenaed Mr. Mulvaney as part of its impeachment inquiry into the conduct of the President. *See* H.R. Res. 660, 116th Cong. (2019). You have asked whether the Committee may compel him to testify. We conclude that Mr. Mulvaney is absolutely immune from compelled congressional testimony in his capacity as a senior adviser to the President.

The Executive Branch has taken the position for decades that “Congress may not constitutionally compel the President’s senior advisers to testify about their official duties.” *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. ___, at *1 (May 20, 2019). The immunity applies to those “immediate advisers . . . who customarily meet with the President on a regular or frequent basis.” Memorandum for John D. Ehrlichman, Assistant to the President for Domestic Affairs, from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, *Re: Power of Congressional Committee to Compel Appearance or Testimony of “White House Staff”* at 7 (Feb. 5, 1971) (“Rehnquist Memorandum”). We recently advised you that this immunity applies in an impeachment inquiry just as in a legislative oversight inquiry. *See* Letter for Pat A. Cipollone, Counsel to the President, from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel at 2 (Nov. 3, 2019). “Even when impeachment proceedings are underway,” we explained, “the President must remain able to continue to discharge the duties of his office. The testimonial immunity of the President’s senior advisers remains an important limitation to protect the independence and autonomy of the President himself.” *Id.*

This immunity applies in connection with the Committee’s subpoena for Mr. Mulvaney’s testimony. The Committee intends to question Mr. Mulvaney about matters related to his official duties at the White House—specifically the President’s conduct of foreign relations with Ukraine. *See* Letter for Mick Mulvaney from Adam B. Schiff, Chairman, House Permanent Select Committee on Intelligence, et al. (Nov. 5, 2019). And Mr. Mulvaney, as Acting Chief of Staff, is a “top presidential adviser[,],” *In re Sealed Case*, 121 F.3d 729, 757 (D.C. Cir. 1997), who works closely with the President in supervising the staff within the Executive Office of the President and managing the advice the President receives. *See* David B. Cohen & Charles E. Walcott, White House Transition Project, Report 2017-21, *The Office of Chief of Staff* 15–26

(2017). Mr. Mulvaney meets with and advises the President on a daily basis about the most sensitive issues confronting the government. Thus, he readily qualifies as an “immediate adviser[]” who may not be compelled to testify before Congress. Rehnquist Memorandum at 7.

This conclusion also follows from this Office’s prior recognition that certain *Deputy White House Chiefs of Staff* were immune from compelled congressional testimony. See Letter for Pat A. Cipollone, Counsel to the President, from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel (Sept. 16, 2019) (former Deputy Chief of Staff for Policy Implementation Rick Dearborn); Letter for Fred F. Fielding, Counsel to the President, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel (Aug. 1, 2007) (Deputy White House Chief of Staff Karl Rove). In addition, as we have noted with respect to other recently issued subpoenas, testimonial immunity is particularly justified because the Committee seeks Mr. Mulvaney’s testimony about the President’s conduct of relations with a foreign government. See, e.g., Letter for Pat A. Cipollone, Counsel to the President, from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel at 2–3 (Oct. 25, 2019); see also *Harlow v. Fitzgerald*, 457 U.S. 800, 812 n.19 (1982) (“[A] derivative claim to Presidential immunity would be strongest in such ‘central’ Presidential domains as foreign policy and national security, in which the President could not discharge his singularly vital mandate without delegating functions nearly as sensitive as his own.”).

Please let us know if we may be of further assistance.



Steven A. Engel
Assistant Attorney General



PRESS BRIEFINGS

Press Briefing by Acting Chief of Staff Mick Mulvaney

Issued on: October 17, 2019



James S. Brady Press Briefing Room

12:39 P.M. EDT

MR. MULVANEY: Hey, guys. How are you all?

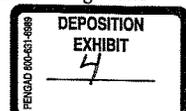
First thing's first: I want to comment very briefly on Mr. Cummings's passing. For those of you who know, I was in Congress for a couple years with Mr. Cummings, and — on the committee with him. I had a chance to work with him on a day in, day out basis. And he will be missed. He was — he was a classy guy, and I enjoyed much working with him. And the condolences from my family and all of the White House group to his family today. He will be — he will be sorely missed.

Now, getting on to the business at hand, I understand it's been a fairly slow news week — (laughter) — so I thought we'd introduce a couple of things.

I did want to come out here with my Nationals hat on, but they told me that that would violate some type of rule, so I couldn't do that. I was also going to wear my Montreal Expos hat, and then they said that would be foreign interference in the World Series, so I can't do that either.

So we're going to talk about the G7. We're going to talk about where we're going to do it. We're going to announce today that we're going to do the 46th G7 Summit on June 10th through June 12th at the Trump National Doral facility in Miami, Florida.

<https://www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/>



The focus of the event will be global growth and challenges to the global economy, specifically dealing with things like rejuvenating incentives for growth and prosperity; rolling back prosperity-killing regulations; ending trade barriers; and re-opening energy markets. So, taking a lot of what we have been doing here domestically with such success and trying to encourage the rest of the world to get onboard as we sit here and our economy does so well. You look all across the world right now, and the rest of the world is either at or near recession. And we really do think that we have hit on a formula that works not only here but that would work overseas, where we take the G7 as the opportunity to try and convince other nations that they can have the same successes by following the same model.

Now, let's talk about the site selection process because I know you folks will ask some questions about that. How do we go about doing this? First of all, we use a lot of the same criteria that have been used by past administrations. There's a long list of the accommodations on site: the ballrooms, bilateral rooms, the number of rooms, the photo ops, the support hotels that are there, the proximity to cities and airports, helicopter landing zones, medical facilities, et cetera.

So we use the same set of criteria that previous administrations have used. We started with a list of about a dozen, just on paper. And we sent an advance team out to actually visit 10 locations in several states. We visited California, Colorado, Florida, Hawaii, Michigan, North Carolina, Tennessee, and Utah. Now, we got that list down to just under 10, and the advance team went out to visit those. And from there, we got down to four finalists that our senior team went out to look at. They looked at — I think it was one in Hawaii, two in Utah, and then the Mar-a-Lago facility in Florida.

And it became apparent at the end of that process that Doral was, by far and away — far and away — the best physical facility for this meeting. In fact, I was talking to one of the advance teams when they came back, and I said, "What was it like?" And they said, "Mick, you're not going to believe this, but it's almost like they built this facility to host this type of event." If any of you have been there, you know that there's separate buildings with their own rooms, separate and apart from each building, so that one country can have a building, another country can have another, you folks could have your building for the press. And obviously, the common areas are going to be perfect for our needs down there.

Again, anticipating your questions: How is this not an emoluments violation? Is the President going to profit from this? I think the President has pretty much made it very clear since he's got here that

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Press Briefing by Acting Chief of Staff Mick Mulvaney | The White House

he doesn't profit from being here. He has no interest in profit from being here. It's one of the reasons that he's not taken a salary since he's been here. He's given that salary to charity. Will not be profiting here.

We had talked about the possibility of whether or not the President could actually do it at no cost, to understand there's difficulties with doing it that way. But we'll also have difficulties, obviously, if they charge market rates. So they're doing this at cost. As a result, it's actually going to be dramatically cheaper for us to do it at Doral compared to other final sites that we had.

So we're looking forward to that meeting. Again, June 10th through 12th of next year for the 46th G7.

Now, my guess is, with that official part of the briefing finished, there's going to be some questions about a variety of things that are going on in the world. So if we can do something together, that would be great. Can we take the questions about the G7 first, go through those, and then take a chance to maybe ask a couple questions about the other stuff before the end of the day?

Eamon?

Q Yeah, thank you. So, how is this not just an enormous conflict of interest for the President to host the G7 at his own resort? And how will the President continue to criticize the Biden family for self-dealing at the same time he's doing this?

MR. MULVANEY: Okay, a couple different things. First off, you're not making any profit. I think we've already established that. I think some —

Q There's marketing and branding opportunities (inaudible).

MR. MULVANEY: It's a huge — I've heard — you know, I've heard that — I've heard that before. You know, I guess I've been the Chief now for about 9 or 10 months, and I always hear: Whenever we go to Mar-a-Lago, it's a huge branding opportunity; whenever he plays at Trump Mar-a-Lago. We play golf at Trump Bedminster. He goes to play golf at Trump, up at Sterling. And everybody asks the question: Is it not a huge marketing opportunity?

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I would simply ask you all to consider the possibility that Donald Trump's brand is probably strong enough as it is and he doesn't need any more help on that. This is not like it's the most recognizable name in the English language and probably around the world right now. So, no, that has nothing to do with it.

That's why — listen, I was skeptical. I was. I was aware of the political, sort of, criticism that we'd come under for doing it at Doral, which is why I was so surprised when the advance team called back and said that this is the perfect physical location to do this.

So, I get the criticisms; so does he. Face it: He'd be criticized regardless of what he chose to do. But, no, there's no issue here on him profiting from this in any way, shape, or form.

What's the difference between this and what we're talking about the Bidens? Well, first of all, there's no profit here. Clearly, there's profit with the Bidens. And, second of all, I think if there's one difference that you look at between the Trump family and the Biden family: The Trump family made their money before they went into politics. That's a big difference.

Yes, sir.

Q You said it's going to be done at cost. Do you have any idea of the cost estimate, how much money you're looking at? And also, will it remain a G7, or do envision Russia joining?

MR. MULVANEY: Yeah, I don't have the numbers in terms of the cost. I do know that it was — it was — one of the ones I saw was it was almost half as much here. I don't want to butcher the numbers, but it was millions of dollars cheaper by doing it at Doral than it was at another facility. And that was roughly 50 percent savings.

As to the G7, G8 — look, that discussion is ongoing. The President has been very candid about that, about whether or not he wants to have Russia join the G7 again, that used to be members of that organization. And I think he's been fairly straightforward not only to you folks, but to other leaders around the world, which is we go to the G7 and what dominates so much of the discussion? Russia. Okay? Russian energy. Russian military policy. The Russian economy. It dominates a lot of the discussion. Wouldn't it be better to have them inside as part of those conversations? But I think that decision will be made later, and we'll continue to review it.

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Press Briefing by Acting Chief of Staff Mick Mulvaney | The White House

Yes, ma'am.

Q Thank you very much. G7 summits have been held for decades, so how can you make the argument that this is the best place to hold it? Surely there were other places that this could be held. And you can't make the argument that the President is not going to profit because we can't know how much he might profit in the future, right?

MR. MULVANEY: Yeah. To your first point, again, I think (inaudible) the profit one. Again, he's not making any money off of this, just like he's not making any money from working here. And if you think it's going to help his brand, that's great. But I would suggest that he probably doesn't need much help promoting his brand, so we'll put the profit one aside and deal with a perfect place.

I mean, who was here for the last time it was at Camp David? Was that the perfect place? In fact, I understand the folks who participated in it hated it and thought it was a miserable place to have the G7. It was way too small. It was way too remote. My understanding is this media didn't like it because you had to drive an hour on a bus to get there either way.

Q I take your point. But there have been other G7 summits; I've attended numerous —

MR. MULVANEY: Yeah.

Q — G7 summits that have been completely fine, according to the leaders who attended them.

MR. MULVANEY: Well, look, we looked at —

Q How can the White House really make the argument that this was the only place the G7 Summit could (inaudible)?

MR. MULVANEY: It's not the only place; it's the best place. Those are two different things. Okay?

But we had dates —

Q There had to be other good places without the President's (inaudible).

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Press Briefing by Acting Chief of Staff Mick Mulvaney | The White House

MR. MULVANEY: There's plenty of other good places in this country to hold a large event. There's no question about it. Some of the limitations: We wanted it at a specific time; we wanted it in early June. So that limits it a little bit. Then there's other — there's difficulties with going to various places. Some places don't have the transportation that you need.

I mean, there was one place — I won't say where it was — where we actually had to figure out if we were going to have to have oxygen tanks for the participants because of the altitude. So, yeah, there's just — there's limitations in other places.

We thought, of the 12 places that we looked at — and you'd recognize the names of them if we told what they were — that this was by far and away the best choice.

Yes, ma'am.

Q Very quickly. This is a business optics. How is the President going to stand on the debate stage — if, in fact, Vice President Biden wins the nomination — and try to make an argument that he profited off of his vice presidency, or his family did, when he's hosting the G7 (inaudible)?

MR. MULVANEY: He's going to do that extraordinarily well.

Yes, ma'am. Yeah.

Q Thank you, Director Mulvaney. So you were talking about how this is the best place —

MR. MULVANEY: Yeah.

Q — or one of the best places. Okay. So is this going to be self-contained just at Doral? Are there other hotel rooms you think you'll have to get? Or is there anywhere else that you'll have to (inaudible)?

MR. MULVANEY: Yeah. One of the advantages — I understand that one of the advantages that the advance team came back with about Doral was the fact that it could be sequestered off from the rest of the city, and that nearly all or all of the operations could be on that one piece of property. I think there's — I think the President said there's almost 900 acres there. So it's a huge facility. And

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Press Briefing by Acting Chief of Staff Mick Mulvaney | The White House

we'll be able — with a lot open space. I think there's three golf courses. So there's a lot of space available to us. And we do anticipate the entire thing being on that campus.

Now —

Q Including the hotel — including hotels? I'm talking about additional hotel rooms. Do you think you'll have to get additional hotels involved in that?

MR. MULVANEY: Yeah, I would — well, again, I'm not sure about the su- — when we talk about the delegations — for example, when we went to — where were we? — Biarritz, and I think we were at two or three different hotels around that city — that would not be the case here.

The American delegation would stay on campus. The British delegation will stay on campus. The Germans will stay on campus. Whether — and you folks will be there. Whether or not there'll be other folks who are using up hotel rooms in the Miami area, I can't speak to that.

Q And then a quick question about local authorities. What local authorities have you been in contact with about this?

MR. MULVANEY: Yeah, I haven't asked that question, but we do that as part of — the advance team will do that with each of the groups that we work with. But I'm not familiar with those.

Yes, ma'am.

Q Yeah. A video shown last weekend at that resort — actually, a doctored video — showed the President killing members of the news media and his political opponents. Why do you think he hasn't spoken directly about the sentiment behind that video?

MR. MULVANEY: Have you asked him?

Q I'm sure —

Q We have asked him. Yes.

Q We've asked. We've asked for comment over and over again, yes.

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Press Briefing by Acting Chief of Staff Mick Mulvaney | The White House

MR. MULVANEY: But we put out a statement. And you had a chance to ask him that question yesterday and you asked him something else, which is fine. But —

Q But to be clear, he's been asked multiple times and hasn't responded.

MR. MULVANEY: Hold on a sec. Hold on a second. Her question was why he hasn't answered. We did, as a White House, we listened to that. We didn't like that. I think we condemn that. That's not —

Q But he's the President.

Q (Inaudible) Twitter with 65 million followers, sir.

MR. MULVANEY: Do you — we didn't. We did not. Did you think that we would?

Q What has the President said about it, Mr. Mulvaney?

Q I mean, that doesn't sound like a very strong condemnation.

MR. MULVANEY: Oh, come on, Jon.

Q This was a —

MR. MULVANEY: I mean, it was — it was awful. I mean, I've never seen the movie. No, no — we — that has no place here. I think we've condemned that.

Q Has he watched the video?

MR. MULVANEY: I don't know if he's seen it or not. I have.

Q Will the President go before the cameras and say the same, Mr. Mulvaney?

Q I understand that you're trying to put it in a place that you think is the best.

MR. MULVANEY: Yeah.

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Q And maybe save the taxpayers some money, which is important for all of us. But sometimes you — because of the appearance of impropriety, you don't make that call. Can you at least understand and acknowledge that just the appearance of impropriety makes this wince-inducing and maybe this is something that you want to reconsider? How did that conversation go in the room?

MR. MULVANEY: Yeah. The President knows that. Listen, the President — we know the environment we live in. You all know the environment that we live in. And he knows exactly that he's going to get these questions and exactly get that reaction from a lot of people.

And he's simply saying, "Okay, that's fine. I'm willing to take that." The same way he takes it when he goes to Trump Mar-a-Lago. The same place when he goes to play at Trump Bedminster. He got over that a long time ago. We absolutely believe this is the best place to have it. We're going to have it there. And there's going to be folks who will never get over the fact that it's a Trump property. We get that. But we're still going to go there.

Yes, ma'am.

Q Thank you, Mr. Mulvaney. Aside from what your advance team did to look for the perfect place, what role did the President play in selecting Doral, including getting it on the initial list of 10 or 12 places in the first place?

MR. MULVANEY: Yeah. I think we — that's a fair question. We sat around one night. We were back in the dining room and I was going over it with a couple of our advance team. We had the list, and he goes, "What about Doral?" And it was like, "That's not the craziest idea. It makes perfect sense."

Q So he's the one that initially brought it up.

MR. MULVANEY: We're all familiar with it, so it's not like he said, "Oh, this is what Doral...Do I have to explain..." He said, "No, what about Doral?" Like, you know what, that's not the craziest idea we ever heard. And we sat down and went to go look at it.

Yes, sir.

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Q Yes. Thanks, Mick. I wanted to ask you as it relates to this decision that you've made. As the host country, couldn't the President simply, as the host country, invite President Putin to represent Russia at the G7?

MR. MULVANEY: Yeah, I think we can, because I think we — as I understand how the G7 works, there will be other leaders there anyway. For example, I met with Scott Morrison, the Prime Minister of Australia, at the G7, even though they're not there. I assume he came at the invite of President Macron. And we could do the same thing. But in terms of — I think the question I got originally was turning it from the G7 into the G8.

Q That's not my question.

MR. MULVANEY: Okay.

Q My question was: Could he simply invite President Putin to attend?

MR. MULVANEY: I think he probably — yes. If the question is, can he physically do that? Yeah. I think he can.

Q It's not about whether he can. Of course, he can; he's President. But would he consider doing that?

MR. MULVANEY: That has not come up. I think the conversation we've had about whether or not we'd turn it from the G7 to G8, that could be an intermediate step.

Yes, sir.

Q You mentioned that the President is willing to take the criticism on this. But what about the country itself? Is there any value to sending a message to the world, especially given that all that's happened with foreign interference and attempts at foreign interference in our country, that this President and this country is not open for the kind of self-dealing that happens in other countries? Is that not an important message to send when you're inviting the world to come here to the United States?

MR. MULVANEY: No.

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What's your question?

Q I have a non-G7 question.

Q Yeah, so do I.

MR. MULVANEY: Any G7 — any last G7 questions?

Q I got one more.

Q About the G7 property — a couple of things. One, you say it's the best property for this to take place. So the first question is: Why has no other G7 ever been held there before?

MR. MULVANEY: Because they didn't go look at it. So —

I don't know, why did they have it at Camp David? I mean, seriously. I mean, for those of you who were there, I'm a little bit familiar with it; I've talked with the folks up at Camp David because I was up there recently and asked. I said, "Didn't you guys go up..." — I think it was a G8 back then. 2004, something like that. And they said it was a complete disaster. I'm like, "Okay, I wonder how that happened. How did that decision get made?"

Q Last — last G7 question then, if I can. You were talking about the President's — this video, where the President was seen shooting members of the media and others that was played at the Doral property there that said that we haven't had the chance to ask him that question yet, which we have. But broadly, the President has tweeted 45,000 times. Forty-five thousand times. How come the President hasn't used that Twitter account to more than 60 million followers to condemn it? You're his Chief of Staff.

MR. MULVANEY: Yeah. The White House put out a statement about it. I mean, that's —

Q But why hasn't the President? Because he's tweeted 45,000 times.

MR. MULVANEY: I'll tell you what, the next time you ask him — again, it's not like the man hides from you folks, okay? I think he's done almost 100 face-to-face interviews with you.

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Q We've asked him and he's ignored the question, sir.

MR. MULVANEY: Okay. Anybody else on G7?

Q I got one more. Is there any precedent in your studying of the G7 of a G7 Summit being held at a property owned by the President or a President?

And my second question is: As you're looking at the content of what you want to do next year, it's probably going to be hot in Florida in June. Will climate change be one of the issues that you discuss?

MR. MULVANEY: The first question is, no. I don't know if another President has ever done it. I don't know if another President has owned a property that was even considered for G7. So, no, we haven't — I don't know the answer to that question.

Climate change will not be on the agenda.

Yes, sir.

Q Thank you. President Trump has called for the exposure of the whistleblower on Ukraine —

MR. MULVANEY: Are we done on G7 then? Is that the collective — is that the collective will?

Q Yes. That was (inaudible), sir.

MR. MULVANEY: I've got one gentlemen — yes, sir. Go ahead. Last one on G7.

Q Well, you began your remarks talking about the passing of Mr. Cummings. Just to show the American people that this is above board, are you going to share documents that show how you arrived at this decision with the Congress?

MR. MULVANEY: No. But I would imagine we would share dollar figures with you afterwards. I mean, that's — that's ordinary course of business.

Q (Inaudible) paper exists that shows the merits of (inaudible)?

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MR. MULVANEY: By the way, you're going to get this answer a lot, okay? I don't talk about how this place runs on the inside. So, if you ask if us — if you want to see our paper on how we did this, the answer is: Absolutely not.

Yes, sir.

Q Yes. There will almost certainly be a House Judiciary Committee hearing about this site selection.

MR. MULVANEY: You think so?

Q Jerry Nadler has already talked about that. Will —

MR. MULVANEY: Do you, though? Do you really think so? Do you think they have time to do that?

Q I really think so. Yeah. Will the administration participate, cooperate, with that?

MR. MULVANEY: You know, that's a — by the way, that's a fascinating question. I had not thought that — that this would prompt a Judiciary Committee investigation. On one hand, I'm thinking to myself, "They don't have time to do it because they're too busy doing impeachment." Right. And then I think to myself, "No, this is entirely consistent with how they've spent the first 18 months in office." Right? Or 12 months — however long they've been here. I guess it's been a year, right?

That, yeah, they'd rather do that than talk about tax policy, than talk about drug policy, than talk about opioids; talk about healthcare. So, that's a fascinating question. I don't know if there will be a Judiciary Committee inquiry into this. My guess is there probably will be. And we look forward to participating in it.

Is anybody — this is all — these are all G7 questions that are out now? Okay. Now we're moving on to something else.

Q Yes.

MR. MULVANEY: So, who hasn't asked me? Jon Karl has not asked a question yet.

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Q So, actually, a clarification on your first statement on the G7. You said five finalists, and you said Mar-a-Lago was one of the finalists?

MR. MULVANEY: Yeah, it was — yeah, four finalists, I think. We started with 12 on, sort of, a list. The team visited, sort of, a — a first team visited 10 of those. And I think I identified the states. We then got our senior team down and they visited four, of which Mar-a-Lago was one. There was one in Hawaii and two in Utah.

Q So, you're telling me that in the entire United States, you came down to four finalists, and two of them were Trump properties?

MR. MULVANEY: No, one.

Q Well, Mar-a-Lago.

Q You said Mar-a-Lago.

MR. MULVANEY: I'm sorry. I'm sorry.

Q Okay, so you misspoke.

MR. MULVANEY: No, I'm sorry, Jon.

Q Okay. Okay.

MR. MULVANEY: Doral. Doral. Doral.

Q Just want to (inaudible) —

MR. MULVANEY: Yes, I'm sorry. Yes.

Q Okay, so —

Q So Mar-a-Lago was not involved.

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MR. MULVANEY: No, Mar-a-Lago was not involved. Mar-a-Lago is not close to being sufficient for the G7. I'm sorry that I —

Q Thank you. Thank you for clarifying.

MR. MULVANEY: If I said Mar-a-Lago about where we visited, it was Doral. I apologize.

Q Okay, the record is corrected.

MR. MULVANEY: All right.

Q So, to the question of Ukraine.

MR. MULVANEY: Yeah.

Q Can you clarify — and I've been trying to get an answer to this: Was the President serious when he said that he would also like to see China investigate the Bidens? And you were directly involved in the decision to withhold funding from Ukraine. Can you explain to us now definitively why? Why was funding withheld?

MR. MULVANEY: Sure. I'll — let's deal with the second one first, which is — look, it should come as no surprise to anybody — the last time I was up here — I haven't done this since I was Chief of Staff, right? The last time I was up here, some of you folks remember, it was for the budget briefings, right?

And one of the questions y'all always asked me about the budget is, "What are you all doing to the foreign aid budget?" Because we absolutely gutted it, right? President Trump is not a big fan of foreign aid. Never has been; still isn't. Doesn't like spending money overseas, especially when it's poorly spent. And that is exactly what drove this decision.

I've been in the office a couple times with him, talking about this. And he said, "Look, Mick, this is a corrupt place." Everybody knows it's a corrupt place. By the way, put this in context: This is on the heels of what happened in Puerto Rico, when we took a lot of heat for not wanting to give a bunch of aid to Puerto Rico because we thought that place was corrupt. And, by the way, it turns out we were right. All right? So put that as your context.

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He's like, "Look, this is a corrupt place. I don't want to send them a bunch of money and have them waste it, have them spend it, have them use it to line their own pockets. Plus, I'm not sure that the other European countries are helping them out either."

So we actually looked at that, during that time, before — when we cut the money off, before the money actually flowed, because the money flowed by the end of the fiscal year — we actually did an analysis of what other countries were doing in terms of supporting Ukraine. And what we found out was that — and I can't remember if it's zero or near zero dollars from any European countries for lethal aid. And you've heard the President say this: that we give them tanks and other countries give them pillows. That's absolutely right, that the — as vocal as the Europeans are about supporting Ukraine, they are really, really stingy when it comes to lethal aid. And they weren't helping Ukraine, and then still to this day are not. And the President did not like that. I know it's a long answer to your question, but I'm still going.

So that was — those were the driving factors. Did he also mention to me in pass the corruption related to the DNC server? Absolutely. No question about that. But that's it. And that's why we held up the money.

Now, there was a report —

Q So the demand for an investigation into the Democrats was part of the reason that he ordered to withhold funding to Ukraine?

MR. MULVANEY: The look back to what happened in 2016 —

Q The investigation into Democrats.

MR. MULVANEY: — certainly was part of the thing that he was worried about in corruption with that nation. And that is absolutely appropriate.

Q And withholding the funding?

MR. MULVANEY: Yeah. Which ultimately, then, flowed. By the way, there was a report that we were worried that the money wouldn't — that if we didn't pay out the money, it would be illegal, okay? It

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would be unlawful. That is one of those things that has the little shred of truth in it, that makes it look a lot worse than it really is.

We were concerned, over at OMB, about an impoundment. And I know I just put half of you folks to bed, but there's — the Budget Control Act — Budget Control Impoundment Act of 1974 says that if Congress appropriates money, you have to spend it. Okay? At least that's how it's interpreted by some folks. And we knew that that money either had to go out the door by the end of September or we had to have a really, really good reason not to do it. And that was the legality of the issue.

Q But to be clear, what you just described is a quid pro quo. It is: Funding will not flow unless the investigation into the Democratic server happens as well.

MR. MULVANEY: We do that all the time with foreign policy. We were holding money at the same time for — what was it? The Northern Triangle countries. We were holding up aid at the Northern Triangle countries so that they would change their policies on immigration.

By the way — and this speaks to an important —

Q (Inaudible.)

MR. MULVANEY: I'm sorry? This speaks to an important point, because I heard this yesterday and I can never remember the gentleman who testified. Was it McKinney, the guy — was that his name? I don't know him. He testified yesterday. And if you go — and if you believe the news reports — okay? Because we've not seen any transcripts of this. The only transcript I've seen was Sondland's testimony this morning.

If you read the news reports and you believe them — what did McKinney say yesterday? Well, McKinney said yesterday that he was really upset with the political influence in foreign policy. That was one of the reasons he was so upset about this. And I have news for everybody: Get over it. There's going to be political influence in foreign policy.

Q What about the Bidens, Mr. Mulvaney?

MR. MULVANEY: I'm talking to Mr. Karl. That is going to happen. Elections have consequences. And foreign policy is going to change from the Obama administration to the Trump administration.

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And what you're seeing now, I believe, is a group of mostly career bureaucrats who are saying, "You know what? I don't like President Trump's politics, so I'm going to participate in this witch hunt that they're undertaking on the Hill." Elections do have consequences and they should. And your foreign policy is going to change. Obama did it in one way; we're doing it a different way. And there's no problem with that.

Yes, sir.

Q I just —

Q Mr. Mulvaney, what about the Bidens, though, Mr. Mulvaney? Did that come into consideration when that money was held up?

MR. MULVANEY: I'm sorry, I don't know your name, but he's being very rude. So go ahead and ask your question.

Q Just to clarify, and just to follow up on that question: So, when you're saying that politics is going to be involved —

MR. MULVANEY: Yeah.

Q — the question here is not just about political decisions about how you want to run the government. This is about investigating political opponents. Are you saying that —

MR. MULVANEY: No. The DNC — the DNC server —

Q Are you saying that it's okay for the U.S. government to hold up aid and require a foreign government to investigate political opponents of the President?

MR. MULVANEY: Now, you're talking about looking forward to the next election. We're talking —

Q Even the DNC. The DNC is still involved in this next election. Is that not correct?

MR. MULVANEY: So, wait a second. So there's —

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Q So are you saying —

MR. MULVANEY: Hold on a second. No, let me ask you —

Q But you're asking to investigate the DNC, right?

MR. MULVANEY: So, let's look at this —

Q Is the DNC political opponents of the President?

MR. MULVANEY: There's an ongoing — there's an ongoing investigation by our Department of Justice into the 2016 election. I can't remember that person's name.

Q Durham.

MR. MULVANEY: Durham. Durham, okay? That's an ongoing investigation, right? So you're saying the President of the United States, the chief law enforcement person, cannot ask somebody to cooperate with an ongoing public investigation into wrongdoing? That's just bizarre to me that you would think that you can't do that.

Q And so you would say that it's fine to ask about the DNC but not about Biden? So, Biden is now — Biden is running for the Democratic nomination, right?

MR. MULVANEY: Yeah.

Q That's for 2020. So are you drawing that distinction?

MR. MULVANEY: That's a hypothetical because that did not happen here.

Q No, no, but — the President —

MR. MULVANEY: But I would ask you —

Q No, no. On the call, the President did ask about investigating the Bidens. Are you saying that the money that was held up, that that had nothing to do with the Bidens?

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MR. MULVANEY: No, the money held up had absolutely nothing to do with Biden. There's no question. And that was the point I made to you.

Q And you're drawing a distinction?

MR. MULVANEY: Yeah.

Q You're saying that it would be wrong —

MR. MULVANEY: Three — three factors.

Q — to hold up money for the Bidens?

MR. MULVANEY: Again, I was involved with the process by which the money was held up temporarily, okay? Three issues for that: the corruption of the country; whether or not other countries were participating in the support of the Ukraine; and whether or not they were cooperating in an ongoing investigation with our Department of Justice. That's completely legitimate.

Yes, sir.

Q Thank you. Regarding the Secretary over at the State Department, the Deputy Assistant Secretary for Asian — for European and Eurasian Affairs, George Kent, reportedly testified that you asked him to step down from any issues regarding Ukraine. Is that true? Do you —

MR. MULVANEY: Who said that?

Q It was George Kent.

MR. MULVANEY: I'm sorry. I don't know who that is. Is that somebody who testified this week?

Q Yes.

MR. MULVANEY: I don't believe I've ever talked to anybody named George Kent in my life, nor have I asked anybody to resign their position over this.

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Q Okay. And also, another thing is, is that there have been reports that you had been conducting a review of the phone call with Volodymyr Zelensky, the Ukrainian President. And the question is: What are you — what are you — is that true? Do you acknowledge that you've been conducting that review?

MR. MULVANEY: Well, we're certainly —

Q Or was the call just perfect, as the President has said?

MR. MULVANEY: Again, no one here had any difficulty with the call. We do think the call is perfect. We don't think there's any difficulty with the call at all. I read it several times. By the way, I was not on the call; someone from my office was on the call. No one raised any difficulty with me on the call at all. I understand that, in fact, no one on the call in here thought there was any difficulty with it.

Let's get to your point about what we're doing inside.

Q So was this an attempt to actually uncover the whistleblower? Was that what this is about?

MR. MULVANEY: No. No, no. Here's what it is: It was like, look, if you get — if you're having the House do what they're going to do, doesn't it simply make sense for us to sort of try and find out what happened?

This is one of the questions I don't understand from you folks that we get all the time, which is: Some of you have criticized us for having a war room — okay? — which we don't, by the way. You don't have a war room when you haven't done anything wrong. Clinton certainly had a war room. I think Nixon did. But they actually did something wrong. We didn't. So we don't have a war room.

But, at the same time, then when we say that, you say, "Well, you're not taking it seriously." Yeah, we are. I mean, we do. It's part of what we do. Look, when you work for the Trump administration, you're used to this kind of attention, right? We know how to do this, and we do this and we're preparing for it. Yes, we're having lawyers look at it. Yes, we're having our PR people looking at it. If we didn't — if we weren't doing that, we would be committing malpractice. But I don't think there's anything extraordinary that we're doing.

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We've been dealing with oversight from the Democrats since they took office. In fact, it's all we've been dealing with the Democrats since they took office because we certainly haven't been doing much legislating since they've been here.

Yes. Yes, ma'am. I'm trying to get folks who haven't asked a question yet.

Q Chief, in light of the depositions that we've heard, do you believe that Rudy Giuliani's role as an outside advisor to the President is problematic?

MR. MULVANEY: No, that's the President's call. I mean, I — actually, Steve Scalise got asked a similar question today on television. I thought his answer was great, which is: Look, you may not like the fact — in fact, I think — I understand, from reading his opening testimony, that Gordon Sondland didn't like the fact that Giuliani was involved and said that in his testimony.

Okay, that's great. You may not like the fact that Giuliani was involved. That's great. That's fine. It's not illegal. It's not impeachable. The President gets to use who he wants to use. If the President wants to fire me today and hire somebody else, he can.

Q Even if he's operating separately from the actual, like —

MR. MULVANEY: The President gets to set foreign policy and he gets to choose who to do so. As long as he doesn't violate any law — okay? — and he doesn't violate laws regarding confidential information or classified material or anything like that, the President gets to use who he wants to use.

Q A follow-up? A follow-up on that?

Q Did the President direct you or anyone else to work with Rudy Giuliani on Ukraine?

MR. MULVANEY: Um, yeah. The — when was it? It was the May meeting, and I think this has been widely reported. In fact, I think Sondland mentioned it in his testimony, and I'm pretty sure that Rick Perry mentioned it in his interview yesterday with the Wall Street Journal, that in the May meeting in the Oval Office that I was in — I think Senator Johnson was there, as well as Mr. Volker was there — the President asked Rick Perry to work with Mr. Giuliani.

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Q And did you think that that was appropriate when you were asked as well?

MR. MULVANEY: I wasn't asked.

Q You were not asked?

MR. MULVANEY: No.

Q That was my question: Were you or anyone else asked?

MR. MULVANEY: And I think the answer to your question is that —

Q So, you were not asked? Just Rick Perry?

MR. MULVANEY: The President told Rick Perry, who I think was sort of — you know, he was — the issue — one of the reasons they were in there, obviously talking about energy — they were very interested in trying to get Ukraine as an energy partner. That's why Mr. Perry — Secretary Perry — was so heavily involved. And that's when the President said to Mr. Perry, "Go ahead and talk to Rudy."

Q Fiona Hill said that was a shadow foreign policy.

MR. MULVANEY: Yes, you haven't asked a question yet. Yes.

Q Was that a shadow foreign policy?

MR. MULVANEY: Shadow? Hold it. A shadow foreign policy? Look, that's a term you're using. That's a pejorative. That's — what is a shadow foreign policy? The President —

Q Operating outside the normal channels.

MR. MULVANEY: Normal chan- — who else was in the room? Rudy Giuliani — who's in the room when the President is having this conversation, okay? It's Gordon Sondland, our Ambassador to the EU; Kurt Volker, who is our Special Designated Envoy to the Ukraine. I sat next to Mike Pompeo yesterday at the meeting with the congressional leaders, and I said, "Look, I understand I

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coordinated a coup against you by putting — by putting Sondland and Volker in charge of Ukraine policy.” And he leans back to me, and he goes, “You know they both work for me?”

There’s not a shadow policy here. The President is entitled to have whoever he wants to work.

Q You were comfortable with Rudy Giuliani’s role?

MR. MULVANEY: I’m 100 percent comfortable with that.

Yes, sir.

Q You called on me. Director Mulvaney, you called on me.

MR. MULVANEY: Oh, I’m sorry. I did. I did. Yes, I’m sorry. I’m sorry. Yes.

Q No problem. First, to follow on that question, can you describe the role that you played in pressuring Ukraine to investigate the Bidens?

And secondly —

MR. MULVANEY: Yeah, none.

Q — can you walk us through the meeting that President Trump was dangling over Volodymyr Zelensky to happen right here at the White House? What were the preconditions of that meeting? And was investigating Burisma one of them?

MR. MULVANEY: The first question to your answer — the first answer to your question is: None. I didn’t have any — what was your question? What did I do to Ukraine or something? Nothing.

Q Did you do anything to pressure Ukraine to investigate the Bidens?

MR. MULVANEY: No. So what’s the second question?

Q The second question is about the meeting —

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MR. MULVANEY: That he “dangled”? That’s an interesting —

Q — that was supposed to happen here at the White House between the two Presidents?

MR. MULVANEY: Yeah —

Q Can you walk us through the discussions for that meeting? What was on the table for a precondition? And was the investigation of Burisma ever brought up as a condition to meet with President Trump?

MR. MULVANEY: No. Not to me. And not to anybody I know of. I was never in a conversation that had the word “Burisma” in it. But as to —

Q I’m sorry, investigating the Bidens, then?

MR. MULVANEY: Okay. Or the Bidens. That never happened with me in there.

But to the larger point about the meeting, I think one of the things that you all have missed is the President didn’t want to take the meeting. The President didn’t want to have a phone call. That was mis- — Rick Perry was pushing for that.

Q On the phone call, he said, “I’ll see you here at the White House,” didn’t he?

MR. MULVANEY: At the end. Yes. But that’s — I think that was a courtesy that he was extending at the time. And he’s not been here yet. But the —

Q So he was never realistically entertaining a meeting with President Zelensky?

MR. MULVANEY: I mean, I think — we get asked by foreign leaders all of the time to either come visit their country or to have them come visit here. And we try to be courteous and say yes, and some of them we’re able to accommodate, and some of them we are not. But I do not remember —

Q (Inaudible.)

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MR. MULVANEY: Excuse me. I'm going to answer her question. That — I don't remember a serious conversation about setting up an actual meeting. There were no dates discussed. There was not — I saw that as one of the typical pleasantries that we have. And I don't think it was dangling a meeting or anything like that.

Yes, sir.

Q Is the President still planning to welcome President Erdoğan at the White House on November 13th?

MR. MULVANEY: Yeah. I think that — I think that depends on how the next couple of days go. It's still on the schedule. And I understand that Vice President Pence's meeting is going much longer than it's expected today. I hope it's not going — I hope they're not having a press conference right now. But I think that's one of those wait-and-see things.

The President has been very clear about what he wants to see out of President Erdoğan. He wants a ceasefire now. He wants prisoners protected. He — I think, go down the long list of the things the President has mentioned to President Erdoğan. And if we're able to get that, then I think that meeting can go forward. If not, then I think the President will review that possibility.

Yes, ma'am.

Q You just said you were involved in the process in which, you know, the money being held up temporarily. You named three issues for that: the corruption in the country; whether or not the country — they were assisting with an ongoing investigation into corruption. How is that not an establishment of an exchange, of a quid pro quo? You just seem to continue to be establishing this, and then —

MR. MULVANEY: It's quid pro — those are the terms that you use. I mean, go look at what Gordon Sondland said today in his testimony — was that I think, in his opening statement, he said something along the lines of they were trying to get the deliverable. And the deliverable was a statement by the Ukraine about how they were going to deal with corruption. Okay? Go read his testimony if you haven't already.

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And what he says is — and he's right — that's absolutely ordinary course of business. This is — this is what you do when you have someone come to the White House, when you either arrange a visit for the President, you have a phone call with the President, a lot of times we use that as the opportunity to get them to make a statement of their policy or to announce something that they're going to do. It's one of the reasons we then — you can sort of announce that at the — on the phone call or at the meeting. This is the ordinary course of foreign policy.

Yes. I'm sorry.

Q Mr. Mulvaney, is it appropriate for any President or this President to pressure a foreign country to investigate a political opponent?

MR. MULVANEY: You know, every time I get that question, that's one of those things about —

Q It's a simple question.

MR. MULVANEY: It is, but so is, "When did you stop beating your wife?"

Q So what's the answer?

MR. MULVANEY: It assumes that the President has done that.

Q Well, what's the answer? I said "any President."

MR. MULVANEY: We haven't done that.

Q I said Mr. Trump or any President.

MR. MULVANEY: I'm not — I'm going to talk about what this President did.

Yes, ma'am.

Q The other thing I have is: The President's personal attorney, Rudy Giuliani, said he sees his work as the President's personal attorney as intertwined with the President's national agenda when it

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comes to Ukraine. Do you see those issues as intertwined? Is his political interest as a President, as a political candidate, is that intertwined with the national interest?

MR. MULVANEY: You know, I don't know how to answer that question except that — I mean, Mr. Giuliani is his personal lawyer, and if the President wants to use him —

Q So is it appropriate for a personal attorney to be working in Ukraine on issues that are supposed to be national issues? Mr. Giuliani says there's an attorney-client privilege issue because he was working in the President's interest. Is that appropriate for his personal attorney to be working in his interest —

MR. MULVANEY: I don't know of anything inappropriate about that.

Yes, sir.

Q Thank you, Mr. Mulvaney.

MR. MULVANEY: Oh, yeah. I'm sorry, the lady in the back is very nice. Yes, ma'am.

Q Thank you, Mr. Mulvaney. You say that the U.S. foreign policy will change, not like in previous administrations. How does the President respond about the North Korea's break-off talks with the U.S. (inaudible)?

MR. MULVANEY: If the question is responding to breaking off talks, is there news in the last couple of days on that?

Q Yes. October 5th, Stockholm, in Sweden.

MR. MULVANEY: Okay. I'm sorry. I'm not — I'm just not briefed on that, and I apologize.

Yes, sir.

Q Thank you, Mr. Mulvaney.

MR. MULVANEY: Yeah. And I'll take one more after this.

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Q There have been published reports that you are objecting within the President's official family to the appointment of Ken Cuccinelli to head up the Department of Homeland Security. Is that so? And if so, what is your objection to his possible appointment?

MR. MULVANEY: I have none. And I think Ken would be good at the job.

Yes, ma'am. I'm sorry. Did I really ignore you the whole time? You're sitting in the front row and I haven't asked you a question yet?

Q (Inaudible.)

MR. MULVANEY: I'm sorry.

Q Same with me, Mr. Mulvaney.

Q So, if there was no quid pro quo on the call, if it was routine, if he didn't even want to do it, and, you know, it's all — is on the up and up, why didn't it have to go into this more restricted server? Why was it moved from the one server to the other?

MR. MULVANEY: All right. Let's — let's — I'm glad we got that. It's a good one to finish on.

I'm not going to answer your question the way you want me to, but I'm going to answer your question. So give me just a second.

I am not going to sit here and talk about how we handle classified information in this building, okay? I got a couple questions before about my private conversations with the President; I don't talk about those either.

I'm not going to talk about that, but I do want to address it. And here's why: There's only one reason people care about that, right? And it's because they think there's a cover-up. They hope there's a cov- — some of them hope that there's a cover-up; that, "Oh my goodness gracious. There must have been something really, really duplicitous. Something really underhanded about how they handled this document, because there must be a cover-up" — because there's always a good cover-up when we've got an impeachment, right? Nixon had a cover-up of the tapes; Clinton had a cover-up of the relationship with Lewinsky. There must be a cover-up here, right?

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Let me ask you this: If we wanted to cover this up, would we have called the Department of Justice almost immediately and have them look at the transcript of the tape? Which we did, by the way. All right? If we wanted to cover this up, would we have released it to the public? And, by the way, I'm glad that now all this concern about, "Oh, the document has been edited and what do these ellipses stand for?" Because I heard Adam Schiff go on television yesterday and — or, yesterday or the day before — and say, "You know, we don't need to hear from the whistleblower anymore because now we have the transcript," or the memorandum of communication, memorandum of document, okay?

Everyone wants to believe there's a cover-up. You don't give stuff to the public and say, "Here it is" if you're trying to cover something up. So I'm not going to answer your question by explaining how we handle documents in this building. All I'm telling you is that you can stop asking the questions there, because there's no cover-up. And I can prove it to you by our actions.

Look, I know we can do this all night. No, I'm not going to take any more. But it's nice — it's nice to see everybody. Thanks again.

END

1:18 P.M. EDT

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2
3 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
4 joint with the
5 COMMITTEE ON OVERSIGHT AND REFORM
6 and the
7 COMMITTEE ON FOREIGN AFFAIRS,
8 U.S. HOUSE OF REPRESENTATIVES,
9 WASHINGTON, D.C.

10

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13 DEPOSITION OF: JENNIFER WILLIAMS

14

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16

17

18 Thursday, November 7, 2019

19 Washington, D.C.

20

21 The deposition in the above matter was held in Room HVC-304,
22 Capitol Visitor Center, commencing at 9:35 a.m.

23 Present: Representatives Schiff, Swalwell, Heck, Maloney, and
24 Demings.

25 Also Present: Raskin, Norton, Perry, Jordan, and Meadows.

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

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1 [REDACTED]

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1 For the COMMITTEE ON FOREIGN AFFAIRS:

2

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[REDACTED]

4

[REDACTED]

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[REDACTED]

6

[REDACTED]

7

8 For JENNIFER WILLIAMS:

9

10 EMILY DAMRAU

11 JUSTIN SHUR

12 CALEB HAYES-DEATS

13 ELIZABETH SAWYER

14 MOLOLAMKEN

15 600 New Hampshire Ave, N.W.

16 Washington, D.C. 20037

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1 THE CHAIRMAN: We'll come to order. Good morning, Ms. Williams,
2 and welcome to the House Permanent Select Committee on Intelligence
3 which, along with the Foreign Affairs and Oversight Committees, is
4 conducting this investigation as part of the official impeachment
5 inquiry of the House of Representatives.

6 Today's deposition is being conducted as a part of the impeachment
7 inquiry. In light of attempts by the Office of the Vice President to
8 direct you not to cooperate with the inquiry, the committee had no
9 choice but to compel your appearance today. We thank you for complying
10 with a duly authorized congressional subpoena, as other current and
11 former officials from across the Federal Government have done.

12 Ms. Williams currently serves as the Special Adviser for Europe
13 and Russia in the Office of the Vice President. She has been detailed
14 to this position from the State Department since April 2019. Ms.
15 Williams is a long-serving career Foreign Service Officer, and
16 previously held posts at our embassies in the United Kingdom, Lebanon,
17 and Jamaica.

18 Ms. Williams, thank you for your service. We look forward to your
19 testimony today, including your knowledge of and involvement in key
20 policy discussions, meetings, and decisions on Ukraine that relate
21 directly to areas under investigation by the committees. This
22 includes developments related to the recall of Ambassador Yovanovitch;
23 the President's July 25, 2019, call with Ukrainian President Zelensky;
24 the hold placed on the President on nearly -- placed by the President
25 on nearly \$400 million of security assistance for Ukraine; and the Vice

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1 President's meeting and phone call with President Zelensky in
2 September. We will also have questions about the Office of the Vice
3 President's response to the impeachment inquiry, including the
4 committee's request for documents, with which the Vice President has
5 refused to comply.

6 Finally, to restate what I and others have emphasized in our
7 interviews, Congress will not tolerate any reprisal, threat of
8 reprisal, or attempt to retaliate against any U.S. Government official
9 for testifying before Congress, including you or any of your
10 colleagues. It is disturbing that the Office of the Vice President,
11 in coordination with the White House, has sought to prohibit a public
12 servant, such as yourself, from cooperating with the inquiry and with
13 Congress and have tried to limit what you can say. This is
14 unacceptable. Thankfully, consummate professionals like you have
15 demonstrated remarkable courage in coming forward to testify and tell
16 the truth.

17 Before I turn to committee counsel to begin the interview, I
18 invite Ranking Member Nunes or, in his absence, a minority member of
19 the Foreign Affairs or Oversight Committees to make any opening
20 remarks.

21 MR. JORDAN: Thank you, Mr. Chairman.

22 I just want to welcome Ms. Williams and thank her for her service
23 to our country.

24 THE CHAIRMAN: Thank you. Mr. Goldman.

25 MR. GOLDMAN: Thank you, Mr. Chairman.

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1 This is a deposition of Jennifer Williams conducted by the House
2 Permanent Select Committee on Intelligence pursuant to the impeachment
3 inquiry announced by the Speaker of the House on September 24th, 2019,
4 and affirmed by House Resolution 660 on October 31st, 2019.

5 Ms. Williams, if you could please now state your full name and
6 spell your last name for the record.

7 MS. WILLIAMS: Jennifer Williams. And, sorry, spell that as
8 well or --

9 MR. GOLDMAN: Common spelling?

10 MS. WILLIAMS: Common spelling, yes.

11 MR. GOLDMAN: Along with other proceedings in furtherance of the
12 inquiry to date, this deposition is part of a joint investigation led
13 by the Intelligence Committee, in coordination with the Committees on
14 Foreign Affairs and Oversight and Reform.

15 In the room today are majority staff and minority staff from all
16 three committees. And this will be a staff-led deposition. Members,
17 of course, may ask questions during their allotted time, as has been
18 the case in every deposition since the inception of this investigation.

19 My name is Daniel Goldman. I'm the Director of Investigations
20 for the Intelligence Committee's majority staff, and I want to thank
21 you, again, for coming in today.

22 Let me do some brief introductions. To my right here is Daniel
23 Noble. He's the Senior Investigative Counsel for the Intelligence
24 Committee's majority staff. Mr. Noble and I will be conducting most
25 of the interview for the majority.

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1 deposition will be limited to the three committees in attendance.
2 Under the House deposition rules, no Member of Congress nor any staff
3 member can discuss the substance of the testimony that you provide
4 today. You and your attorney will have an opportunity to review the
5 transcript before it is released.

6 Before we begin, I would like to go over the ground rules for this
7 deposition. We will be following the House regulations for
8 depositions which we have previously provided to your counsel. The
9 deposition will proceed as follows: The majority will be given one
10 hour to ask questions, then the minority will be given one hour.
11 Thereafter, we will alternate back and forth between majority and
12 minority in 45-minute rounds until questioning is complete. We will
13 take periodic breaks, but if you need a break at any time, please let
14 us know.

15 Under the House deposition rules, counsel for other persons or
16 government agencies may not attend the deposition. You are permitted
17 to have an attorney present during this deposition and I see that you
18 have brought counsel.

19 At this time, if counsel could please state their appearances for
20 the record.

21 MR. SHUR: Justin Shur, Emily Damrau, and Caleb Hayes-Deats for
22 Ms. Williams.

23 MR. GOLDMAN: There is a stenographer taking down everything that
24 is said here today in order to make a written record of the deposition.
25 For that record to be clear, please wait until each question is

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1 completed before you begin your answer, and we will wait until you
2 finish your response before asking you the next question. The
3 stenographer cannot record nonverbal answers, such as shaking your
4 head, so it is important that you answer each question with an audible
5 verbal answer.

6 We ask that you give complete replies to questions, based on your
7 best recollection. If a question is unclear or you are uncertain in
8 your response, please let us know. And if you do not know the answer
9 to a question or cannot remember, simply say so.

10 You may only refuse to answer a question to preserve a privilege
11 recognized by the committee. If you refuse to answer a question on
12 the basis of privilege, staff may either continue to proceed with the
13 deposition, or seek a ruling from the chairman on the objection. If
14 the chair overrules any such objection, you are required to answer the
15 question.

16 And finally, you are reminded that it is unlawful to deliberately
17 provide false information to Members of Congress or staff. It is
18 imperative that you not only answer our questions truthfully, but that
19 you give full and complete answers to all questions asked of you.
20 Omissions may also be considered as false statements.

21 As this deposition is under oath, Ms. Williams, would you please
22 stand and raise your right hand to be sworn.

23 Do you swear that your testimony provided here today will be the
24 whole truth and nothing but the truth?

25 MS. WILLIAMS: I do.

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1 MR. GOLDMAN: Thank you. You may be seated.

2 And let the record reflect that the witness has been sworn.

3 Ms. Williams, if you have an opening statement or your attorneys
4 have any matters to discuss, now is the time.

5 MS. WILLIAMS: I do not have an opening statement today. Thank
6 you.

7 MR. GOLDMAN: Nothing from the attorney?

8 MR. SHUR: Nothing.

9 THE CHAIRMAN: Mr. Noble is recognized for one hour.

10 MR. NOBLE: Thank you, Mr. Chairman.

11 EXAMINATION

12 BY MR. NOBLE:

13 Q Ms. Williams, you were detailed from the State Department
14 to the Office of the Vice President in April of this year. Is that
15 correct?

16 A That is correct.

17 Q Can you just describe briefly your experience, your
18 government experience prior to being detailed to OVP?

19 A Sure. So I joined the Department of Homeland Security in
20 2005, shortly after graduating from university, and I served for
21 Secretary Michael Chertoff for nearly 1 year as a political appointee.
22 And then during that time, I took the Foreign Service exam and joined
23 the Foreign Service in 2006.

24 During my nearly 14 years in the Foreign Service, I've done tours,
25 as mentioned, in Jamaica, Beirut, Lebanon, worked on the Syria

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1 humanitarian crisis for our Refugee Bureau for about 4 years, served
2 our Deputy Secretary of State covering Middle East and North Africa
3 policy, did a year of graduate school during that time as well, and
4 most recently, served for 3 years at our Embassy in London as a Public
5 Affairs Officer.

6 Q Did you go to the -- to OVP from the Embassy in the U.K.?

7 A Yes, I did.

8 Q And can you just describe briefly your roles and
9 responsibilities in OVP?

10 A Sure. I am one of the Vice President's Special Advisers on
11 his foreign policy team. I serve in the National Security Affairs
12 Office under the command of Lieutenant General Keith Kellogg, who is
13 the National Security Advisor to the Vice President. In my role, I
14 cover Europe and Russia issues.

15 So, in that regard, I keep the Vice President aware and abreast
16 of all foreign policy issues going on in that region, prepare him for
17 his foreign policy and foreign leader engagements, whether that's by
18 phone calls or in-person meetings here in Washington, as well as travel
19 overseas to the European region.

20 Q And does that include matters relating to Ukraine?

21 A It does.

22 Q What is the Vice President's role as it relates to U.S.
23 relations with our European allies, and Ukraine in particular?

24 A So the Vice President carries out the President's foreign
25 policy and is a key adviser to the President, as well as a representative

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1 of the government overseas. He often has interactions with foreign
2 leaders, again, both here in Washington and overseas, often
3 participates in meetings with the President as well as holds his own
4 meetings with overseas leaders.

5 In the case of Ukraine, I can only speak to my time since starting
6 in April, but once President Zelensky was elected in April, the Vice
7 President elected to make a congratulatory call of his own to the new
8 leader in order to establish a good relationship with him.

9 And I've kept him up to date on developments in Ukraine throughout
10 the summer. And as -- as the committees are aware, the Vice President
11 was asked by the President to go to Poland in early September, where
12 the Vice President met with President Zelensky for the first time, and
13 so he -- and has spoken with him by phone after that as well.

14 Q And you prepped the Vice President for those phone calls and
15 meetings?

16 A That's right.

17 Q We'll go through those as we kind of go through the outline.
18 In your role, do you communicate directly with any Ukrainian Government
19 officials?

20 A Not often. Our Embassy in Kyiv really takes the lead on
21 that. I was in touch for logistical purposes at various points with
22 the Ukrainian Embassy here in Washington related to potential visits.

23 And there was a delegation of Ukrainian officials that came to
24 Washington in July. The group met with my boss, General Kellogg, on
25 July 9th, and so, I helped facilitate that meeting. But other than

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1 that, I have limited engagement directly with Ukrainian officials.

2 Q And who do you typically interact with kind of in the
3 interagency on Ukraine matters? Who are your points of contact at
4 State, DOD, and the NSC?

5 A I work probably most closely with my NSC colleagues, with
6 Lieutenant Colonel Alex Vindman, who's kind of my counterpart on the
7 NSC, but also with his superiors as well. So previously, Dr. Fiona
8 Hill, more recently Tim Morrison. At the State Department, with the
9 Bureau of European Affairs and the office that covers Ukraine policy,
10 including Deputy Assistant Secretary George Kent, Assistant Secretary
11 Phil Reeker, and the Ukraine desk team. And then I'm often on email
12 correspondence with our Embassy colleagues in Kyiv, but not as much
13 in-person interaction.

14 Q And who typically do you correspond with at the Embassy in
15 Kyiv?

16 A I've been on email correspondence with Ambassador Bill
17 Taylor. I don't often reach out to him directly. It's usually more
18 I'm copied on email correspondence on developments going on from the
19 Embassy's perspective. And, you know, in the lead-up to various
20 engagements that the Vice President had with Ukrainian officials, I
21 was in contact with the Embassy during those times.

22 Q Okay. You referenced a call between President Trump and
23 President Zelensky in April. I think you said it was a congratulatory
24 call. Is that right?

25 A That's right.

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1 Q That's the call on April 21st?

2 A The President's call was April 21st. The Vice President
3 called Zelensky 2 days later on April 23rd.

4 Q Okay. Did you -- were you involved in prepping the
5 President for his call on April 21st?

6 A I was not.

7 Q Did you listen in on that call?

8 A No.

9 Q Did you ever get a readout of that call?

10 A I saw the transcript of that call in preparation for the Vice
11 President's call 2 days later. We wanted to make sure the Vice
12 President was aware of what the President's conversation had been.

13 Q Do you recall the contents of that call transcript? Was that
14 like a memcon of the call?

15 A It was a transcript in terms of format very similar to the
16 one that's been released related to the July call. So similar format.

17 Q Do you recall the substance of the conversation between
18 President Trump and President Zelensky on April 21st?

19 A I do. It was a relatively brief call, I'd say maybe 10
20 minutes or so. It was really focused on congratulating President
21 Zelensky on his victory in the recent Presidential election which had
22 taken place that day, and looking forward to a good relationship with
23 him.

24 Q To your knowledge, was there -- or recollection, was there
25 any reference to any of the investigations into Burisma, the Bidens,

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1 or 2016 during that phone call?

2 A There was not.

3 Q Did you prep the Vice President for his call on, I think you
4 said April 23rd. Is that right?

5 A I did.

6 Q And what -- did you participate in that call?

7 A I did.

8 Q Can you describe the conversation between Vice President
9 Pence and President Zelensky?

10 A Sure. It was similar. It was an offer of congratulations
11 for President Zelensky's recent victory, which was an overwhelming
12 victory in that race. They talked, again, also about the importance
13 of the U.S.-Ukraine relationship and how eager we were, the U.S. was,
14 to see President Zelensky take steps to implement the agenda on which
15 he had run, which was very much focused on anticorruption, and looking
16 to really bring Ukraine even closer to the trans-Atlantic and European
17 community. And there was discussion -- President Zelensky invited
18 President Trump initially, but there was discussion about Vice
19 President Pence as well, to his inauguration, but the date of that had
20 not yet been set.

21 Q Was there discussion -- sorry, going back to President
22 Trump's call on the 21st, was there any discussion of a possible White
23 House meeting for President Zelensky, or a meeting with Trump on that
24 phone call that you can recall?

25 A I don't recall that in that initial April 21st call. I

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1 recall President Zelensky invited President Trump to attend his
2 inauguration in Kyiv. Again, the date hadn't been set, and the
3 President acknowledged the invitation without making a commitment on
4 the phone at that time.

5 Q And did Vice President Pence reference anything relating to
6 a meeting between President Trump and President Zelensky during his
7 April 23rd call?

8 A I don't believe so. Again, it was more focused at that time
9 on the issue of who might attend the inauguration. So President
10 Zelensky, in the Vice President's call, also extended the invitation
11 to President Trump or Vice President Pence if the President wasn't
12 available, and the Vice President looked forward to accepting that
13 invitation if the dates worked out.

14 Q In preparation for the Vice President's call with President
15 Zelensky, did anyone at the White House or National Security Council
16 provide any talking points or other input for the Vice President?

17 A I worked with Lieutenant Colonel Vindman, since he had
18 prepared the President's briefing papers for his call 2 days prior.
19 So I wanted to make sure that the substance was in line with U.S. policy,
20 but not the talking points, per se, for the conversation.

21 Q Following those phone calls and the invitation --

22 THE CHAIRMAN: Can you explain a little more about -- you
23 mentioned how you prepare the Vice President for the call. How did
24 you go about doing that?

25 MS. WILLIAMS: Yes, sir. So I prepare a briefing memo, providing

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1 draft talking points or suggested talking points for the Vice President
2 along with background information. I also provided him with a call
3 of the President's call transcript from 2 days prior, a set of talking
4 point cards, and then we did a prebrief in person just before the call.

5 THE CHAIRMAN: And what generally were the points that you wanted
6 the Vice President to communicate during the call.

7 MS. WILLIAMS: First and foremost, congratulations on his
8 victory and how eager he was to establish a good working relationship
9 with President Zelensky and his new administration, his new cabinet;
10 how the Vice President looked forward to seeing President Zelensky
11 really implement the agenda on which he had ran, had run, related to
12 anticorruption reforms; talking about reforming the rule of law;
13 reforming the judiciary; taking steps to remove permanent immunity from
14 members of Parliament, for example, which had really led to a lot of
15 corruption in Ukraine over a long period of time; looking at ways to
16 reform the defense industry in order to really streamline and reduce
17 waste, and so that we could really increase and enhance our security
18 relationship; encouraging President Zelensky to continue to push back
19 against Russian aggression; and, you know, really supporting his
20 efforts to do so since he had spoken a lot about that during his
21 campaign. Along those lines.

22 THE CHAIRMAN: And what was the purpose of including the call
23 record from the President's call in the Vice President's binder?

24 MS. WILLIAMS: I thought it would be useful for the Vice President
25 to be aware of what the President had conveyed to Zelensky two days

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1 prior.

2 THE CHAIRMAN: Mr. Noble.

3 BY MR. NOBLE:

4 Q What role does General Kellogg play in helping prepare for
5 these types of calls?

6 A General Kellogg was present for the call as well as the
7 prebrief with the Vice President just before the call as well, and he
8 reviews the talking points and briefing memos that are put forward to
9 the Vice President.

10 Q That you prepare?

11 A That I prepare.

12 Q It goes to General Kellogg?

13 A That's right.

14 Q How frequently does General Kellogg speak with the Vice
15 President?

16 A Fairly frequently. I'm often not present for those
17 engagements, so I couldn't tell you very specifically, but I would say
18 at least on a daily basis, when the Vice President is not traveling.

19 Q And do you know does General Kellogg have direct
20 conversations with the President?

21 A I believe he does, but, again, I'm not present for those,
22 so I couldn't tell you how frequently or on what kind of topics they
23 discuss.

24 Q And why do you say that they do have direct communications?
25 How do you know that?

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1 A General Kellogg often will participate in meetings with the
2 President over in the Oval Office, whether those are more formal foreign
3 policy engagements or internal staff meetings, including the
4 President's intelligence briefings. Again, I've never been present
5 for those, so I can't really speak to what they discuss.

6 Q Does General Kellogg ever tell you about what happens in
7 those meetings?

8 A Not generally, unless there's some specific detail that
9 might relate to an upcoming engagement for the Vice President.

10 Q Now, the President and the Vice President's call took place
11 shortly before Ambassador Yovanovitch was recalled from Kyiv. Do you
12 recall that?

13 A That's right.

14 Q Is that right?

15 Did you have any sense about what was about to happen to Ambassador
16 Yovanovitch when those calls were taking place?

17 A I can't recall precisely when I first saw some of the media
18 reporting, the open source reporting about concerns about Ambassador
19 Yovanovitch's ongoing position in Ukraine, and how that overlaps with
20 the precise timing of those two calls, but I do recall seeing within
21 April, the April timeframe, the media reporting about Ambassador
22 Yovanovitch.

23 Q And do you recall the substance of the media reporting that
24 you were seeing at that time?

25 A I recall there being stories about -- about certain

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1 individuals expressing concerns, including Mr. Giuliani, about
2 Ambassador Yovanovitch and her loyalty to the Trump administration,
3 but, again, it was all just open source reporting.

4 Q Do you recall who else was speaking about Ambassador
5 Yovanovitch in the press? You mentioned other persons besides Rudy
6 Giuliani.

7 A I recall -- and I couldn't give you the precise date -- that
8 I believe the President's son, Don Jr., at one point retweeted a story
9 about Ambassador Yovanovitch, but I couldn't tell you the timeline.

10 Q Did you have the opportunity to work with Ambassador
11 Yovanovitch on Ukraine before she was recalled?

12 A Not directly. She participated in, I believe, a couple of
13 interagency policy committee meetings, in which I also participated,
14 and so she was on screen via video teleconference. And so I listened
15 to her updates from post, but I had never met, and still have never
16 met her in person.

17 Q Were you familiar with her work in Ukraine, particularly on
18 anticorruption efforts?

19 A Only vaguely. Before coming to this position in the Vice
20 President's office, again, I was in our embassy in London and very much
21 focused on those issues. So I wasn't tracking the Ukraine issue quite
22 as closely.

23 Q What date did you join OVP?

24 A April 1st.

25 Q Okay. In April, was there any concern within the Office of

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1 the Vice President or the White House more generally about Ambassador
2 Yovanovitch that you were aware of?

3 A Not that I was aware of.

4 Q Did you ever speak with the Vice President about Ambassador
5 Yovanovitch before she was recalled?

6 A No, I never had a conversation with the Vice President about
7 Ambassador Yovanovitch. I believe I included a written update just
8 reporting on when her final date at post was and some of the press
9 reporting about her situation in a regular nightly update to the Vice
10 President, but I never had an in-person conversation.

11 Q What about with General Kellogg, did you ever discuss the
12 situation with him?

13 A Around that time as well, and I think it was late April when
14 that news was coming out, I raised some of the media reporting in one
15 of our regular staff meetings to General Kellogg.

16 Q And what did he -- how did he respond?

17 A We didn't have a fulsome conversation. It was more of I was
18 just providing him with an update, and he acknowledged that. And
19 later, I provided him with, you know, a written summary of some of the
20 media reporting I had seen for his awareness.

21 Q Did you have any discussions with anyone else in the Office
22 of the Vice President or the White House about these media reports about
23 Ambassador Yovanovitch, that you can recall?

24 A Around that time -- and, again, I couldn't give you a precise
25 date -- I recall speaking with Fiona Hill, Dr. Hill, and Lieutenant

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1 Colonel Vindman about the situation before it was clear whether
2 Ambassador Yovanovitch was going to be recalled. She had been recalled
3 to Washington for consultations. At that time, it wasn't clear if that
4 meant she was going to be leaving her post.

5 So I had a conversation with Dr. Hill about the situation, but
6 basically, we were both just expressing that it was unclear what was
7 going to happen, and that it seemed like it was a shame that she was
8 going to be removed from the position.

9 Q And why do you say it was a shame?

10 A In -- I think Dr. Hill had worked more closely with
11 Ambassador Yovanovitch, so that was really more her opinion. But from
12 what I had known from State Department colleagues, Ambassador
13 Yovanovitch had served a very dedicated and upstanding career,
14 including in her time in Kyiv. So we were not aware of any reason that
15 she would need to be recalled for cause.

16 Q Were you generally familiar with Ambassador Yovanovitch,
17 having been in the Foreign Service for so long? Had you heard of her
18 or her reputation?

19 A I had heard her name but, to be honest, I had been more focused
20 on Middle Eastern policy prior to going to London. So my understanding
21 is she's had more of a focus in Eurasia and Russia, so our paths really
22 hadn't crossed.

23 Q Okay. Around that time, had you ever heard of these
24 associates of Rudy Giuliani, Mr. Parnas, Lev Parnas? Had you heard
25 that name before?

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1 A I had not, no.

2 Q What about Igor Fruman?

3 A No.

4 Q Were you familiar with any of their efforts to try to get
5 Ambassador Yovanovitch removed?

6 A No. I'd seen the broader media reporting, but I hadn't -- I
7 was not familiar with those two individuals.

8 Q Were you familiar, or did you have any awareness of this
9 dossier of material that was put together about -- it's derogatory
10 material of Ambassador Yovanovitch that was sent to the State
11 Department?

12 A I only became aware of that more recently through other
13 testimony and other discussions.

14 Q At the time you --

15 A No.

16 Q -- had no awareness that that had been compiled and sent to
17 the State Department?

18 A No.

19 Q Did you -- you said that you informed Vice President Pence
20 and General Kellogg about the removal of Ambassador Yovanovitch, is
21 that right, or were they already aware?

22 A Yes. I had provided a written update to the Vice President
23 in our regular daily report, just stating that Ambassador Yovanovitch's
24 last day at post, if I'm correct, was going to be May 6th and that -- and
25 provided some commentary about some of the media reports surrounding

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1 her removal.

2 I was not aware of any other discussions or information outside
3 of those channels, and so, I did not provide those. And, again, I had
4 mentioned it to General Kellogg in a staff meeting.

5 Q Do you know whether Vice President Pence or General Kellogg
6 were otherwise aware of the situation involving Ambassador Yovanovitch
7 or that the President had concerns about her?

8 A I don't know. I'm not aware.

9 Q When did you first become aware of Rudy Giuliani's activities
10 in Ukraine?

11 A Through media reporting, I want to say probably early in
12 April, not long after I had started my position. I was aware of some
13 interviews that he had given regarding his concerns about corruption
14 and about things going on in Ukraine, but, again, it was all just from
15 open source reporting.

16 Q Were you aware of his tweets that he was sending out around
17 that time?

18 A I don't follow him on Twitter, so I hadn't seen them myself,
19 but I had seen them reported in the media.

20 Q And did you -- did there come a time when you became aware
21 that he was advocating for Ukraine to initiate certain investigations?

22 A I think the first media report I recall that was specific
23 to particular investigations was an interview he did with a Ukrainian
24 outlet towards the end of May. I want to say May 28th. And I saw that
25 in a written summary from our Embassy colleagues who do an English

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1 language translation of Ukrainian news on a daily basis.

2 And I noted that in that interview that Mr. Giuliani had given,
3 he referenced particular investigations that he would like to see the
4 Ukrainians undertake.

5 Q And which investigations were those?

6 A I believe they related to the 2016 election, and what role,
7 if any, Ukraine may have played in that, as well as looking into the
8 situation with former Vice President Biden's son and Burisma.

9 Q And you said that article you saw in late May. Prior to that,
10 were you aware that Giuliani was pressing for those investigations?

11 A That's the first time I recall seeing those particular
12 investigations mentioned by Mr. Giuliani in the press.

13 Q Do you recall a New York Times article in early May
14 that -- where Giuliani announced that he was going to be traveling to
15 Ukraine to try to meet with President Zelensky about these matters?

16 A I do. I recall that article. I just don't remember if those
17 particular investigations were mentioned in that article, but yes.

18 Q Okay. It seems like you followed the news about Ukraine
19 relatively closely after you started in the Office of the Vice
20 President. Is that fair to say?

21 A I do.

22 Q Did you ever discuss Rudy Giuliani's activities in Ukraine
23 with General Kellogg?

24 A Not -- not specifically. I had flagged the press coverage
25 of Mr. Giuliani's statements about what he wanted to see the Ukrainians

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1 do in the context of Ambassador Yovanovitch's removal, but other than
2 that had no specific discussions with General Kellogg about Mr.
3 Giuliani.

4 Q What about with the Vice President?

5 A No.

6 Q Did you flag those -- the news articles for the Vice
7 President?

8 A I had flagged the May 28th Ukrainian interview -- Ukrainian
9 media interview in a daily update for the Vice President, but had had
10 no personal conversations with him about it.

11 Q Okay. Did you become aware of Giuliani's interest in having
12 Ukraine investigate Burisma Holdings?

13 A I believe I became aware of it through that May 28th
14 interview. Again, I can't recall if it was also mentioned in the New
15 York Times interview -- or article from several weeks prior.

16 Q And from that article, did you become aware that Burisma was
17 connected to Hunter Biden at that time?

18 A I believe so, but the reason I hesitate is I still -- the
19 name Burisma hadn't really resonated with me at that time. I was
20 more -- I certainly recognized that he was interested in looking into
21 the role that former Vice President Biden's son had played on the board
22 of a company.

23 Q Okay. And sometime later, you made the connection that that
24 company was Burisma?

25 A That's right.

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1 Q Did you know, you know, at whose direction Giuliani was
2 working on these matters in Ukraine?

3 A I did not.

4 Q Do you know the relationship between the President and
5 Giuliani?

6 A Only from what I can see in the press. I've never interacted
7 with Mr. Giuliani or seen him in person with the President.

8 Q And what was that relationship?

9 A According to press reporting, I understood Mr. Giuliani to
10 be working as the President's personal attorney.

11 Q Did you ever have any discussions with any of your colleagues
12 at the NSC about Giuliani's activities in Ukraine?

13 A Not specifically that I can recall. I think my colleagues
14 at the NSC were also tracking the press reporting about Mr. Giuliani's
15 interest in pushing the Ukrainians to undertake certain
16 investigations, but we never had really substantive conversations on
17 that issue specifically.

18 Q You never had -- you discussed concerns about what Giuliani
19 was up to in Ukraine with Lieutenant Colonel Vindman?

20 A I think if -- you know, if we're still in the context of
21 April-May, again, I spoke with Dr. Hill and Lieutenant Colonel Vindman
22 around the time of Ambassador Yovanovitch's removal, and we had no
23 specific information, but it seemed related to some of Mr. Giuliani's
24 statements about concerns about her performance and political leaning.

25 So, in that context, we discussed it. But, again, I don't recall

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1 any really substantive discussions specifically about Mr. Giuliani.

2 Q Did it raise any kind of red flags for you that you had this
3 private citizen out in Ukraine, a country that you cover, pressing these
4 investigations, pressing for the removal of an Ambassador, and you're
5 kind of just learning about it in press reports?

6 A It wasn't clear at the time what exactly his role was and
7 how official it might be. Again, not being privy to the relationship
8 between Mr. Giuliani and the President, it really wasn't clear at that
9 time, or really throughout the course of the summer, what kind of role
10 he was playing and in what kind of capacity, and how that might overlap
11 with our official U.S.-Ukraine foreign policy.

12 Q Or not?

13 A Or not.

14 Q Did you -- do you know whether Vice President Pence ever had
15 any meetings or phone calls or other communications with Giuliani?

16 A Not to my knowledge.

17 Q What about General Kellogg?

18 A Not to my knowledge.

19 Q Aside from what Rudy Giuliani was up to in Ukraine, were you
20 aware of any other kind of unofficial or back channel lines of
21 information that were flowing to the President on Ukraine?

22 A No, no. And, again, for Mr. Giuliani was only through press
23 reporting.

24 Q Are you familiar with the May 13th meeting between President
25 Trump and Prime Minister Orban of Hungary?

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1 A Yes, I am. I believe the Vice President also participated
2 in that meeting, so I prepared the Vice President for that meeting as
3 well.

4 Q Do you know whether there was any discussion about Ukraine
5 during that meeting?

6 A I understood that there was from receiving a readout from
7 NSC colleagues afterwards, but I was not in the meeting.

8 Q You were not in the meeting?

9 A No.

10 Q Okay. Do you recall what the readout said about the
11 conversation relating to Ukraine?

12 A I recall NSC colleagues reporting that Mr. Orban had
13 expressed some concerns about Ukraine, but, to be honest, I don't really
14 remember specifics of his concerns.

15 Q Did you or General Kellogg ever participate in any calls or
16 meetings between President Trump and President Putin where the matter
17 of Ukraine came up?

18 A No. And I'm just thinking. I recall seeing a readout of
19 one of the President's calls with President Putin I believe also in
20 late May, in which Ukraine had come up, but General Kellogg and I were
21 not on the call or present for the call.

22 Q You saw a readout or a memcon of the call?

23 A That's right.

24 Q Do you recall what it said about Ukraine?

25 A I really don't. I'm sorry. I know that it came up in the

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1 context I think of wanting to see a resolution to the ongoing conflict
2 with Ukraine, but I don't recall the specifics of that part of the
3 conversation.

4 Q You don't recall anything about what President Putin may have
5 said to President Trump about Ukraine?

6 A I don't.

7 Q Anything about security assistance, U.S. security
8 assistance to Ukraine?

9 A In conversation with President Putin?

10 Q Yes.

11 A No.

12 Q Are you familiar with an NSC staffer named Kash Patel?

13 A No. I've seen his name come up more recently in press
14 reporting related to this inquiry, and I've seen -- I've been on email
15 chains with him. He works in a different directorate than the European
16 Bureau with whom I work most closely. So I knew his name, but I didn't
17 know him or what his role was.

18 Q Do you know whether he had any involvement in Ukraine matters
19 at the NSC?

20 A I was not aware that he had any. I've seen press reporting
21 since that time that indicate that he may have, but --

22 Q You have no personal knowledge of that?

23 A No.

24 Q Are you familiar of whether Mr. Patel ever traveled to Europe
25 in his current role as the counterterrorism Senior Director at the NSC?

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1 A I'm not aware.

2 Q So I'd like to turn to the inauguration of President Zelensky
3 in -- I believe that was on May 20th.

4 A Uh-huh.

5 THE CHAIRMAN: Is there any more light you can shed on the
6 concerns that Orban expressed on Ukraine?

7 MS. WILLIAMS: Mr. Chairman, I'm trying to recall, but I honestly
8 don't really recall a lot of the detail of what exactly they discussed.
9 I understand -- I recall that Mr. Orban had some concerns about
10 Ukraine. There's an ongoing issue that Hungary has been blocking
11 ongoing NATO cooperation with Ukraine over a very specific issue
12 related to rights of Hungarians living in Ukraine to speak and be taught
13 Hungarian language.

14 So a fairly niche issue, but it's something that's important to
15 President Orban. So I believe that was part of the discussion. But
16 other than that, since I wasn't in the room, I don't know if there were
17 more -- you know, further discussion about Ukraine.

18 THE CHAIRMAN: And do you have any sense why Orban would bring
19 up Ukraine in a conversation with the U.S. President?

20 MS. WILLIAMS: I can't speak to what his motivations might have
21 been.

22 THE CHAIRMAN: As a general matter, does Mr. Orban take a very
23 pro-Russia perspective on issues of conflict between the U.S. and
24 Russia?

25 MS. WILLIAMS: I believe it's fair to say in our experience that

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1 President Orban does tend to -- yes, does tend to have more pro-Russia
2 views on certain issues.

3 THE CHAIRMAN: And that would include Ukraine?

4 MS. WILLIAMS: I believe that's fair to say.

5 THE CHAIRMAN: And do you know whether there were any commitments
6 made by the President to Mr. Orban during that conversation vis-a-vis
7 Ukraine?

8 MS. WILLIAMS: I'm not aware of any.

9 THE CHAIRMAN: And during the call between President Putin and
10 President Trump, were there any asks by President Putin vis-a-vis
11 Ukraine?

12 MS. WILLIAMS: I don't recall any.

13 THE CHAIRMAN: Or any commitments made by the President?

14 MS. WILLIAMS: Not to my recollection.

15 THE CHAIRMAN: Mr. Noble.

16 BY MR. NOBLE:

17 Q Was there any discussion in the White House or the Office
18 of the Vice President about Prime Minister Orban's concerns about
19 Ukraine?

20 A Again, to the best of my recollection, in preparation for
21 that meeting, we were tracking most closely Hungary's concerns about
22 the rights, as they would say, the rights of the Hungarian population
23 living in Ukraine. And the U.S. position is -- has always been to try
24 to encourage Hungary to stop blocking further NATO cooperation with
25 Ukraine.

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1 And so, for example, I had prepared the Vice President to speak
2 to that issue if Ukraine came up in the meeting. But, again, I wasn't
3 in the meeting, so I don't know exactly what was discussed.

4 Q Do you know whether the Vice President followed those talking
5 points --

6 A I don't know.

7 Q -- you provided for him?

8 A I don't know if the issue was raised.

9 Q Before we go to the inauguration, I want to go back to
10 Giuliani briefly. Did you ever discuss -- I asked you about your
11 colleagues at NSC, but how about the State Department? Did you ever
12 discuss with Mr. Kent or Mr. Reeker about Giuliani and what he was up
13 to in Ukraine?

14 A No.

15 Q No, okay.

16 A Aside from President Putin, Prime Minister Orban, are you aware
17 of any other conversations President Trump had with any foreign leader
18 relating to Ukraine, aside from President Zelensky?

19 A In that particular timeframe?

20 Q Yeah. Or ever, since then, since you joined OVP.

21 A I mean, I would say that Ukraine is a shared priority country
22 for a number of our Western European allies. And so, I can't recall
23 specifically, but I believe that the President has spoken with
24 President Macron and the Prime Ministers of the U.K., at the time
25 Theresa May, more recently Boris Johnson, and others about, for

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1 example, European efforts to work towards, you know, implementation
2 of the Normandy process in order to find resolution to the ongoing
3 conflict in Ukraine. So I believe it's come up in that context with
4 other leaders, but I couldn't tell you specific dates or conversations.

5 Q Okay. So you said, during the April 21st call with President
6 Trump, April 23rd with Vice President Pence, President Zelensky raised
7 the invitation to come to his inauguration. Is that right?

8 A That's right.

9 Q Can you describe the -- kind of the followup from those phone
10 calls, leading up to the inauguration on May 20th, specifically, like
11 whether -- discussions about whether the President would attend,
12 whether Vice President Pence would attend, or who would represent the
13 United States at the inauguration?

14 A Sure. So shortly after the President's April 21st
15 conversation, I learned through email from our chief of staff that the
16 President had asked the Vice President to attend the inauguration.
17 Again, at that time the date of the inauguration had not yet been set.

18 Q Can I pause you for a second?

19 A Of course.

20 Q You mentioned chief of staff. Do you mean Mick Mulvaney or
21 the Vice President's chief of staff?

22 A The Vice President's chief of staff.

23 Q And who is that?

24 A Marc Short.

25 Q I'm sorry, I interrupted. I just wanted to get a name on

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1 the record.

2 A No, that's okay. That's fine completely.

3 So I learned from our chief of staff, Marc Short, that we should
4 start planning for the Vice President to possibly participate
5 if -- again, if the dates worked out.

6 One of the scheduling constraints that we were looking at was,
7 our understanding at the time, was that the Ukrainians were looking
8 to have the inauguration towards the end of May, maybe early June was
9 the best information that our Embassy colleagues in Kyiv had at the
10 time.

11 President Trump was going to be traveling overseas, both at the
12 end of May and early in June, so there was a very narrow window in which
13 the Vice President would be able to travel overseas, in order to avoid
14 a double absence.

15 So, from a scheduling perspective, we were planning, but it really
16 would depend on when the Ukrainians decided to nail down the specific
17 date. So we started that kind of planning process, just in
18 hypothetical terms, I suppose.

19 Q And do you know who recommended that Vice President Pence
20 attend the inauguration, whose idea it was?

21 A My understanding from our chief of staff, Marc Short, was
22 that the President asked the Vice President to attend shortly after
23 the President's phone call with President Zelensky on April 21st.

24 Q And was the Vice President amenable to that? Was he
25 enthusiastic about going to show support for Zelensky, or what was his

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1 attitude?

2 A I wasn't present when he was asked specifically, so I can't
3 really speak to that. But I can say that in the phone call that the
4 Vice President had 2 days later, obviously, the issue of the
5 inauguration came up as well, and the Vice President accepted that
6 invitation from President Zelensky, and looked forward to being able
7 to attend, again, if the dates worked out.

8 Q Can you explain why Vice President Pence did not attend,
9 ended up not attending?

10 A My understanding was on May 13th, at some time in the morning,
11 I received a phone call from our chief of staff's office from one of
12 my colleagues saying that the Vice President would not be attending
13 the inauguration.

14 Q And who was that colleague?

15 A I believe it was the chief of staff's assistant.

16 Q And why wasn't Vice President Pence going to attend? Had
17 he received further direction from somebody at the White House?

18 A My understanding from my colleague -- and, again, I wasn't
19 there for the conversation -- was that the President asked the Vice
20 President not to attend.

21 Q Do you know did that phone call from Mr. Short's office come
22 before or after the meeting with Prime Minister Orban that day? That
23 was May 13th, right, you said?

24 A It was. I don't recall precisely what time the Orban meeting
25 took place. I recall that I spoke to my colleague in the chief of

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1 staff's office somewhere after 11 a.m., around that timeframe, maybe
2 11:15, 11:30. But I don't recall what time the Orban meeting was.

3 Q After it was decided that Vice President Pence was not going
4 to attend the inauguration, were you involved any further at that point
5 in helping prep the delegation that ended up going?

6 A So when I learned that the Vice President would not be
7 attending, I called my NSC colleagues. I called Lieutenant Colonel
8 Vindman to let him know that the Vice President was not able to attend,
9 since it was really the National Security Council's responsibility to
10 then form a U.S. delegation. So I wanted them to know that.

11 And then since we had already started making initial steps towards
12 the Vice President's travel to Ukraine for that possible event, I
13 alerted State Department and Embassy Kyiv colleagues that the Vice
14 President would not be attending, and then referred them to the NSC
15 for further discussion about a U.S. delegation.

16 THE CHAIRMAN: I'm going to just follow up. I just want to see
17 if I can go through the dates with you. What date was it that you
18 learned from Marc Short that the President wanted the Vice President
19 to attend the inauguration?

20 MS. WILLIAMS: April 21st.

21 THE CHAIRMAN: And what date did you learn from the assistant to
22 Mr. Short that the President now wanted him not to attend?

23 MS. WILLIAMS: May 13th.

24 THE CHAIRMAN: So at some point between April 21st and May 13th,
25 the directive from the President changed from wanting him to attend

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1 to not wanting him to attend. Is that right?

2 MS. WILLIAMS: Those are the dates on which I was informed. I
3 can't really speak to the -- to what the directive may have been, but
4 it would appear so.

5 THE CHAIRMAN: Were you ever given a reason for the President's
6 change of mind on this?

7 MS. WILLIAMS: No.

8 THE CHAIRMAN: And up until the directive was given for the Vice
9 President not to attend, were preparations being made for the Vice
10 President to attend?

11 MS. WILLIAMS: They were. We were making preparations. But,
12 again, since the date hadn't actually been selected, it was very
13 preliminary. We hadn't gotten very far.

14 THE CHAIRMAN: But it was the Vice President's intention,
15 assuming that it worked with his calendar, to follow the President's
16 recommendation that he attend?

17 MS. WILLIAMS: That's right.

18 THE CHAIRMAN: Mr. Noble.

19 BY MR. NOBLE:

20 Q At that point, had you had any interactions with the
21 Ambassador to the EU, Gordon Sondland?

22 A I don't believe I had at that point, no.

23 Q And were you aware of how he came to be added to the
24 delegation?

25 A I saw his name on the final list of the delegation members,

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1 but since at that point, the Vice President wasn't involved, I wasn't
2 personally involved in the discussions of who would be part of that
3 delegation.

4 Q After the trip, did you get a readout of the various meetings
5 that occurred in Kyiv from, like, Alexander Vindman or anyone else?

6 A I did. While the delegation was on the ground for the May
7 20th inauguration, Alex Vindman had sent some email updates regarding
8 their meetings, and it sounded like they had been very successful, that
9 the delegation, which ended up being led by Secretary Perry, had been
10 very impressed with President Zelensky. And I understood from that
11 communication that the delegation was eager to come back and meet with
12 the President to convey what they had heard from the Ukrainians.

13 Q Did Alex Vindman tell you about any conversations he had with
14 President Zelensky while he was on the ground in Kyiv?

15 A I'm sorry, conversations with whom?

16 Q Sorry. Yeah, I'll say it again. Did Alexander Vindman tell
17 you about any conversations that he had with President Zelensky during
18 the inauguration activities in Kyiv?

19 A Just the two of them?

20 Q The two of them, or in front of other people, the meetings
21 with Zelensky.

22 A The readout I received from Lieutenant Colonel Vindman was
23 describing the delegation's meeting with President Zelensky. So it
24 was really describing the conversation that the whole group had had.

25 Q Did he say anything about the issue of advising President

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1 Zelensky to stay out of U.S. domestic politics come up?

2 A Whether that issue had come up?

3 Q Whether that had come up.

4 A I don't recall that coming up in the context of those meetings
5 in Ukraine for the inauguration. But, to be honest, I just don't recall
6 precisely.

7 Q So you got a readout from Lieutenant Colonel Vindman. How
8 about anybody else, any other members of the delegation?

9 A Not specifically. I'm trying to think if, perhaps, George
10 Kent had sent a separate email, but I don't believe so.

11 Q Just going back to the Vice President's potential trip there,
12 are you aware of whether Vice President Pence had any scheduling
13 conflicts that would have prevented him from attending the inauguration
14 on May 20th?

15 A Well, again, when the directive -- when the discussion on
16 May 13th took place, the date for the actual inauguration had not yet
17 been set. So it was not possible for us to say at that time whether
18 there was going to be a scheduling conflict. Once it was set 3 days
19 later, I just don't recall what was on the Vice President's schedule
20 for May 20th in the end, since we had already known that he wasn't going
21 to be attending.

22 Q Okay. Now, did you come to be aware -- I'm going to ask you
23 some questions about Ambassador Sondland. Did you come to be aware
24 that he was involved in Ukraine matters at some point?

25 A I recall -- I imagine -- I think my first awareness of

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1 Ambassador Sondland's involvement would have been when I saw that he
2 was participating in the delegation to attend the inauguration.

3 Q Had you ever met or spoke with him before that?

4 A No.

5 Q And did you have an understanding of why Ambassador Sondland,
6 as the Ambassador to the EU, was now involved in Ukraine?

7 A I didn't know specifically, no.

8 Q Did you ever come to learn why?

9 A No.

10 Q Did that strike you as odd, or --

11 A I guess I assumed just because the EU is also very involved
12 in Ukraine, and has made it a foreign policy priority for the European
13 Union to also foster a good relationship with Ukraine, and were also
14 very eager to see the new President Zelensky administration come in,
15 I assumed it was related to that, but I didn't know specifically.

16 Q You weren't aware of whether he had been tasked by the
17 President to play some role in Ukraine?

18 A No.

19 Q Did you ever discuss Ambassador Sondland's role in Ukraine
20 with General Kellogg?

21 A No.

22 Q Or with the Vice President?

23 A No.

24 Q How about your colleagues at NSC?

25 A Not in terms of his role and why he was involved. More

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1 related to, you know, again, that he was going to be part of the
2 delegation, and then also, a part of the debriefing with the President
3 after the return of the delegation after the inauguration, but no
4 specific conversations with them about Ambassador Sondland's role.

5 Q Who did you discuss Ambassador Sondland's participation in
6 the delegation and the debrief with the President at NSC?

7 A It was in regular conversation with Lieutenant Colonel
8 Vindman about the -- the effort to put together the final delegation
9 list, just so I could keep my office informed of that process. And
10 then I flagged for Alex Vindman, upon the group's return, that if the
11 Vice President were available, he would probably want to be part of
12 that debrief since he hadn't been present for the meetings with
13 President Zelensky. I -- if I recall correctly, I don't believe the
14 Vice President was actually in that meeting in the end.

15 Q And that's the debrief that occurred on May 23rd?

16 A That's right.

17 Q Were you involved in the debrief at all?

18 A No.

19 Q You were generally aware that it was happening?

20 A I was aware that it was happening, yeah.

21 Q I mean, as somebody who follows Ukraine for the Vice
22 President, I mean, were you -- did you get a readout from the May 23rd
23 meeting what happened in the Oval Office?

24 A Not a detailed readout. Again, I was in regular contact with
25 Lieutenant Colonel Vindman about, you know, kind of next steps on our

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1 Ukraine policy. And I understood that that meeting had taken place
2 and that the delegation had come back from Ukraine with a very positive
3 view of President Zelensky, but I didn't get a detailed readout of how
4 that meeting had gone.

5 Q Were you aware of whether Lieutenant Colonel Vindman
6 participated in the debrief in the Oval Office or not?

7 A I don't know, to be honest. I don't think he did, but I'm
8 not 100 percent sure.

9 Q Do you know why he did not participate?

10 A I don't.

11 Q Did you speak with anybody else about what happened in the
12 Oval Office on May 23rd?

13 A No. No conversations, no.

14 Q Were you aware of how President Trump reacted to the
15 delegation's recommendations upon their return?

16 A No. I never got a detailed readout of the meeting.

17 Q Did you ever have any communications with Ambassador Volker
18 relating to Ukraine?

19 A Not me personally. I was on some email chains in which he
20 was a part of those conversations as well, but no.

21 Q Did you ever participate in any meetings with Ambassador
22 Volker?

23 A I did. I don't recall the precise date, but I want to say
24 maybe early May, Ambassador Volker had a regular series of video
25 conferences with his French and German, maybe British, but I think

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1 mostly French and German counterparts to -- it was kind of a small group
2 that were all pushing towards progress in the Normandy process.

3 And so they were just kind of comparing notes on what each of those
4 countries had taken away from initial engagements with the Zelensky
5 administration. So I recall I joined one of those video conferences
6 that Ambassador Volker chaired at some point in May. I can't recall
7 the date.

8 Q But never had any direct conversations with him about matters
9 relating to Ukraine?

10 A No.

11 Q Did either Ambassador Volker or Ambassador Sondland ever
12 contact the Office of the Vice President or have any communications
13 with the Vice President, to your knowledge?

14 A Not to my knowledge.

15 Q What about with General Kellogg, either of the Ambassadors?

16 A Not to my knowledge.

17 Q Were you at all aware of Ambassador Volker and Ambassador
18 Sondland's communications with Rudy Giuliani --

19 A No.

20 Q -- beginning in or around July of 2019?

21 A No, I was not aware.

22 Q So you had no idea that they were talking to Rudy Giuliani
23 about Ukraine matters?

24 A No.

25 Q Did you ever have any interactions with Ambassador Bolton

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1 or Dr. Kupperman?

2 A About Ukraine?

3 Q Relating to Ukraine or -- or more generally, what was your
4 kind of -- you interacted with Alexander Vindman and you said
5 Mr. Morrison and Dr. Hill sometimes. Did you ever have any
6 interactions with kind of their superiors at the NSC?

7 A Not one-on-one interactions. I participated in several
8 meetings that either Ambassador Bolton or Dr. Kupperman chaired, but
9 no personal conversations with them. The closest I had was probably
10 when Ambassador Bolton participated in a prebrief with the Vice
11 President in -- on September 1st in Poland.

12 Q Okay. We'll talk a little bit about that when we get there.
13 Okay.

14 Now, you said you had -- you were at least on some emails with
15 Ambassador Taylor relating to Ukraine. Is that right?

16 A That's right.

17 Q Was anybody in the Office of the Vice President, you or anyone
18 else, in communication with Ambassador Taylor before he was sent back
19 to Kyiv in June?

20 A No, not prior to -- no.

21 Q Were you aware at all that he was going to be appointed Charge
22 d'affaires for Ukraine?

23 A I had heard his name. I couldn't tell you precisely when,
24 but I had heard that there was discussion of sending him out there.
25 And I had -- I didn't know him personally. I had heard that he was

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1 a prior -- a previous Ambassador to Ukraine, and a very well-respected
2 foreign service officer, so -- but I didn't know him personally.

3 Q Following the delegation to the inauguration and the meeting
4 in the Oval Office on May 23rd, were you aware of a letter that President
5 Trump sent to President Zelensky, which included an invitation to come
6 visit the White House?

7 A Yes, I was aware of the letter.

8 Q Was that letter circulated in advance to the Office of the
9 Vice President?

10 A No. My understanding was that NSC colleagues had done an
11 initial draft of a letter, of a congratulations letter. I believe the
12 initial plan was that Secretary Perry would take the signed letter with
13 him to deliver it in person, but I believe it wasn't signed before they
14 left, so that hadn't occurred.

15 And I believe there was discussion in the Oval Office meeting on
16 the 23rd about the letter, but, again, I wasn't there so I don't know
17 what they discussed precisely.

18 Q Do you know how an invitation to the White House got added
19 to that letter?

20 A I don't. My understanding afterwards, after it was signed
21 from some email correspondence, was that Ambassador Sondland was
22 certainly supportive of extending an invitation to Zelensky in that
23 letter. But, again, I wasn't privy to the conversation, so I don't
24 know what the discussion was back and forth on that issue.

25 Q Did you ever have any discussions with General Kellogg or

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1 the Vice President about whether or not to support a visit for President
2 Zelensky to the White House?

3 A I don't believe so, no specific conversations with either
4 about that issue.

5 Q Were you familiar with whether or not they were supportive
6 of that idea or not supportive?

7 A I believe in general, they were supportive of fostering a
8 good strong working relationship with President Zelensky, but, to my
9 recollection, I don't recall ever having a specific conversation about
10 offering a White House visit to President Zelensky.

11 Q Did you take any steps to try to help schedule the meeting?

12 A I was not involved in that process. NSC really leads that
13 process. I was aware that NSC had, you know, through the normal
14 administrative processes put forward a scheduling proposal for that
15 to go -- to be considered by the schedulers. But the Office of the
16 Vice President was not involved in that process.

17 Q Were you, though, generally supportive of a meeting between
18 President Trump and President Zelensky?

19 A I was.

20 Q Were you aware of any role that Ambassador Volker or
21 Ambassador Sondland or Rudy Giuliani were playing in whether or not
22 to schedule a meeting with President Trump and President Zelensky?

23 A No, I was not.

24 Q At the time?

25 A At the time, no.

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1 Q Did you have any discussions with your colleagues at the NSC
2 about scheduling the meeting?

3 A I don't recall any specific discussions on that issue, other
4 than I was aware that they certainly were supportive of the meeting
5 being scheduled as well.

6 Within the course of our interagency policy coordination process,
7 our regular meetings on Ukraine with interagency colleagues, once the
8 letter -- once the President's letter had been signed that offered the
9 meeting, it was discussed on a number of occasions what would be the
10 most opportune date for a White House meeting to take place.

11 My recollection is that agencies were generally supportive of
12 waiting until after the Ukraine parliamentary elections on July 21st
13 were over, just to see how those went and to make sure that it wasn't
14 interfering at all with that political process. But other than that,
15 I don't recall any specific discussions about scheduling the meeting.

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1 [10:35 a.m.]

2 BY MR. NOBLE:

3 Q Okay. You mentioned kind of interagency coordination on
4 Ukraine. Were you aware of a June 18th meeting and conference call
5 that was held from Secretary Perry's office on June 18th?

6 A No.

7 Q What about a June 28th conference call involving Ambassadors
8 Volker, Sondland, Taylor, and Secretary Perry?

9 A No.

10 Q Are you aware that they spoke with President Zelensky later
11 that day?

12 A I was not aware of that, no.

13 Q Are you at all familiar with Ambassador Volker's and Mr.
14 Kent's trip to Toronto on July 2nd and 3rd where they met with President
15 Zelensky?

16 A I am aware that they participated in the Toronto -- the
17 Ukraine Reform Conference that took place in Toronto on those dates,
18 yes.

19 Q Did you speak with either of them in advance of those
20 meetings?

21 A Not with those two individuals, no.

22 Q Did you ever get a read-out of what happened in Toronto?

23 A No, not precisely. There had been an original discussion
24 whether the Vice President would participate in that conference, but
25 he did not because of a scheduling conflict, so after that I really

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1 wasn't involved in that process.

2 Q Why was the Vice President possibly going to participant in
3 the Toronto conference? Is that something that the Vice President
4 normally would attend? Is that that type of conference?

5 A Not normally, but we thought it might be a good opportunity
6 for the Vice President to meet President Zelensky in person since he
7 hadn't had a chance to do that at that time or at that point.

8 In the end, though, it really just didn't make sense logistically
9 since the Vice President had just been in Canada several weeks prior,
10 and the conference itself really wasn't at the Vice President's level,
11 it was a ministerial level.

12 Q Are you aware of whether Ambassador Volker had kind of a
13 one-on-one separate and apart with President Zelensky in Toronto? Did
14 you ever hear anything about that?

15 A I understood that they were planning to have a -- well, I
16 didn't know if it was a one-on-one -- but that the group that ended
17 up going to the conference planned to meet with Zelensky separate from
18 the conference, but I wasn't really involved in either the planning
19 for that or any of the read-outs afterwards.

20 Q Are you familiar with meetings that took place at the White
21 House on July 10th involving Ukrainian officials Andrey Yermak and
22 Oleksandr Danylyuk?

23 A I am aware of them because my boss, General Kellogg, met with
24 the group on the day before, on July 9th, but I was not involved at
25 all in the July 10th meeting.

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1 Q Let's talk a little bit about the July 9th meeting. What
2 was the purpose of the meeting between General Kellogg and the
3 Ukrainians?

4 A Alex Vindman was helping coordinate the Ukrainian
5 delegation's engagements in Washington. So he had alerted me that the
6 group was coming, and we thought it would be a useful discussion for
7 General Kellogg to have, as well, to get to know the group, and to hear,
8 you know, the latest of what President Zelensky's administration was
9 doing on a range of issues. So I arranged a meeting to take place on
10 July 9th.

11 Q And where did that take place?

12 A In General Kellogg's office.

13 Q Who participated?

14 A For the U.S. side it was General Kellogg, Alex Vindman, and
15 myself.

16 Q And what was the discussion?

17 A It was a very positive discussion, probably about 30,
18 40 minutes, about the status. It was very security-focused,
19 obviously. Secretary Danylyuk was at the time the national security
20 advisor to President Zelensky. So it was more focused on the situation
21 with the conflict with Russia, you know, what steps the Zelensky
22 administration was considering in terms of making progress in those
23 negotiations, and, generally speaking, about the U.S.-Ukraine
24 relationship, but not about anything more specific than that.

25 Q Did a topic of a White House meeting for President Zelensky

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1 ever come up in that meeting?

2 A Not to my recollection.

3 Q Anything about security assistance?

4 A Not security assistance --

5 Q U.S. security assistance to Ukraine?

6 A Right. Right. No, just broadly about kind of the
7 U.S.-Ukraine security assistance relationship, but not about any
8 specific assistance funding, if that makes sense.

9 Q Now, you said Danylyuk was the national security advisor to
10 President Zelensky. Are you aware he's since resigned --

11 A Yes.

12 Q -- or is no longer in that position?

13 A Yes.

14 Q Do you know the circumstances of that, why he is no longer
15 serving as national security advisor?

16 A I don't know specifically, and I can't recall exactly when
17 it was either. I want to say end of September.

18 Q Did you have any involvement in the meetings the next day,
19 on July 10th, with Danylyuk and Yermak?

20 A I did not.

21 Q You weren't in Ambassador Bolton's office?

22 A No.

23 Q Were you aware that there was a second meeting in the Ward
24 Room?

25 A No.

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1 Q You know nothing about either of those meetings?

2 A No. I mean, I knew that they were coming in the next day
3 to meet with Ambassador Bolton, but I was not a part of them.

4 Q Did you ever speak with Alexander Vindman or Dr. Hill about
5 what happened in those meetings?

6 A No.

7 Q No.

8 A No. I assumed it would have been a similar conversation to
9 what we had had the day before, so I never reached out to get a specific
10 read-out.

11 Q And they never told you about what had happened?

12 A No.

13 Q Or that they had concerns about what had happened in those
14 meetings?

15 A No.

16 Q Okay. When did you first learn of the hold on Ukraine
17 security assistance -- U.S. security assistance to Ukraine?

18 A I believe it was July 3rd.

19 Q And how did you learn about it?

20 A I saw an email -- or, I suppose, a written update,
21 electronically, that was drafted by Alex Vindman,
22 reporting -- internally reporting that the State Department had
23 notified him that OMB was not clearing the latest round of congressional
24 notification documents to move the next tranche of security assistance
25 for Ukraine.

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1 Q Do you recall who else was on that email?

2 A It was really an internal update that Alex had drafted that
3 I'm part of the distribution list for, but it was just within the NSC
4 Europe team.

5 Q Okay. And that's the distribution list, is the NSC Europe
6 team?

7 A Well, it's in preparation for a nightly update for the
8 national security advisor. So the national security advisor would
9 have eventually received it. But what I saw was an email just as the
10 product was being crafted for the day.

11 Q Okay. Prior to that July 3rd email, did you have any inkling
12 that the U.S. security assistance was going to be put on hold?

13 A No.

14 Q Had there been any discussions about it at the NSC to your
15 knowledge?

16 A No.

17 Q Had you heard anything about it from OMB?

18 A No.

19 Q No. So this kind of came out of the blue?

20 A It did.

21 Q In the email did Alex Vindman provide any reason or relay
22 any reason as to why OMB hadn't cleared the State funds?

23 A No. At that time it was unclear. I believe that the
24 note -- the update indicated that OMB was holding the assistance in
25 order to conduct a further review to ensure that the security assistance

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1 was still in line with administration priorities.

2 Q Is that what it said in the email?

3 A That's what it said in the email.

4 Q And did Alex Vindman say where he got that information from?

5 A I believe the State Department had reported it to him because
6 that's what OMB had told the State Department. I don't know which
7 individuals were involved in that.

8 Q And you said that email was in preparation for a nightly
9 update to the national security advisor?

10 A That's right.

11 Q That's John Bolton?

12 A Correct.

13 Q Would you also prepare a nightly update for General Kellogg
14 or for the Vice President and include such information?

15 A We do a daily product. I chose not to include that update
16 on that date because it just wasn't really clear at that time what the
17 reason might have been for the hold, whether it was maybe just more
18 of an administrative or technical issue. And, generally speaking, I
19 don't keep the Vice President informed of that level of detail.

20 MR. NOBLE: Okay. I think my time is up, so I'll turn it over
21 to my Republican colleagues.

22 THE CHAIRMAN: One hour for the minority.

23 MR. CASTOR: Thank you.

24 BY MR. CASTOR:

25 Q When was the inauguration date finally set by the Ukrainian

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1 Parliament --

2 A May 16th.

3 Q -- the Rada?

4 A Sorry. May 16th.

5 Q And the inaugural was on May 20th?

6 A That's right.

7 Q So there were 4 days in between the --

8 A Yes. Yes. It was a very short notice turnaround in the end.

9 We had been told essentially it was because the Ukrainian Parliament
10 needed to come back into session in order to officially confirm the
11 inauguration date, and it wasn't clear what date President Zelensky
12 would end up recommending to the Parliament. We had been told that
13 they were looking at the end of May window, but in the end they decided
14 to move it up to May 20th.

15 Q Between the time period of April 21st, when you first learned
16 that the VP may be going to the inaugural, and the date of the inaugural,
17 what types of communications had you been having with the folks in Kyiv?

18 A Just regular email correspondence just to hear what they were
19 hearing from the Ukrainians about what dates were maybe under
20 consideration.

21 But we all recognized that we would not have a final date
22 determined until, I believe it was the week of May 13th when the
23 Ukrainian Parliament came back into session. So it was speculation
24 based on their communications with the Ukrainian officials.

25 Q Okay. So you knew it would be May 13th?

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1 A Yes, but we would have to wait until that week to know for
2 sure when the inauguration date would be set.

3 Q You mentioned the President was traveling. I believe he was
4 in Japan and then he was going to Europe.

5 A That's right.

6 Q You said that you were trying to fit the VP into that space
7 when the President would be in the U.S. Is that correct?

8 A That's correct. So we had informed the Ukrainians that if
9 they wanted the Vice President to attend, the ideal dates for us would
10 have been May 29th, May 30th, or June 1st, and if it wasn't one of those
11 dates it would be very difficult or impossible.

12 Q Knowing that you wouldn't have certainty until May 13th or
13 14th or 15th or 16th, did the VP's office take any affirmative steps
14 to plan the trip?

15 A We did. I had been in touch with our advance colleagues,
16 the team that manages the Vice President's travel, so that they could
17 at least have initial conversations with their embassy counterparts
18 on, you know, logistical arrangements in terms of hotel availability
19 and security and those type of things. But it was still very much
20 preliminary since we didn't have a date.

21 Q Do you know if they reserved any hotels or made --

22 A I believe -- I can't speak to the specifics since I was not
23 involved, but from the email chains that I saw, I believe they were
24 exploring availability of hotel dates. I don't know what steps were
25 taken to make any reservations.

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1 Q Do you know if the Secret Service deployed for their advance
2 work?

3 A The main conversation I was having with our advance
4 colleagues at that time was they were very eager to send out Secret
5 Service and other advance colleagues as soon as possible so they could
6 do proper planning. And so that was the ongoing discussion up until
7 May 13th, was when can we send out the advance team since we just didn't
8 know.

9 Q Do you know if the advance team deployed?

10 A I don't know. I don't believe they did in the end, but I'm
11 not 100 percent confident.

12 Q You don't know if any hotels were actually booked or
13 reserved?

14 A I believe they were just exploring availability of hotels
15 since we still didn't have a firm date.

16 Q Okay. Would the Vice President have been able to attend on
17 May 20th?

18 A As I mentioned, I don't really recall at this time what was
19 on his schedule for May 20th. Obviously, in the end, it was a very
20 short notice, so it would have been difficult, particularly since we
21 hadn't sent out the advance team, as far as I recall. But I just don't
22 recall what was on his schedule that day.

23 Q But the window you had provided to the Ukrainians was May
24 29th, 30th, 31st?

25 A That's correct, right, and June 1st, because that was the

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1 window we were expecting them to be aiming for.

2 Q Okay.

3 A To be honest, we hadn't really looked that closely at the
4 Vice President's schedule before the President's trip at the end of
5 May just because we weren't expecting the Ukrainians to look at that
6 timeframe.

7 Q Okay. And when you -- you mentioned that you heard from Marc
8 Short, one of Marc Short's staffers?

9 A That's right.

10 Q And what did that person tell you on May 13th?

11 A It was a phone call, so I don't recall the precise language.
12 But I recall being advised that the Vice President would not be
13 attending the inauguration. I recall -- I believe I asked, why not?
14 And I was told that the President had told him not to go.

15 Q Okay. But you never had any firsthand knowledge from
16 anybody other than this person?

17 A Correct, I never had --

18 Q What function does this person perform?

19 A She is an assistant to Marc Short, our Chief of Staff, and
20 is very much involved in the scheduling of the Vice President's
21 schedule.

22 Q Okay. Did you ever have any follow-ups with anybody about
23 the decision of the VP not to travel?

24 A The only conversation I had was, immediately after learning
25 that information, I called my NSC counterparts to let them know just

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1 so they could start planning next steps.

2 Q But did you have a conversation with General Kellogg?

3 A No. I don't recall. I probably let him know what I had
4 heard, because I don't believe he was involved in that conversation
5 either.

6 Q Okay.

7 A But no followup discussion as to the reason why.

8 Q Okay. Any other communications with any other VP office
9 staff?

10 A Around that same time of the initial phone call, I also was
11 in touch with our head of advance to let him know, since he needed to
12 turn off the trip planning process and alert his colleagues.

13 Q Okay. And then did you also communicate back to Kyiv that
14 the VP was unable to --

15 A I did later that day. I sent an email to State Department
16 and Embassy Kyiv colleagues to let them know that the Vice President
17 would not be attending.

18 Q And do you know what you said?

19 A I believe my language was that the Vice President would not
20 be able to attend. And then I put them in touch with NSC colleagues
21 for further steps on who would be included in the U.S. delegation once
22 the date was set.

23 MR. PERRY: Ma'am, if I could ask -- down here at
24 the -- Representative Perry from Pennsylvania. What's the normal, if
25 there is a normal lead time or a bracket of a normal lead time for a

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1 Vice Presidential visit overseas?

2 MS. WILLIAMS: Sir, obviously, the more notice the better.

3 MR. PERRY: Sure. I get that.

4 MS. WILLIAMS: I will say, for example, when the Vice President
5 very recently went to Turkey, we got notice of that 48 hours out. So
6 it's possible to obviously do these on short notice.

7 But, on the other hand, for the Vice President's trip in early
8 September, which originally was meant to be the U.K., Iceland, and
9 Ireland, we had started that planning process months in advance.

10 So ideally, obviously, the more notice the better.

11 MR. PERRY: Okay. Thank you.

12 MS. WILLIAMS: Of course.

13 BY MR. CASTOR:

14 Q Turning to the July 25th call between the President and
15 President Zelensky. You were in the Situation Room?

16 A Yes, sir.

17 Q Present for that call?

18 A That's right.

19 Q And do you remember who else was in the room with you?

20 A I recall my boss General Kellogg was there, Lieutenant
21 Colonel Vindman, and Tim Morrison, the Senior Director for Europe for
22 NSC. I recall there were maybe one or two other NSC colleagues present,
23 but I honestly don't remember which ones. We had a number of calls
24 that week, and I just don't recall who exactly was in that one.

25 Q And was that the first time you had been on a Presidential

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1 phone call?

2 A No.

3 Q Okay. And how many calls have you participated in?

4 A Oh, probably a dozen since I started in April.

5 Q Okay. And do you know how the transcript is prepared?

6 A I don't know the mechanics behind how it's prepared, no.

7 Q Okay. What do you know about it?

8 A I mean, we the Vice President's office, will get a copy of
9 the transcripts after -- once it's prepared so that we can provide a
10 copy to the Vice President. But I don't know anything about the process
11 of preparing that transcript.

12 I imagine it's similar to how we receive transcripts for the Vice
13 President's calls. In that instance our office, our administrative
14 team will receive the electronic draft from the White House Situation
15 Room and look at it for -- mainly to mark the classification levels
16 of the paragraphs, but also to check for accuracy.

17 Q Okay. So the White House Situation Room personnel prepares
18 the initial draft?

19 A I don't know precisely, but that's who we receive it from.

20 Q Okay. You don't know if they have court reporter-type
21 devices --

22 A I don't know.

23 Q - or how they do it?

24 A I'm not sure.

25 Q And do you know if they're recorded or not?

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1 A I don't know, honestly.

2 Q So in the room, that you recall, General Kellogg, Colonel
3 Vindman, Tim Morrison, and how many other NSC colleagues?

4 A I can't say precisely, but I want to say one or two others.

5 Q Okay. Was Dr. Kupperman there?

6 A I believe so, but I couldn't tell you 100 percent.

7 Q And when you received the transcript of the call, were you
8 involved with the editing process?

9 A For that particular call?

10 Q Yes.

11 A I did not receive a hard -- a copy of that particular call
12 transcript. My colleagues who help prepare the Vice President's daily
13 briefing book for his evening reading received the hard copy of that
14 particular transcript. And, generally speaking, we are never involved
15 in the editing process of the President's phone calls, we only have
16 responsibility for the Vice President's calls.

17 Q So you're in the Situation Room. Did you take notes?

18 A I did.

19 Q But when the initial drafts of the transcript came through,
20 you didn't have an opportunity to check your notes to the transcript,
21 suggest edits --

22 A No.

23 Q -- or that type of thing?

24 A No.

25 Q Did you have any communications with anybody in the room

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1 about the editing process of the transcript?

2 A No.

3 Q Okay. So you didn't have a conversation with General
4 Kellogg about whether the transcript was accurate?

5 A No. No. I never saw that particular transcript, so no
6 reason for me to have that conversation.

7 Q Based on being in the room and taking notes and then reading
8 the transcript, was it accurate and complete?

9 A I never saw the transcript until the publicly released
10 version that the White House released in September. So I read that
11 transcript. And at a first reading it looked substantially accurate
12 to me.

13 Q Okay. As accurate as can be, given your experience as a
14 participant on Presidential phone calls?

15 A I didn't do a word-for-word comparison. I didn't get out
16 my notebook from July at that point and look carefully.

17 When I read it for the first time in September, it generally
18 matched my recollection from the call, but, again, not looking at it
19 word-for-word.

20 Q So it's as complete as it can be to the best of your
21 experience?

22 A Yes, not knowing -- not looking carefully at the specific
23 words.

24 Q Did you ever compare your notes to the transcript?

25 A More recently I went back to look when I had heard that there

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1 was other testimony through this process that -- I believe Lieutenant
2 Colonel Vindman had noticed a couple of small discrepancies.

3 My notes did reflect that the word Burisma had come up in the call,
4 that the President had mentioned Burisma. I hadn't noticed that when
5 I first read the transcript.

6 Q Which President?

7 A I'm sorry. President Trump.

8 Q Okay.

9 A But I had not looked that carefully back in September when
10 the transcript was first released to notice that detail.

11 Q Did you come to learn through public reports or direct
12 communications with Colonel Vindman his discrepancies?

13 A Only through the public reporting of this inquiry process.
14 I have not had any conversations with Alex Vindman about this.

15 Q And what was to, the best of your knowledge, what were his
16 issues?

17 A I would have to refer to the public record in terms of what
18 precisely he said.

19 Q But you said something about Burisma?

20 A I recall that one of the issues he had noted was that the
21 transcript released did not include the word Burisma. But on looking
22 back at my notes, I do see that Burisma was mentioned by name in the
23 call.

24 Q Okay. And do you know whether Colonel Vindman's issue with
25 Burisma was related to something President Zelensky said or President

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1 Trump said?

2 A I don't know what Colonel Vindman's issue was. When I went
3 back to check my notes, I had written that President Trump had raised
4 Burisma. I don't know if that reflects what Colonel Vindman said as
5 well.

6 Q Do you remember when during the call he mentioned that?

7 A Not precisely. I mean, later on in the call, but I don't
8 know precisely when.

9 Q Okay. Later on in the call?

10 A Yes.

11 Q Like, do you remember where in your notes it appears?

12 A I don't have my notes, so I can't really refer to them right
13 now.

14 Q Have you referred to your notes recently?

15 A Within the last week.

16 Q Okay. You have?

17 A Yes.

18 Q Okay. But you just don't remember as you sit here today
19 where --

20 A I mean, not having it in front of me, not precisely where,
21 no.

22 Q Any other issues with the call that you flagged?

23 A Not that I noticed.

24 Q Okay. Were you aware of any other issues Colonel Vindman
25 had flagged?

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1 A Not precisely. Again, I wasn't present for his testimony,
2 so I don't know exactly what he --

3 Q Okay. But you read some news accounts about it?

4 A That's right.

5 Q Okay. Have you been following along in the news as witnesses
6 have been appearing here?

7 A I have.

8 Q Okay. And which witnesses have you read news accounts
9 about?

10 A Probably all of them.

11 Q Okay. Have you been reading the opening statements that
12 have been -- some have been released?

13 A I have.

14 Q Okay. Completely?

15 A Probably not all of them, but, yes.

16 Q At any point in time between July 25th and the release of
17 the call transcript on September 25th, did you have any communications
18 with Vindman about the call?

19 A No.

20 Q Okay. When the transcript was made available to the VP's
21 office, do you remember when that occurred?

22 A My colleagues -- I can't remember the precise time, but
23 before the end of the day that day my colleagues who help prepare the
24 Vice President's briefing book received a hard copy of the transcript
25 from the White House Situation Room to include in that book. I didn't

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1 personally see it, but I understood that they had received it because
2 we wanted to make sure the Vice President got it.

3 Q On the 25th or 26th?

4 A It was on the 25th.

5 Q Okay. Was that the final version? Or don't you know?

6 A I don't know. I mean, it's the version that we provided to
7 the Vice President.

8 Q Okay. So that went into his briefing book?

9 A That's right.

10 Q And do you know if he ever reviewed the call?

11 A I don't know.

12 Q So nobody told you one way or another whether the Vice
13 President was able to read it, whether it be General Kellogg or some
14 other VP staffer?

15 A That's right. I just don't know if he read it.

16 Q Do you know how frequently the VP reads his briefing book?

17 A We provide him with a daily briefing book of various updates
18 on foreign policy matters. I'm not present when he reviews that, so
19 I really -- I'm not in a position to say.

20 Q Okay. So you have no idea one way or another whether it's
21 his regular practice to read the book or not read the book?

22 A I'd like to think that he reads the book, but I don't know
23 if he reads them every day. We don't normally have follow-on
24 conversations with him about it afterwards.

25 Q And was there any follow-on conversation about the content

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1 of the 7/25 call?

2 A No.

3 Q Okay. So he didn't task anybody, such as Marc Short or
4 General Kellogg, to do anything or get any additional information about
5 the call?

6 A Not to my knowledge. He didn't task me.

7 Q During the period of 7/25 to September 25th, did you have
8 any communications with anybody about the content of the transcript?

9 A No.

10 Q Or the content of the call?

11 A No.

12 Q Okay. So after the call occurred, did you talk with General
13 Kellogg about it?

14 A No. He was in the room during the call as well, so I didn't
15 feel a need to have a conversation with him.

16 Q Did you write up a memo or anything to anyone else on the
17 VP staff?

18 A I had included an update in the Vice President's daily report
19 that evening for that same briefing book, mentioning that the President
20 had had a call that day with President Zelensky and kind of providing
21 a broad overview of the call and noting that the transcript was also
22 included in the book.

23 Q Do you remember what else you included in that description?

24 A It was very general. I didn't mention anything specific.
25 I'm trying to remember if there was another Ukraine update that day.

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1 Oh, yes, sorry. Coincidentally, the Vice President's office had
2 received a letter from Senator Lankford expressing the Senator's
3 support for Ukraine. I believe he had written it on July 18th, but
4 it was received by our office on July 25th, so I thought that was
5 something that the Vice President would want to receive and read.

6 So the update I included was referencing that letter, and then
7 also mentioning that, since it was also Ukraine-related: For your
8 awareness, the President, President Trump had also had a call that day
9 with President Zelensky; that call transcript is included in your book
10 as well.

11 Q Okay. But you didn't flag anything noteworthy about the
12 call?

13 A That's right.

14 Q So you had no discussions with anybody from 7/25 to 9/25 about
15 what happened on the call?

16 A No.

17 Q So if you had any concerns, you didn't raise them with General
18 Kellogg?

19 A I never discussed the call with General Kellogg, and never
20 specifically referenced that call beyond flagging it for the Vice
21 President's attention in his book that evening.

22 Q Okay. So it wasn't until the call became public that it
23 reemerged on your radar of issues to think about?

24 A I think that's fair to say.

25 Q After the call transcript was made public, did you have any

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1 communications with anybody about it, such as General Kellogg?

2 A About the accuracy of the transcript or just in general?

3 Q No, just about what happened on the call. There's some
4 renewed focus, obviously --

5 A Sure.

6 Q -- once September 25th comes around.

7 A Of course. Not specific to the call. I think we all, in
8 our office, anyway, the Vice President's office, were reading the news
9 and, you know, the updates related to that call and concerns about
10 Ukraine. But I don't recall any specific conversation with General
11 Kellogg or others kind of going back to the original call and what was
12 in it.

13 Q By the time September 25th comes around, everybody is
14 talking about, you know, Biden and Burisma and Rudy Giuliani and all
15 that stuff. Did you ever circle back with General Kellogg and sort
16 of revisit, you know, what were you thinking when you heard this?

17 A No, we never had a follow-on conversation about the call
18 specifically.

19 Q Okay. Were you surprised by the attention that those
20 aspects of the call received once it became public --

21 A No.

22 Q -- in September?

23 A No, I was not surprised.

24 Q Okay. Did you expect that at some point it would?

25 A Yes.

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1 Q Okay.

2 A Sorry, just to clarify. It's not that I expected that the
3 call would someday become public, but once it was released I was not
4 surprised that that was a focus.

5 Q Okay. The trip to Warsaw, you traveled with the Vice
6 President on that?

7 A Yes, sir.

8 Q For that bilateral meeting the Vice President had with
9 President Zelensky?

10 A I did.

11 Q You were on the whole trip?

12 A Yes.

13 Q And what was the date, do you remember, of the VP's meeting
14 with President Zelensky?

15 A September 1st.

16 Q Okay. And maybe just walk us through the chronology of that
17 trip?

18 A Sure.

19 Q To the extent you remember?

20 A Absolutely. I had been working on that trip for many months
21 up until that point.

22 So we had been originally planning for the Vice President to
23 travel to the U.K., Iceland, and Ireland in early September. The date
24 of that was really hooked to an event that he participated in in London
25 related to trade.

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1 When Hurricane Dorian was approaching the United States,
2 obviously, as I think everyone here knows, the President decided to
3 stay back in Washington and asked the Vice president to travel to Poland
4 in his place.

5 That trip was revolving around a World War II commemoration event
6 that took place in Warsaw, also on September 1st. And the plans for
7 the President had been also to engage in a number of bilateral and
8 multilateral meetings on the margins of that.

9 So I hadn't been closely tracking the plans for the President's
10 trip because we were kind of busy with our own trip planning, but once
11 we found out on August 29th that the Vice President would be going,
12 I spoke with my NSC colleagues to get a better understanding of what
13 was on the President's agenda for the trip so that we could start
14 preparing the Vice President to take that on. So we walked through
15 the range of different engagements planned and then proposed for the
16 VP.

17 We had to scale it back a little bit just since we were basically
18 tacking the Poland component onto our existing trip. So we were trying
19 to make it as tight as possible. But, obviously, one of the engagements
20 that remained on the schedule was the meeting with President Zelensky.

21 Q Okay. And what were the briefings that occurred for the Vice
22 President in advance of the bilateral meeting with President Zelensky?

23 A So we had very limited time, obviously, to prepare for the
24 Poland component of the trip. So I relied heavily on the NSC briefing
25 papers that they had already prepared for the President's

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1 participation, which are not the same format as ours, but we were in
2 a pinch so we used those, and I prepared separate talking points based
3 on that information for the Vice President. So that kind of comprised
4 his written briefing materials.

5 Q Okay.

6 A Prior to leaving, General Kellogg had asked, at the request
7 of the Vice President, for an update on the status of the security
8 assistance that was at that time still on hold. In that same timeframe,
9 there had been a Politico article that had come out referencing the
10 hold on U.S. security assistance to Ukraine, so we anticipated that
11 President Zelensky would want an update on that. So that was part of
12 the preparation process.

13 Once we got on the ground in Warsaw there was a pre-brief meeting
14 just before the meeting with President Zelensky in which Ambassador
15 Bolton, General Kellogg, our Chief of -- the Vice President's Chief
16 of Staff, Marc Short, and myself, and I believe a couple of other OVP
17 colleagues briefed the Vice President before meeting President
18 Zelensky.

19 Q Okay. So there was written briefing materials that you sent
20 through General Kellogg?

21 A That's right, and we added to our overall trip book. Yeah.

22 Q Okay. So the VP gets the written materials, and then there's
23 a briefing. And you said -- who was the main speaker during the
24 briefing?

25 A In that briefing, Ambassador Bolton had just been in Ukraine

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1 several days prior and had had a series of very in-depth engagements,
2 including with President Zelensky, so he really took the lead in that
3 pre-brief to prepare the Vice President for the meeting.

4 Q And do you remember what Ambassador Bolton communicated to
5 the VP?

6 A He basically provided a read-out of his meeting. He had had
7 very positive engagements and had been impressed by President
8 Zelensky's reform agenda in the sense that their parliamentary process
9 had just started. So the election had been held just previously, and
10 I think they had just come into session.

11 And one noteworthy item was that the Zelensky administration
12 already had hundreds of bills ready to go, and so Ambassador Bolton
13 provided an overview of some of those. And then in terms of the
14 security assistance, because that Politico story had just come out
15 2 days prior, Ambassador Bolton kind of outlined that, you know, what
16 that security assistance was for and the need -- they agreed on the
17 need to get a final decision on that security assistance as soon as
18 possible so that it could be implemented before the end of the fiscal
19 year.

20 Q At the time, was the general mood that -- the hope was that
21 the security assistance would be delivered?

22 A Yes.

23 Q And so the idea that the security assistance would be
24 permanently withheld wasn't as much of a serious consideration?

25 A I think I sensed everyone wanted to avoid that scenario.

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1 Q Okay. And was it your impression during that briefing that
2 Ambassador Bolton was genuinely impressed with the authenticity of
3 President Zelensky?

4 A I believe so, yes.

5 Q That he ran on a reform agenda?

6 A Uh-huh. Yes.

7 Q And so the conclusion, at least at that point, was he's headed
8 in the right direction?

9 A Yes.

10 Q And he's a genuine reformer?

11 A Correct.

12 Q And his anticorruption initiatives were legitimate?

13 A Yes. I mean, I think that, you know, there's still ongoing
14 concern about what kind of limitations Zelensky may face given the
15 ongoing influence of oligarchs in Ukraine. But I think we were all
16 impressed by his efforts and wanted to support them.

17 Q Okay. And during that pre-briefing -- where did the
18 briefing occur?

19 A The pre-brief?

20 Q Yeah.

21 A It was in a hotel room, in the hotel where we were staying.

22 Q So it was in Warsaw?

23 A In Warsaw.

24 Q The hotel in Warsaw?

25 A That's right.

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1 Q Was Ambassador Sondland there?

2 A Not in that briefing, no. He was on the trip, but not on
3 that briefing.

4 Q Was he in any other briefings with the VP?

5 A I believe he had been in a briefing earlier in the day, right
6 after our arrival, which was more of a general briefing, and an
7 intelligence update for the Vice President since we had been flying
8 all night.

9 Q All right.

10 A But I was not in that briefing, so I don't know exactly what
11 was discussed.

12 Q Were you in and around that briefing?

13 A I was nearby that briefing. I had helped to make sure that
14 they got to the room.

15 Q And you saw Ambassador Sondland enter the briefing?

16 A Correct.

17 Q Do you know if he was a scheduled participant in that
18 briefing?

19 A I believe he requested to be added to that briefing. But,
20 frankly, everything about this trip was short notice. So there wasn't
21 really a scheduled -- or a formal list of participants in advance.

22 Q And do you know if he was ever, you know, on the official
23 list for that briefing?

24 A Again, there wasn't really a formal list for that particular
25 pre-brief, so I can't say one way or the other whether he was a scheduled

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1 participant.

2 Q Okay. So there was an intelligence briefing with the VP in
3 the morning. You didn't go to that one but Ambassador Sondland did?

4 A Correct.

5 Q And you were nearby, you said?

6 A Yes.

7 Q And then the briefing in advance of the bilateral meeting
8 occurred later in the day?

9 A Correct. It occurred after we -- the delegation -- the Vice
10 President and the delegation had returned from the World War II
11 commemoration event back to the hotel. And the meeting with Ukraine
12 was happening just after that, and so the pre-brief happened just before
13 the meeting with Zelensky.

14 Q Okay. Was Ambassador Sondland in that one?

15 A No.

16 Q Okay. And you said Ambassador Bolton did most of the
17 talking?

18 A He did.

19 Q Did the call come up, the 7/25 call between President Trump
20 and Zelensky, come up during that briefing?

21 A No, not to my recollection.

22 Q So nobody flagged for the VP, "Hey, the President had a call
23 with President Zelensky"?

24 A No. No. It really didn't come up.

25 Q Okay.

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1 A Yeah. No, it was really focused on Ambassador Bolton's much
2 more recent engagements with President Zelensky that had taken place
3 a couple days prior.

4 Q But to the best of your recollection, no one flagged for the
5 VP that President Zelensky may be on alert to talk about investigations?

6 A Correct. There was no discussion of that whatsoever.

7 Q Okay. In hindsight, does that surprise you?

8 A No, not really. I think the more immediate concern was the
9 Politico story that had just broken 2 days prior about the security
10 assistance hold. And so I think the group anticipated that that would
11 be first and foremost on President Zelensky's mind, and we wanted to
12 prepare the VP to be able to respond to those questions.

13 Q Is there anything else from that briefing? Did anybody else
14 have a speaking role other than Ambassador Bolton?

15 A I added a few points on other agenda items that might come
16 up, but not in great detail.

17 Q Okay. Is there any other detail you can remember at the
18 meeting worth telling us about?

19 A I don't think so. It was pretty focused on the security
20 assistance.

21 Q Okay. And then the next event is the bilateral meeting?

22 A Correct.

23 Q And can you recollect generally what the Vice President
24 communicated to President Zelensky --

25 A Sure.

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1 Q -- during that meeting?

2 A Yes. So it was a good meeting. So it started off, as most
3 of these foreign engagements do, with a press spray. So each principal
4 made comments on camera for a number of minutes.

5 Once the cameras left the room, the very first question that
6 President Zelensky had was about the status of security assistance.
7 And the VP responded by really expressing our ongoing support for
8 Ukraine, but wanting to hear from President Zelensky, you know, what
9 the status of his reform efforts were that he could then convey back
10 to the President, and also wanting to hear if there was more that
11 European countries could do to support Ukraine.

12 Q Okay. Did the VP express the President's overall outlook
13 on foreign aid?

14 A Not specifically. I think in terms of discussing the role
15 of European countries, I think it was meant to make that point in terms
16 of the President's -- President Trump's expectations that other
17 countries would also step up to provide more support. It was more in
18 those terms.

19 Q Separate from that, are you aware of the President's view
20 on foreign aid?

21 A Yes.

22 Q That he has a skeptical view of foreign aid?

23 A I think that's fair to say.

24 Q Are you aware that he's commissioned a review across
25 government of all U.S. foreign assistance?

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1 A I'm aware there have been a number of reviews of foreign
2 assistance. I'm not sure of the specific one that you're referencing.

3 Q But it's certainly a well-established fact that President
4 Trump is extremely skeptical of U.S. foreign aid?

5 A I think that's fair to say.

6 Q And he wants to make sure U.S. taxpayer dollars are spent
7 in the right way?

8 A Sure. Correct.

9 Q And we're getting a good return on that investment, correct?

10 A That's what I've heard him express, yes.

11 Q So the Vice President -- coming back to the meeting, the Vice
12 President's meeting with President Zelensky, and he raises the prospect
13 that the U.S. hopes or at least President Trump hopes that our European
14 allies step up and contribute more?

15 A That's correct. That was part of what the Vice President
16 conveyed to President Zelensky.

17 Q And what was President Zelensky's reaction?

18 A President Zelensky agreed in the sense that I think he
19 certainly would welcome more support from all allies and partners.

20 He made the point, though, that as important as the funding itself
21 was, that it was the strategic value of -- the symbolic value of U.S.
22 support in terms of security assistance that was just as valuable to
23 the Ukrainians as the actual dollars.

24 Q Okay.

25 A He was making the point that, you know, any hold or appearance

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1 of reconsideration of such assistance might embolden Russia to think
2 that the United States was no longer committed to Ukraine.

3 Q Okay. And what was the Vice President's reaction to that?

4 A He assured President Zelensky that there was no change in
5 U.S. policy in terms of our full -- full-throated support for Ukraine
6 and its sovereignty and territorial integrity, and assured that he
7 would convey back to President Trump what he had heard from President
8 Zelensky in terms of Zelensky's good progress on reforms, so that
9 hopefully we could get a decision on the security assistance as soon
10 as possible.

11 Q So the Vice President signaled to President Zelensky that
12 the reform efforts that he had implemented to date were encouraging?

13 A He did. He didn't make a concrete promise on a decision,
14 but expressed a positive view of what President Zelensky had conveyed
15 and promised to convey that back to the President.

16 Q Okay. And did he -- how did he communicate that? Did he
17 give a specific timeframe or --

18 A For a decision?

19 Q For communicating back with the President?

20 A He told President Zelensky that he would speak to President
21 Trump before the end of the day.

22 Q Okay. So it was a relatively --

23 A Short timeframe.

24 Q Okay. And specific. The VP committed to talk to the
25 President about this?

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1 A That's right.

2 Q And during the course of the meeting there was no discussion
3 of any investigations that the Ukrainians were to do?

4 A No specific investigations, no.

5 Q Okay. Like the 2016 election didn't come up?

6 A It did not.

7 Q CrowdStrike didn't come up?

8 A No.

9 Q Okay. Former VP Biden --

10 A No.

11 Q -- didn't come up? The name wasn't uttered?

12 A Not once.

13 Q And the name Burisma never came up?

14 A No.

15 Q And you weren't surprised by that?

16 A No, I wasn't expecting those specific issues to necessarily
17 come up.

18 Q And Ambassador Sondland, he was in that meeting?

19 A He was.

20 Q To the extent you can remember, who were the other U.S.
21 officials staffing the VP at the bilateral meeting?

22 A It was a big meeting, so forgive me if I miss a name or two.
23 But, obviously, the Vice President was the lead. We had Secretary
24 Perry. We had Ambassador Sondland. Tim Morrison.

25 I believe we also had Wells Griffith, who is the Energy Senior

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1 Director for NSC; [REDACTED]

2 [REDACTED]; myself. We had [REDACTED]

3 [REDACTED].

4 I probably am missing a name or two. Forgive me.

5 Q Was Ambassador Volker there?

6 A I'm trying to recall.

7 Probably. I apologize, I just really don't remember. It was
8 what we call a six plus six. So there were six front-benchers and six
9 back-benchers on each side. But I just don't recall.

10 Oh, sorry, Ambassador Bolton was there. He had to leave partway
11 through the meeting to catch his flight, but he was there for at least
12 part of the discussion.

13 Q And after the meeting ended, were you aware of any of
14 Gordon's -- Ambassador Gordon Sondland, any of his activities with the
15 Ukrainians?

16 A I wasn't aware, no.

17 Q Okay. It's been reported, and you may have read this in some
18 of the news accounts, that he conferred with some of President
19 Zelensky -- at least one of President Zelensky's aides?

20 A I've read that, but I wasn't aware at the time.

21 Q Okay. So you didn't witness Ambassador Sondland pull aside
22 any Ukrainians?

23 A I did not, no.

24 Q And did that fact come to light or come to your attention
25 during the trip?

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1 A No, not until the more recent press reports of that.

2 After the Zelensky meeting, the Vice President went on with his
3 schedule. We had an evening dinner event that evening. And kind of
4 the Ukraine component of our trip concluded and we moved on to the rest
5 of our itinerary.

6 Q Okay. So you left with the VP's delegation?

7 A That's right. So the next day we had bilateral engagements
8 with the Government of Poland, with the President, with President Duda,
9 and several other events, a quick engagement with the Prime Minister
10 of Poland, and then flew onward to Ireland, I believe.

11 Q Okay. Did anyone relate to you -- I think you said the answer
12 is no, but I'll just double back -- no one related to you that Sondland
13 had a communication with Yermak?

14 A No. Not -- no.

15 Q So you never talked about that with Colonel Vindman --

16 A No.

17 Q -- or Tim Morrison?

18 A No.

19 Q Did Morrison stay for the whole meeting or did he leave with
20 Ambassador Bolton?

21 A He stayed, because he also joined us for the Poland
22 engagements the next day.

23 Q Okay. At this point in time -- and you've seen the news
24 accounts about whether there were any conditionality for White House
25 meetings -- did that topic come up at all? Were you aware that

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1 Ambassador Sondland was pressing this?

2 A In terms of scheduling a White House meeting?

3 Q Right, some of this conditionality with --

4 A I wasn't aware of Ambassador Sondland's particular role in
5 that. I was aware that President Zelensky was very eager to get a
6 scheduled meeting at the White House. And we expected actually that
7 Zelensky may raise that with the Vice President in his meeting as well.
8 But I wasn't aware of any, like, discussions behind the scenes, so to
9 speak, of scheduling that meeting.

10 Q Did you know Ambassador Volker had been working with Mr.
11 Yermak?

12 A I was not aware, no.

13 Q Okay. So at the time you had no awareness that there was
14 this concept of the Ukrainians looking into the 2016 election or opening
15 up any other sort of investigation?

16 A The only reference I had heard to that was on the July 25th
17 call.

18 Q Okay.

19 At any point during this trip, you know, you went on to meet -- the
20 Vice President went on to meet with, I think you said --

21 A Poland and, like, the rest of the trip?

22 Q Right. Went on -- did he travel to Poland or was the
23 meeting --

24 A Well, we stayed in Poland an extra day to do the Polish
25 engagements and then flew onward to Ireland, Iceland, and the U.K.

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1 Q So you met with the Prime Minister of Poland?

2 A We did. It was a bilateral meeting with the President of
3 Poland and then a brief meeting with the Prime Minister to sign an MOU
4 on 5G, and then we flew onward to Ireland.

5 Q In the meeting with President Duda, did anything come up with
6 about Biden or Burisma?

7 A No.

8 Q There was a press availability, I think, between the VP and
9 Duda.

10 A That's right.

11 Q Do you remember whether anything came up during that press
12 availability?

13 A Yes. One of the U.S. reporters, I can't remember which one,
14 I believe asked the Vice President about that issue, I believe, whether
15 it had come up in the Ukraine meeting the day before, since it was the
16 Vice President's first press engagement since the Zelensky meeting.

17 Q So this is on September 2nd?

18 A Correct.

19 Q A reporter asked the Vice President whether -- what exactly
20 had come up?

21 A My recollection is that the U.S. reporter asked the
22 President -- sorry, the Vice President -- whether the issue of former
23 Vice President Biden or Burisma had come up in his meeting with
24 President Zelensky the day before.

25 Q And what was Vice President Pence's reaction to that?

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1 A He said no.

2 Q Okay. Was he surprised that it was raised?

3 A I don't know. I don't know if he was surprised by it. But
4 it hadn't come up, so it was easy for him --

5 Q It was easy for him to say no?

6 A Yes.

7 Q Okay. During this time period, in discussions with the NSC
8 staff, whether Colonel Vindman or Tim Morrison, had you had any
9 discussions with them about Biden, Burisma, 2016 investigations?

10 A No.

11 Q Okay. Had you had any discussions with NSC staff at this
12 point about the role of Ambassador Sondland or Rudy Giuliani?

13 A No. We had never had discussions about that. The only
14 instance in which Ambassador Sondland's name came up was when the Vice
15 President assumed the role of the President in the trip to Poland and
16 I learned that Ambassador Sondland was scheduled to be part of the
17 delegation. That was it.

18 Q You told us earlier that you did have one conversation with
19 Dr. Fiona Hill that involved Giuliani?

20 A Much earlier on, in May, with regards to Ambassador
21 Yovanovitch's removal.

22 Q From that point forward had you had any other conversations
23 about the Giuliani component relating to Ukraine --

24 A No.

25 Q -- with anyone?

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1 A No. I'm trying to think if there was even any specific press
2 reporting kind of more in the July-August timeframe. I don't recall
3 any related to Giuliani's role in Ukraine. But we never -- I never
4 had any internal conversations about his role.

5 Q Okay. And through this whole process, have you had any
6 discussions with Tim Morrison about Giuliani's role or the concept of
7 these investigations?

8 A No.

9 Q How about with Colonel Vindman?

10 A No.

11 Q The security assistance hold, you mentioned you first
12 learned about that on July 3rd?

13 A That's right.

14 Q So that was about 2 weeks before the July 18th sub-PCC
15 meeting?

16 A Correct.

17 Q And was the hold at that point on July 3rd known outside of
18 the complex? The complex meaning the EEOB?

19 A Sure, the EEOB.

20 Yes, in the sense that the report that I had seen was the State
21 Department reporting to NSC that OMB had told them about the hold. So
22 at least OMB and State knew about it.

23 Q Okay. And then did anything happen between that email
24 exchange that you told us about and the July 18th sub-PCC meeting?

25 A Not that I saw. I don't know if other agencies or

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1 individuals had further discussions about the status of the assistance.

2 Q And were you involved with the July 18th meeting?

3 A I did not attend that meeting because I was on pre-advance
4 travel for the Vice President's trip that week. So my first meeting
5 that I attended on that issue was the following week, the July 23rd
6 PCC.

7 Q Okay. And did you get a read-out of the July 18th meeting?

8 A I did.

9 Q What do you recall about the security assistance hold?

10 A I read the summary of conclusions from that meeting that NSC
11 had prepared, and it discussed the fact that the interagency was made
12 aware, for those who weren't already aware, of the hold on the security
13 assistance. And State and DOD and other agencies expressed support
14 for lifting that hold as soon as possible and that the reason behind
15 the hold was because OMB was conducting a further review.

16 Q Okay. And then the next event was the PCC?

17 A Correct.

18 Q And what date was that again?

19 A July 23rd.

20 Q Okay. And you attended that meeting?

21 A I did.

22 Q And what do you remember from that meeting about the hold?

23 A It was a very similar discussion. Essentially, it was just
24 one level up, at the assistant secretary level, all the agencies
25 supporting -- expressing their support for lifting the hold. And the

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1 OMB representative conveyed that they had been directed by the Chief
2 of Staff, the White House Chief of Staff, to continue holding it until
3 further notice.

4 Q And was the hope generally at that point that the assistance
5 would be released?

6 A Yes.

7 Q And did you participate in any other meetings --

8 A I did.

9 Q -- with regard to the security assistance?

10 A Yes. The next meeting was a Deputies Committee meeting on
11 July 26th, so 3 days later.

12 Q Okay.

13 A And, again, it was a very similar discussion with all
14 agencies, deputy secretaries expressing support, and OMB expressing
15 that the hold would continue until further notice.

16 Q Okay. Was there any discussion that with the new Ukrainian
17 Government, with the new -- President Zelensky and the new Rada, whether
18 that was part of the hold?

19 A It was not discussed in those terms. OMB never -- did not
20 provide a detailed explanation for the reason behind the hold.

21 Q Okay. And anything else notable about the 7/26 Deputies
22 meeting?

23 A I guess I would just say this whole process of meetings was
24 meant to kind of do the due diligence of working the issue up the chain,
25 the policy chain, in order to prompt the scheduling of a Principals

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1 Committee meeting at which Cabinet-level secretaries would provide
2 guidance on whether to lift the hold.

3 Q Okay. So after the 7/26 meeting, what was the next scheduled
4 meeting?

5 A My understanding was NSC colleagues were looking to schedule
6 a Principals Committee meeting, but it was never scheduled.

7 Q So the 7/26 meeting, to the best of your knowledge, is the
8 last one?

9 A Correct.

10 Q And what can you tell us between July 26th and
11 September 11th, when the aid was released? Did you come into any
12 firsthand facts?

13 A Behind the hold and what the status was?

14 Q Yes.

15 A Not specifically. Because there was no Principals
16 Committee meeting scheduled during that timeframe, it wasn't high on
17 my radar, other than the fact that it continued to be held.

18 And then towards the end of August once the Vice President
19 inherited the trip to Poland and we knew he'd be meeting with President
20 Zelensky, he requested information about the status of the hold so we
21 could prepare for those meetings. So I provided an update to General
22 Kellogg, who passed that to the VP.

23 Q And do you remember when the news of the hold became public?

24 A I believe it was August 29th or 30th --

25 Q Through the Politico story?

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1 A Right.

2 Q And are you aware of anything in particular that happened
3 once you got back from the Warsaw trip, between that date and
4 September 11th? Do you know if the Principals Committee ever
5 convened?

6 A I don't believe that there was ever a Principals Committee
7 convened. My understanding is that the Vice President had spoken with
8 the President directly after his meeting with President Zelensky on
9 September 1st, but I wasn't privy to that conversation, so I don't know
10 exactly what was discussed and whether they had a further conversation
11 about it upon the Vice President's return after his trip.

12 Q Did you get a read-out of that call?

13 A I did not.

14 Q So between July 26th and September 11th there were no
15 meetings or communications that you were a part of?

16 A I recall that -- I believe right before we left on the trip
17 on, I guess it was August 30th, the Friday, that I learned through our
18 Chief of Staff that there had been a small group discussion, not a formal
19 meeting, I believe involving Dr. Kupperman and Marc Short, our Chief
20 of Staff, and I don't know who the others were, related to the status
21 of Ukraine security assistance, but I was not present for that meeting.

22 Q Okay. And anything you know about what happened up to
23 September 11th from September 1st?

24 A I will say that also in the lead-up to our trip, to the Vice
25 President's trip to Poland, Senator Johnson had reached out to try to

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1 speak with the Vice President because he was also traveling to Ukraine
2 shortly after. I don't believe that call ever connected, but I believe
3 he also wanted to discuss the status of security assistance. But other
4 than that, I'm not aware of any formal meetings or other discussions
5 that took place.

6 Q Okay. Do you remember when Senator Johnson's trip was,
7 roughly?

8 A It was a few days after the Vice President saw Zelensky in
9 Poland, so I want to say it was probably September 3rd or 4th, something
10 like that.

11 Q And who else was on that trip? Any other Senators?

12 A I believe so, but I honestly don't remember. We were on our
13 trip in other parts of Europe, so I wasn't tracking it closely at that
14 point.

15 Q Okay. And do you know if the Senators had a view on the aid?

16 A My understanding was that they were supportive of getting
17 the hold released as soon as possible.

18 Q And do you know if any other Senators had weighed in at this
19 point?

20 A I understood that Senator Portman also was interested in the
21 status of the security assistance, and that around the time -- I'm not
22 sure the precise day, I want to say September 9th, 9th or 10th -- that
23 Members of Congress had opened an inquiry, possibly two inquiries, into
24 the status of the security assistance and to try to find the reason
25 for the hold.

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1 Q Okay. Any other Senators that you haven't identified?

2 A Not to my knowledge. There probably were, but not that I
3 was aware of.

4 Q Okay. How did you know about Senator Portman's interest?

5 A I had seen press reporting that he was interested in the
6 status of the hold.

7 Q Do you know if any Senators contacted the Vice President?

8 A Other than back in July, Senator Lankford writing a letter,
9 and Senator Johnson reaching out around the time of our trip to Poland,
10 I'm not aware of any other Senators reaching out directly to the Vice
11 President.

12 Q Since your -- have you had any discussions with any of the
13 folks that have been before us, you know, before or after their
14 appearance here, about the content of what the committees are looking
15 into?

16 A Not about the content of these discussions, these
17 testimonies, no.

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1 [11:35 a.m.]

2 BY MR. CASTOR:

3 Q Okay. Outside your lawyers, like who have you discussed
4 your testimony with?

5 A No one.

6 Q Okay. When was the last time you spoke with Tim Morrison?

7 A That's a good question. I'm trying to remember when he
8 appeared. Last week, right?

9 Q He was here on Halloween?

10 A Convenient.

11 Q I remember that.

12 A Okay. Before then. I -- honestly, I don't recall
13 precisely. I mean, I would see him on a fairly regular basis for
14 meetings.

15 Q Okay. But you haven't spoken with --

16 A No.

17 Q -- Mr. Morrison --

18 A No, not since then.

19 Q -- since Halloween?

20 A No. Yeah.

21 Q When is the last time you spoke with Colonel Vindman?

22 A I saw him in the hallway yesterday. I had a meeting with
23 him on last Friday, I believe, with the [REDACTED] Ambassador to the
24 United States, since he has a large -- our portfolios overlap. And
25 so we participated in a meeting together with the [REDACTED] Ambassador.

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1 Q Okay. And what do you remember Colonel Vindman telling you
2 at that meeting or before the meeting, after the meeting?

3 A About?

4 Q About anything.

5 A Well, that meeting, obviously, we were focusing on our U.S.
6 policy --

7 Q Right.

8 A -- towards [REDACTED] and looking at what next steps might be
9 and the reforms in the [REDACTED] Government towards becoming a stronger
10 democracy. So it was very focused on that.

11 Q Did Colonel Vindman tell you anything about his testimony?

12 A He did not, no.

13 Q Okay. Did he tell you that he mentioned your name during
14 his testimony?

15 A He told me that he had been asked, but we did not discuss
16 the testimony beyond that.

17 Q Okay. So what exactly did he tell you?

18 A He said that he had been asked who was on the call and that
19 my name was mentioned, but that was it.

20 Q Okay. And he affirmatively brought that up to you?

21 A Yes.

22 Q Was that in the context of -- like what was that in the
23 context of?

24 A I think he just wanted me to be aware that my name had been
25 introduced. That was it. We didn't discuss the testimony beyond

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1 that.

2 Q Okay. At that point, did he know that you were scheduled
3 to come in?

4 A No, I don't believe so. I don't know that any of us were
5 aware of who was going to be part of this process.

6 Q Okay. So as of last Friday, you didn't know that you were
7 coming in today?

8 A As of last -- I got called by the committee last Friday
9 evening, so not before then.

10 Q That was the first time? Being in the minority --

11 A Sure.

12 Q -- we're not part of the scheduling process --

13 A Not before then, no.

14 Q -- among other processes.

15 A Noted.

16 Q So you found out on Friday night that the committee had an
17 interest in speaking with you?

18 A Correct.

19 Q Okay. And when you saw Colonel Vindman at the [REDACTED]
20 meeting, that was the first time you'd talked to him since he had
21 testified?

22 A I believe so, yes. Yeah.

23 Q Okay. And he mentioned to you that he had identified -- he'd
24 been asked and identified your name as being on the call?

25 A Correct.

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1 Q And did he say anything else to you, or is that --

2 A No, we didn't talk about it further. I was advised not to.

3 Q Okay. Did he give you any recommendations, like you should
4 get a lawyer, anything of that sort?

5 A I had already retained counsel well before then, so --

6 Q Okay. Because you had an expectation the committees might
7 be interested in your testimony?

8 A I retained counsel in early October thinking that it may come
9 up at some point.

10 Q And I'm not trying to get into any --

11 A No, understood.

12 Q -- attorney-client privilege matters. That's not what
13 we're seeking here.

14 A No. It was well before then.

15 MR. CASTOR: Okay. Before our time is almost up, I want to make
16 sure -- anything?

17 MR. MEADOWS: Ms. Williams, I want to say thank you for your
18 service. Yeah, these are trying times, and it's not fun for anybody
19 to come here, even us. And so --

20 MS. WILLIAMS: It's a long process.

21 MR. MEADOWS: And so I want to thank you for your service. I want
22 to clarify two things: I believe you said that it was actually on the
23 President's schedule to go to Warsaw, and that was canceled, and the
24 Vice President took his place. Is that correct?

25 MS. WILLIAMS: That's correct.

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1 MR. MEADOWS: And then in all of your prep for the Vice President,
2 it sounds like you're a pretty thorough individual when it comes to
3 prepping people. Is that correct?

4 MS. WILLIAMS: I do my best, sir.

5 MR. MEADOWS: All right. So in all of your prep, as it relates
6 to the aid, the Ukrainian aid that this whole impeachment process seems
7 to fold into, the aid and seven words on a phone transcript that we're
8 now spending unbelievable time and effort, but in any of that, was there
9 ever any briefing with the Vice President that says, by the way, you
10 know, you need to bring up these investigations, or you need to be
11 cautious about the investigations, one way or the other?

12 MS. WILLIAMS: No, not at all.

13 MR. MEADOWS: And so as someone who's advising the Vice President
14 of the United States, would it be fair to say that investigations into
15 any 2016, Burisma, Biden, was not a consideration that was a top
16 priority for the Vice President of the United States as you prepped
17 him for his meeting with President Zelensky?

18 MS. WILLIAMS: That's correct.

19 MR. MEADOWS: And so, as we go even further, in terms of the
20 readouts and, in terms of what I think your nomenclature is, due-outs,
21 there was no due-out that would suggest that there had to be any
22 conditionality to releasing the aid, other than what Ambassador Bolton
23 brought up in terms of real aggressive anticorruption measures that
24 I guess happened in late August. Is that correct?

25 MS. WILLIAMS: I guess I would say, I did not know the motivation

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1 behind the hold in the first place.

2 MR. MEADOWS: Right.

3 MS. WILLIAMS: So I was not aware of any conditionality or what
4 the reason for the hold was, and what that might be dependent on. It's
5 only later on through this process that I understand there were other
6 conversations happening outside of what we would consider to be
7 official diplomatic channels.

8 MR. MEADOWS: And you've learned that through --

9 MS. WILLIAMS: Press reporting.

10 MR. MEADOWS: -- open-source press reporting?

11 MS. WILLIAMS: Correct.

12 MR. MEADOWS: So everything that you know about any nefarious
13 purpose actually came through press reports, no official channels?

14 MS. WILLIAMS: That's correct, and we had no understanding of
15 what the actual reason for the hold was.

16 MR. MEADOWS: Okay. And so, Ambassador Bolton, the end of
17 August, says, Listen, I had a great meeting with President Zelensky.
18 I think it's been described to us they were up all night passing these
19 anticorruption measures. Is that accurate?

20 MS. WILLIAMS: That is what he conveyed to the Vice President in
21 the pre-brief, correct.

22 MR. MEADOWS: And so a very positive message from Ambassador
23 Bolton. Then the Vice President of the United States has a very
24 positive meeting with President Zelensky where they talk about their
25 mutual respect and desire to work together. Is that correct?

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1 MS. WILLIAMS: That's correct.

2 MR. MEADOWS: So a positive meeting, a positive meeting, a phone
3 call, and then intervention from at least one or two Senators, I guess
4 Senator Johnson and Senator Portman. Is that correct?

5 MS. WILLIAMS: I was not involved --

6 MR. MEADOWS: And Lankford, Senator Lankford, I guess, three
7 different --

8 MS. WILLIAMS: I was aware that those Senators had expressed
9 interest in the issue. I wasn't privy to what those discussions were.

10 MR. MEADOWS: And so, in terms of a due-out, would you -- is it
11 your belief, your sworn testimony here today, that your belief was that
12 Vice President Pence would give a favorable recommendation to the
13 President of the United States to release the aid and move forward?

14 MS. WILLIAMS: Yes.

15 MR. MEADOWS: I thank you. I yield back.

16 MS. WILLIAMS: Thank you, sir.

17 THE CHAIRMAN: Okay. Why don't we take our lunch break now and
18 resume at 12:30. We are in recess.

19 [Recess.]

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1 [12:35 p.m.]

2 THE CHAIRMAN: Okay. Let's go back on the record.

3 Ms. Williams, I just had a couple followup questions before I give
4 it back to Mr. Noble or Mr. Goldman. In response to some of the
5 questions from minority counsel, you described the efforts made to
6 advance a potential Vice Presidential visit to the inauguration, the
7 effort to see if rooms were available and the like?

8 MS. WILLIAMS: Uh-huh. Yes, sir.

9 THE CHAIRMAN: I take it once the message was passed down that
10 the President did not want the Vice President to attend, any further
11 effort to make those arrangements also came to an end?

12 MS. WILLIAMS: That's correct.

13 THE CHAIRMAN: The Vice President wasn't going to countermand the
14 President and go even though the President didn't want him to?

15 MS. WILLIAMS: I can't speak for the Vice President, but I was
16 instructed to stop the trip planning at that point.

17 THE CHAIRMAN: Okay. And you never learned the reason for the
18 President's change of mind on the Vice President's attending the
19 inauguration?

20 MS. WILLIAMS: No, sir.

21 THE CHAIRMAN: This is no slur on the Secretary of Energy, but
22 I think you said one of the roles of the Vice President is to attend
23 high-level meetings that the President cannot attend?

24 MS. WILLIAMS: Yes, sir.

25 THE CHAIRMAN: And that's viewed with a certain status by foreign

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1 governments having a Vice Presidential visit, not as good as the
2 President but maybe number two?

3 MS. WILLIAMS: I believe so.

4 THE CHAIRMAN: And the decision to send the Vice President
5 somewhere would be viewed in Ukraine as a signal of U.S. support for
6 this new President, his inauguration?

7 MS. WILLIAMS: That's right.

8 THE CHAIRMAN: Now, I think you mentioned -- and this is along
9 similar lines, that one of the points that President Zelensky made in
10 Warsaw is it's not just getting military assistance that's important,
11 it's the fact that it's coming from the United States that's also
12 important. Is that right?

13 MS. WILLIAMS: That's correct.

14 THE CHAIRMAN: And that's important, both in terms of assuring
15 Ukrainians that the United States has its back, but also in deterring
16 Russian aggression, is it not?

17 MS. WILLIAMS: Yes.

18 THE CHAIRMAN: And the same might be said for the status of a
19 Presidential or Vice Presidential visit to an inauguration?

20 MS. WILLIAMS: Correct.

21 THE CHAIRMAN: Now, at the meeting in Warsaw, I think you said
22 it was a big meeting. It was a six-plus-six. Is that right?

23 MS. WILLIAMS: That's right.

24 THE CHAIRMAN: And that means that there were essentially six
25 U.S. principals and six staff people behind them?

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1 MS. WILLIAMS: Correct, and then the two principals in the front
2 of the room, so President Zelensky and the Vice President.

3 THE CHAIRMAN: I see. And then on the Ukrainian side of the
4 table, they would have their own six-plus-six?

5 MS. WILLIAMS: Correct.

6 THE CHAIRMAN: So there would be essentially around two dozen
7 people at that meeting?

8 MS. WILLIAMS: That's right.

9 THE CHAIRMAN: And so in this meeting with two dozen people, the
10 Vice President did not bring up what the President said on the July 25
11 phone call in terms of the President's desire for investigations of
12 the Bidens, Burisma, or 2016?

13 MS. WILLIAMS: Correct, he did not raise that.

14 THE CHAIRMAN: Now, you've seen, I'm sure, a press report about
15 what Ambassador Sondland said happened just after that meeting. Have
16 you not?

17 MS. WILLIAMS: I've seen the press reports, yes.

18 THE CHAIRMAN: And if Ambassador Sondland's new affidavit is
19 accurate and he spoke with Mr. Yermak immediately thereafter, still
20 at the same meeting, but in a pull-aside, and conveyed that military
21 assistance was tied to doing these investigations, that would have an
22 influence on how Ukraine would perceive what the Vice President meant
23 when he was talking about corruption. Would it not?

24 MS. WILLIAMS: I would imagine that they would take that
25 conversation into account, but obviously, I can't speak for the

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1 Ukrainians on how they would interpret that.

2 THE CHAIRMAN: But you would certainly expect that a top adviser
3 to President Zelensky, who sat in on the Vice Presidential meeting,
4 would very quickly convey to President Zelensky what he had heard in
5 the private discussion with Ambassador Sondland immediately
6 thereafter?

7 MS. WILLIAMS: I would imagine so.

8 THE CHAIRMAN: Now, I think you said that, in anticipation for
9 the Vice President's call to congratulate President Zelensky on his
10 inauguration, which followed President Trump's call, that you included
11 the call record of President Trump's call for the Vice President?

12 MS. WILLIAMS: That's correct.

13 THE CHAIRMAN: And I think you said that after the July 25 call
14 between President Trump and President Zelensky you also included that
15 call record in the Vice President's daily briefing book?

16 MS. WILLIAMS: Yes, in his daily briefing book that same day, on
17 July 25.

18 THE CHAIRMAN: And we heard other testimony that the Vice
19 President was quite diligent in reading his Presidential -- or Vice
20 Presidential daily briefing books. Was that your experience as well?

21 MS. WILLIAMS: He receives them every evening, so I have to admit,
22 I've never personally witnessed his process of reading them. I presume
23 he does, but I can't confirm if he reads every item every day.

24 THE CHAIRMAN: But in your conversations with the Vice President
25 following up on the briefing materials that you give him, does he seem

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1 familiar with what you had briefed him in writing?

2 MS. WILLIAMS: Generally, but I don't see him on a daily basis,
3 so it's hard for me to be very precise in terms of what items he will
4 have read each night.

5 THE CHAIRMAN: Well, even though you don't see him on a daily
6 basis, on the opportunities you do see him and you discuss things that
7 you briefed him about in writing, he seems familiar with what you
8 provided him, does he not?

9 MS. WILLIAMS: Yes, sir.

10 THE CHAIRMAN: And in the briefing book prior to his visit with
11 President Zelensky in Warsaw, would the July 25 call record have been
12 in that briefing book as well?

13 MS. WILLIAMS: I don't believe it was. We don't normally include
14 call transcripts in trip briefing books.

15 THE CHAIRMAN: So his familiarity with the call would have been
16 around the time it occurred from the original briefing book?

17 MS. WILLIAMS: That would have been the only opportunity that I'm
18 aware of that he would have had that transcript.

19 THE CHAIRMAN: Now, I think you testified that Senator Johnson
20 was trying to reach the Vice President. About when did -- when was
21 that effort made?

22 MS. WILLIAMS: I received an email from my Vice President's
23 office colleague who covers legislative affairs connecting me with one
24 of Senator Johnson's staff members just before we left for Warsaw, I
25 believe it was August 30, on that Friday, and we departed that Saturday.

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1 It may have even been that Saturday, either August 30th or 31st.

2 THE CHAIRMAN: So August 30th or 31st was when Senator Johnson
3 was trying to reach the Vice President?

4 MS. WILLIAMS: My understanding from Senator Johnson's staff was
5 that the Senator was looking to have a phone call with the Vice
6 President, either before the Vice President went to Warsaw to talk about
7 Ukraine or, if that wasn't possible, possibly right after the Vice
8 President had met with Zelensky that Sunday because Senator Johnson
9 was traveling out to Kyiv the following week. And so, it would be an
10 opportunity for them to compare notes and for the Vice President to
11 convey what he had heard from Zelensky before Senator Johnson saw
12 Zelensky.

13 THE CHAIRMAN: Are you familiar with The Wall Street Journal
14 article, dated October 4, in which Senator Johnson told The Wall Street
15 Journal that Ambassador Sondland had described to him a quid pro quo
16 involving a commitment by Kyiv to probe matters related to U.S.
17 elections and the status of nearly \$400 million in U.S. aid to Ukraine
18 that the President had ordered to be held up in July? Are you familiar
19 with that article?

20 MS. WILLIAMS: I'm not, no. No, sir.

21 THE CHAIRMAN: The article indicates that the Senator was told
22 this by Ambassador Sondland in August. Do you know whether this was
23 the subject which Senator Johnson sought to discuss with the Vice
24 President?

25 MS. WILLIAMS: I don't know specifically. What I understood

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1 from Senator Johnson's staff member was that the Senator wanted to
2 discuss the status of security assistance, so I took that to mean the
3 status of the hold. But I didn't know what -- any more detail than
4 that.

5 THE CHAIRMAN: All right. Mr. Noble.

6 BY MR. NOBLE:

7 Q Thank you, Mr. Chairman.

8 You testified earlier that you first learned that there had been
9 a hold placed on the Ukraine assistance on July 3 in the email from
10 Colonel Vindman. Is that right?

11 A That's correct.

12 Q And then on July 9 you had the meeting in General Kellogg's
13 office with the Ukrainian National Security Advisor Danylyuk?

14 A Correct.

15 Q So, at that point, you were aware that there had been this
16 freeze placed on the Ukrainian assistance. Is that right?

17 A At that point?

18 Q Yes, as of July 9.

19 A I had seen -- correct. I mean, I had seen the update that
20 OMB had decided or had conveyed to the State Department that they were
21 not clearing these particular congressional notifications. I don't
22 believe it was clear, even as of July 9, what exactly was behind that
23 in terms of was this a, you know, long-term hold or what was the
24 motivation behind it. But I was aware that there was a problem with
25 clearing the assistance, yes.

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1 THE CHAIRMAN: And I apologize, Counsel. There were a couple
2 other questions I'd forgotten I wanted to ask just to follow up on the
3 questioning by minority counsel.

4 I take it from what you said earlier that in terms of Ambassador
5 Sondland's conversation with Mr. Yermak on the sidelines of the Warsaw
6 meeting between President Zelensky and Vice President Pence, that you
7 were out of the loop on any discussion Ambassador Sondland had about
8 the conditioning military aid on the investigations that were described
9 previously by the President in the July 25 call?

10 MS. WILLIAMS: Correct. I was not present at that meeting, and
11 I was not aware that it had taken place.

12 THE CHAIRMAN: And were you -- and so you had the -- you may have
13 seen this described in various ways, as an official track and an
14 irregular track. You were in the official track hearing the official
15 message from the Vice President of what the United States wanted Ukraine
16 to do. Is that right?

17 MS. WILLIAMS: Correct.

18 THE CHAIRMAN: But in terms of the unofficial track represented
19 by that conversation on the sideline between Ambassador Sondland and
20 Mr. Yermak, you were not part of that irregular track?

21 MS. WILLIAMS: No, sir.

22 THE CHAIRMAN: And in terms of efforts by those in that irregular
23 track to get President Zelensky to commit to the investigations the
24 President described in that July 25 phone call, you were not privy to
25 those conversations either, not part of that track?

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1 MS. WILLIAMS: No, sir.

2 THE CHAIRMAN: So efforts to get Ambassador -- well, efforts to
3 get President Zelensky to make a public commitment to pursue these two
4 investigations into the Bidens and Burisma and this debunked conspiracy
5 theory about 2016, prior to getting the White House meeting, you were
6 not part of those discussions, you were out of that loop as well?

7 MS. WILLIAMS: Correct.

8 THE CHAIRMAN: You weren't aware of efforts that Ambassador
9 Volker or Ambassador Sondland were making to get President Zelensky
10 to announce these investigations?

11 MS. WILLIAMS: No, sir.

12 THE CHAIRMAN: And I take it that neither Ambassador Volker nor
13 Ambassador Sondland nor anyone else brought you into their confidence
14 about efforts to get President Zelensky to go on CNN, even as the aid
15 was withheld to publicly announce these investigations that President
16 Trump wanted?

17 MS. WILLIAMS: No, sir, I was not aware of those efforts.

18 THE CHAIRMAN: Okay. Mr. Noble.

19 BY MR. NOBLE:

20 Q So going back to that July 9 meeting, prior to that meeting,
21 had you had any discussions with General Kellogg about the freeze on
22 the Ukraine assistance?

23 A I don't believe so, because, again, when I learned about it
24 on July 3, it was a very brief paragraph, and it wasn't entirely clear
25 what more to the story there was. So I don't believe I raised it to

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1 General Kellogg's attention at that particular time.

2 I believe I did raise it with him for his awareness before the
3 July 9 meeting just in person. Actually, yes, I did. I recall now.
4 As I was preparing him for that meeting, I did provide some briefing
5 materials on a range of, you know, policy matters that we expected
6 Danylyuk would raise. And I believe I briefed him verbally just for
7 his awareness about this issue with OMB holding the assistance just
8 in case it came up.

9 Q Why did you think it might come up in the meeting with
10 Danylyuk?

11 A I had no reason to believe that the Ukrainians were aware
12 of it at that time, but I just wanted General Kellogg to be aware just
13 in case.

14 Q In case it did come up?

15 A Correct.

16 Q To your knowledge, was when you briefed General Kellogg about
17 the freeze, based on Vindman's email, was that the first time that he
18 was learning that a freeze had been placed, or do you think he was
19 previously aware?

20 A I don't really recall his reaction, to be honest, so I can't
21 really say one way or the other whether it was the first time he was
22 hearing of the information or not.

23 Q And did you and General Kellogg have a substantive discussion
24 about that topic, or was it just kind of one way, you briefed him and
25 that was it?

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1 A It was one way. It was a fairly brief pre-brief, so to speak,
2 so it was not a lengthy conversation about it. And, again, even at
3 that point, this was about a week after I had first learned of it, it
4 still wasn't entirely clear what was behind the issue, whether it was
5 still -- OMB's rationale, I had learned, was to determine whether the
6 aid was still in line with administration priorities. But I still had
7 not seen any clarification of what exactly that meant, and if this was
8 going to be a long-term process.

9 Q And I believe you testified -- and during that July 9
10 meeting, I'm assuming this topic did not come up with the Ukrainians,
11 the freeze?

12 A Correct, it did not come up.

13 Q I believe you testified that OMB was tasked with doing some
14 kind of policy review, or OMB said that there was going to be a policy
15 review of the assistance provided to Ukraine. Is that right?

16 A In the brief update that I had seen on July 3, I don't recall
17 precisely how it was described. But what I recall was State Department
18 was conveying to NSC that they were told by OMB that they were going
19 to continue holding these congressional notifications pending further
20 review to make sure that the assistance was in line with administration
21 priorities. It was not specific in that short paragraph what exactly
22 that review would entail.

23 Q And did you get any more color on that at the July 23 PCC
24 meeting that you attended?

25 A Not really. The OMB representative at that meeting

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1 essentially just conveyed to the group that the guidance they had
2 received from the White House chief of staff was to continue to hold
3 the assistance without further explanation.

4 Q But the unanimous view of all the agencies that participated
5 in the PCC was that the hold should be lifted and the aid should flow
6 to Ukraine?

7 A That's correct.

8 Q Okay. Now, I believe Mr. Castor asked you some questions
9 that suggested that President Trump may have been concerned about,
10 like, a return on investment for these funds. You remember that line
11 of questioning?

12 A I recall we discussed President Trump's, you know, broad view
13 on the effectiveness of foreign aid.

14 Q But at that point in time, hadn't the Department of Defense
15 already certified that the assistance was, in fact, effective and
16 should be provided to Ukraine?

17 A Yes, they did.

18 Q Yeah. I mean, Ukraine had been invaded by Russia. They
19 were literally fighting a hot war against Russia, and this military
20 assistance was going directly to help Ukraine fight the Russians.
21 Isn't that accurate?

22 A Correct. And DOD also made the point that this assistance
23 primarily goes to U.S. defense contracting companies to implement.

24 Q So the money was not only benefiting Ukraine, but it was also
25 indirectly benefiting U.S. companies, which is also a concern of

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1 President Trump, correct?

2 A That was a message that DOD was conveying to help make their
3 point.

4 Q And so every -- basically, every dollar that is being spent
5 on this Ukraine assistance, the U.S. is seeing returns to both the
6 national security of Ukraine, the national security of the United
7 States, and to essentially the pockets of defense contractors?

8 A That was certainly DOD's point of view.

9 Q So that seems like a pretty good investment from your
10 perspective?

11 A I believe so.

12 Q And until this freeze that kind of came out of the blue, from
13 your perspective, on July 3, President Trump had previously supported
14 assistance to Ukraine, didn't he?

15 A I believe that President Trump had been supportive of our
16 overall U.S.-Ukraine foreign policy. I don't know that I had any
17 specific insight into his particular views on the security assistance
18 per se.

19 Q But, again, all of the agencies at that point in time, as
20 of July, all these interagency meetings that minority counsel asked
21 you about, the view was unanimous that the aid should be provided to
22 Ukraine?

23 A Correct, except for OMB's clarification on why they were
24 holding it.

25 Q And that view never changed, correct?

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1 A No, sir.

2 Q Did you receive any instruction from Vice President Pence
3 or General Kellogg about the position that you should take in the
4 interagency meetings that you participated in? Did you discuss that?

5 A No, I did not. I prepared General Kellogg for his
6 participation in the Deputies Committee meeting on July 26, but prior
7 to that, I was kind of participating at my own level and then briefing
8 General Kellogg afterwards.

9 Q Can you tell us about how you prepped General Kellogg for
10 the -- was that the deputies' meeting?

11 A That's right. I prepared some talking points for General
12 Kellogg's participation in the July 26 Deputies Committee meeting and
13 provided him some background on how the previous meetings, the sub-PCC
14 and the PCC, had gone so that he was aware of the status of the discussion
15 and where the interagency stood on the issue of security assistance.

16 Q And did he react in any way to your briefing, your
17 preparation?

18 A He seemed to agree that, you know, OVP should take the
19 position to also support the lifting of the freeze.

20 Q And are you aware whether Vice President Pence supported that
21 position at that time?

22 A I'm not aware because we didn't have a specific conversation
23 during that timeframe about it.

24 Q Are you familiar with a Presidential decision memorandum
25 that was dated on or about August 15 about lifting the freeze on

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1 security assistance?

2 A I don't believe so, no.

3 Q Okay. So you don't recall ever receiving a copy of that?

4 A I can't say that I didn't receive a copy in my email traffic
5 at one point. I took some leave around that timeframe, so I may have
6 missed it.

7 Q When did you take leave?

8 A Around that timeframe, in mid-August.

9 Q Yeah. I mean, that's a usual time of year --

10 A Yeah. Apologies if I missed it, but, yeah.

11 Q No worries. But I was just -- my question was going to be
12 if you knew whether General Kellogg or Vice President Pence ever got
13 a copy of that memorandum, and whether they concurred in it or Vice
14 President specifically concurred in it?

15 A I don't know. I just don't know.

16 Q Okay. Are you familiar with -- you may have been on leave,
17 but are you familiar with a meeting that the President had with advisers
18 at Bedminster in New Jersey on August 16?

19 A I'm not aware of that meeting, no.

20 Q Or whether Vice President Pence attended that meeting?

21 A I'm not aware. He may have, but I don't recall.

22 Q Are you familiar with another PCC meeting that was held on
23 July 31?

24 A Yes. I was in that meeting.

25 Q Okay. Can you tell us what happened in that meeting? Or

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1 let's maybe -- what was --

2 A I'll try.

3 Q What was the purpose of that meeting? Was it focused on
4 Ukraine, or was it about something else?

5 A It was a Ukraine PCC, and as I recall, it was focused on kind
6 of the, quote/unquote, normal range of agenda items that comprise our
7 Ukraine policy. So we discussed efforts on the security track, on the
8 economic track, and kind of the assistance track and where all those
9 stood.

10 But I recall that because before that, the week before, you know,
11 the Deputies Committee meeting had taken place and essentially had
12 resulted in the same conclusion that all agencies except for OMB had
13 recommended that the hold be lifted.

14 The next step in that process, there needed to be a PC, a
15 Principals Committee meeting, and that was still pending. So when the
16 PCC met the following week there was no resolution to the issue of the
17 security assistance hold, and so essentially, the group just went back
18 to talking about the normal agenda items. And essentially, the
19 security assistance freeze was the elephant in the room that we just
20 skipped over, because that was still trying to move forward working
21 towards a Principals Committee meeting.

22 Q Okay. So in the July 23 PCC, the July 26 deputies, or the
23 July 31 PCC meeting -- I believe you participated in all of those,
24 right?

25 A Yes, sir.

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1 Q Did the issue of the legality of the hold ever come up? Did
2 anybody ever raise questions about whether this was legal or not?

3 A Yes, actually. I think it may have been in the 31st meeting.
4 I can't recall if it was the 23rd or the 31st, but there were
5 discussions --

6 MR. SWALWELL: Counsel, can we just get the dates on that, just
7 which month?

8 MR. NOBLE: Oh, July.

9 MS. WILLIAMS: Oh, sorry. July.

10 MR. SWALWELL: Just for the record, thanks.

11 MS. WILLIAMS: July 23 or July 31, both at the PCC level, there
12 were discussions about -- raised I believe both by State Department
13 and DOD, essentially trying to work out if there was no lifting of the
14 hold, and we were getting closer to the end of the fiscal year, how
15 those agencies would need to go back to Congress to remedy the situation
16 with unspent funds, and what would be the legal recourse for either
17 requesting a rescission of those funds or, you know, what steps would
18 need to be taken to address that before the end of the fiscal year.

19 BY MR. NOBLE:

20 Q And are you aware that ultimately after the freeze was
21 lifted, on September 11, DOD did have to come back to Congress and
22 Congress did have to write an amendment to effectively allow the funds
23 to be spent after the September 30 deadline?

24 A I was not aware of that, but I wasn't tracking it that closely
25 at that time.

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1 Q During this course of time, when the security assistance hold
2 was being considered in the interagency, did you have further
3 discussions with General Kellogg about what the Office of the Vice
4 President should or could be doing to try to get the freeze lifted?

5 A No specific discussions other than my briefing him before
6 the Deputies Committee meeting on July 26, which would have been his
7 primary opportunity of engagement on that issue. I would have done
8 the same if there had been a Principals Committee meeting sometime in
9 August, but after the Deputies Committee meeting, since no meeting was
10 scheduled, I didn't have a specific conversation with him about it.

11 Q Okay. How about in the early part of August, before you
12 started preparing for the Warsaw meeting, when I know the security
13 assistance came up again --

14 A Right.

15 Q -- did you have any further conversations with General
16 Kellogg or anybody else at OVP about what are you going to do about
17 this hold that was on -- hold in place?

18 A No specific conversations. I was kind of tracking the
19 process to see if a Principals Committee meeting would be scheduled
20 at some point. I have to say also during the timeframe of the month
21 of August, we were still preparing for the Vice President's trip to
22 Europe, to the U.K., Ireland, and Iceland, so that really consumed a
23 lot of my time. So I was aware of the pending issue, but not working
24 it myself on a day-to-day basis.

25 Q Okay. Are you aware of whether the Ukrainians learned of

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1 the hold prior to it becoming public through that Politico article on
2 August 28?

3 A I'm not aware.

4 Q One way or the other?

5 A One way or the other.

6 Q So I do want to ask some more questions about the July 25
7 call, but it might make sense just to kind of finish with Warsaw and
8 the security assistance.

9 A Sure.

10 Q In preparing for the bilat between Vice President Pence and
11 President Zelensky, I believe you testified that the Vice President
12 had asked for an update on the hold on the security assistance. Is
13 that right?

14 A That's correct.

15 Q And that General Kellogg tasked you to gather information
16 and an update for the Vice President?

17 A Correct.

18 Q Can you explain to us what you did to get the update that
19 was provided to General Kellogg and the Vice President?

20 A Sure. I had seen a recent similar update prepared by Colonel
21 Vindman, my NSC colleague, that really laid out the status of the
22 security assistance and what would be the necessary timings in order
23 to get the assistance implemented by the end of the fiscal year, how
24 much was being held, just really the basics of where it stood. So I
25 used that information to craft an update for General Kellogg to provide

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1 to the Vice President.

2 Q And how far in advance of the September 1st bilat did you
3 provide the update?

4 A I was asked to provide that on that Friday, which I believe
5 is August 30, so it was --

6 Q Right before?

7 A -- right before, because we only found out about the trip
8 the day before that.

9 Q And in the course of gathering this information, were you
10 able to determine why the hold had been put in place and any insight
11 into whether or not it was going to be lifted?

12 A At that point, it had been held since July 3. I was still
13 not aware of what the motivation behind the hold was, but I knew that
14 General Kellogg was also aware of the hold since he had participated
15 in the July 26 Deputies Committee meeting, and I wasn't aware of any
16 change in the status over the course of August. So I did not address
17 that -- the issue of why in my update. It was really just focused on
18 how much funding, what was the timeline looking like to -- if it was
19 going to be released, and, you know, what would it provide.

20 Q Okay. And I believe you testified that you anticipated that
21 President Zelensky would raise the issue of the hold after it had become
22 public with the Vice President and that you and others may have prepped
23 the Vice President on how to respond. Is that right?

24 A Correct. Ambassador Bolton really took the lead in that
25 pre-brief conversation right before the meeting with President

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1 Zelensky, since he had just seen Zelensky a few days prior. But I
2 believe his meeting was before the Politico article had taken place,
3 so Ambassador Bolton had not discussed the hold with Zelensky, is my
4 understanding.

5 But Ambassador Bolton and the Vice President in the small group
6 discussed how to respond to that question. And obviously, that group
7 did not have a precise answer to provide to Zelensky in terms of when
8 a decision might be made, but they talked about, you know, obviously
9 a decision would need to be made before the end of the fiscal year,
10 which was very quickly approaching. And they talked about -- a bit
11 about, you know, what other European countries could do to help support
12 Ukraine in the meantime.

13 Q Was there any discussion of the reason for the hold in that
14 small group?

15 A No.

16 Q No. I mean, it seems a little odd that there's this hold
17 in place that's been in place since July 3, as you said, the entire
18 interagency supports lifting the hold, the Vice President anticipates
19 getting questions about it from President Zelensky, but there's no
20 discussion of like why are we even doing this, like why is this hold
21 in place?

22 A That's correct.

23 Q Okay. Are you familiar with a firsthand or first-person
24 cable that Ambassador Taylor drafted and sent to Secretary Pompeo, and
25 that we believe was further distributed possibly to the White House?

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1 A I am. I've read the cable.

2 Q Were you on the distribution of the cable?

3 A I received it, I believe, from State Department colleagues,
4 but not on the original distribution, since it was a limited cable that
5 went straight to the Secretary's office.

6 Q Do you remember who sent it to you or how you got it?

7 A I don't recall, to be honest. It might have been from NSC
8 colleagues.

9 Q Do you recall what the cable said?

10 A It was a cable outlining Ambassador Taylor's rationale on
11 the importance of our U.S. security assistance to Ukraine, and why it
12 was important for the security assistance to continue to flow.

13 Q Do you recall him saying that the hold was folly?

14 A Yes.

15 Q Do you recall anything else that he said, or any other
16 recommendations that he made?

17 A It was a lengthy cable. I don't remember it verbatim, but
18 I thought it was a very persuasive case.

19 Q Do you remember approximately when you received a copy of
20 it, or obtained a copy of it? Was it before the Warsaw bilat?

21 A It was certainly before the Warsaw trip, because I recall
22 reading it in the process of preparing for the trip. I don't recall
23 the precise date, but it would have been around that timeframe, end
24 of August.

25 Q Did you use it in preparing the Vice President for the bilat

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1 when you pulled together the materials that General Kellogg asked you
2 to do relating to the hold on the assistance?

3 A I'm trying to recall, because I found it a very persuasive
4 cable, whether I actually included it in the trip book or not. I
5 believe I, at least, provided a copy to General Kellogg. I can't recall
6 for certain whether I put it in the Vice President's trip book or not.

7 Q Okay. So you don't know one way or the other whether Vice
8 President Pence ever saw that memo -- or cable, rather?

9 A I don't recall. I know I found it significant, but I
10 couldn't say definitively whether I put it in the book or not. I may
11 have. I just can't recall.

12 Q You've used words "significant, persuasive." Why did you
13 think Ambassador Taylor's memo was both significant and persuasive?

14 A I thought he laid out a very strong case for the effectiveness
15 of U.S. security assistance to Ukraine, as we've discussed before, not
16 just because of the actual physical and substantial support that it
17 provides, but also the symbolic value of it; and that at this particular
18 critical moment in Ukrainian politics and security environment, that
19 any signal of wavering U.S. support would send the wrong message to
20 President Zelensky just as he was trying to implement his reform agenda.

21 Q And you said you recall Ambassador Taylor writing that he
22 thought the freeze was -- the hold was folly. Did you agree with that
23 assessment as well?

24 A Yes.

25 Q And you said President Zelensky, when he met with Vice

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1 President Pence, noted the symbolic value, not just the monetary value
2 of the assistance, right?

3 A Right, he did.

4 Q Did he raise the symbolic value of a White House meeting or
5 a meeting with President Trump as well?

6 A I'm trying to recall. The reason I'm hesitating is I know
7 he raised it in the public remarks he made with the President -- with
8 President Trump at the meeting on the margins of the U.N. General
9 Assembly not long after, so I don't want to conflate the two.

10 Q Yeah, I think he made a joke about --

11 A He did.

12 Q -- the fact that the White House meeting still had not being
13 scheduled?

14 A That we had forgotten to give him the dates for the visit.

15 Q Yeah?

16 A I just -- I can't recall specifically if he also raised it
17 in the meeting with the Vice President.

18 Q But you would agree that a meeting with the President at the
19 White House, or elsewhere, also carries symbolic value and could be
20 valuable to the Ukrainians. Even though it may not have a monetary
21 value, it's valuable in showing that the U.S. has the full -- or Ukraine
22 has the full support of the United States, particularly when they're
23 battling Russia?

24 A Yes, I agree.

25 Q Okay. Do you recall whether -- going back to the

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1 cable -- Ambassador Bolton ever raised the cable in the pre-brief for
2 the Vice President in Warsaw?

3 A No, I don't believe he did, not specifically. The topic was
4 discussed, but I don't believe there was reference to the cable.

5 Q Okay. So I think I want to go back to the July 25 call, and
6 I know you were asked questions about this from minority counsel but
7 I had a few others. First, on the issue of Burisma, the company coming
8 up, does the word "Burisma" actually appear in your notes that you
9 reviewed recently?

10 A Yes.

11 Q So you wouldn't have written that down if it hadn't come up
12 during the call. Is that right?

13 A Correct.

14 Q Do you recall whether it was President Trump who said
15 Burisma, or might it have been President Zelensky who said Burisma?
16 Do your notes say one way or the other?

17 A In looking again at my notes, I believe it was President Trump
18 who raised Burisma.

19 Q Okay. Do you know why the word "Burisma "doesn't appear in
20 the MEMCON that was released publicly?"

21 A I don't know why.

22 Q Okay. You weren't involved in the editing process, right?

23 A No, sir.

24 Q And I believe you testified that prior to the July 25 call,
25 you had listened in on about a dozen other calls between President Trump

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1 and other foreign heads of state. Is that right?

2 A Probably, around that number.

3 Q Okay. During the July 25 call, did you have any concerns
4 about the conversation that you heard between President Trump and
5 President Zelensky?

6 A I certainly noted that the mention of those specific
7 investigations seemed unusual as compared to other discussions with
8 foreign leaders.

9 Q And why were they unusual?

10 A I believed those references to be more political in nature
11 and so that struck me as unusual.

12 Q Were you involved in preparing talking points for President
13 Trump for that July 25 call?

14 A No.

15 Q Okay. Did you see the call package or talking points in
16 advance of the call?

17 A No.

18 Q So you just -- you learned about the call and were asked to
19 participate in it?

20 A Correct.

21 Q Okay. As you were sitting in the Situation Room and you were
22 taking notes, did you notice whether other people were taking notes?

23 A Yes, others were taking notes as well.

24 Q Do you recall who took notes during the call?

25 A I believe everybody in the room was taking notes, yes.

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1 Q Okay. Prior to the July 25 call, you said that these things,
2 the investigations that you said were political and unusual, had you
3 ever heard President Trump or anybody else in the Office of the Vice
4 President or the White House raise the issue of CrowdStrike or the
5 Ukrainian server?

6 A No.

7 Q I mean, or the DNC server?

8 A No.

9 Q So that was -- that struck you as -- that was something new?

10 A I had never heard the word "CrowdStrike" before, so that's
11 why it struck me as noteworthy.

12 Q Okay. And what about the -- President Trump's raising the
13 issue of the 2016 election during the call? Had there been discussion
14 in the Office of the Vice President or the White House, to your
15 knowledge, about concerns about possible Ukrainian interference in the
16 2016 U.S. Presidential election? Had you heard anything --

17 A No, not to my knowledge.

18 Q Okay. So that wasn't anything that was part of the official
19 U.S. policy channel?

20 A No.

21 Q What about investigating the Bidens?

22 A I had never heard discussion of that issue prior to that phone
23 call.

24 Q Okay. Do you recall what language President Zelensky was
25 speaking during the phone call?

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1 A I don't. My understanding, he's more comfortable in
2 Russian. But not speaking either Ukrainian or Russian, I can't confirm
3 that.

4 Q Well, was he speaking English --

5 A No.

6 Q -- the whole time?

7 A No. The call was interpreted on both sides.

8 Q So in your other calls with -- that you listened in on between
9 President Trump and foreign heads of state, had any other issues that
10 you would describe as political been raised, or domestic political
11 issues been raised in those calls?

12 A No.

13 Q How did General Kellogg react when President Trump raised
14 these political issues on the July 25 call?

15 A I didn't sense any reaction. We were all really just focused
16 on taking notes.

17 Q Did you notice a reaction from anyone in the room?

18 A No. Honestly, we were all pretty busy taking notes in the
19 moment, and we didn't have any follow-on conversations about it.

20 Q And I believe you testified you never spoke to General
21 Kellogg about the call afterwards?

22 A I did not.

23 Q Did you speak to anybody about the fact that you found
24 these -- the call unusual or that political issues had come up in a
25 call with a foreign leader?

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1 A No, I did not.

2 Q Were you aware of whether Ambassador Volker or Ambassador
3 Sondland had prepared the Ukrainians to expect President Trump to raise
4 these political issues on the call? Were you aware of that?

5 A I was not aware of that.

6 Q So you weren't aware of like text messages and phone
7 conversations they were having with Andrey Yermak behind the scenes?

8 A No.

9 Q Okay. Were you aware, after the Warsaw bilat in September,
10 of a proposal to have President Zelensky do a televised interview during
11 which he would announce the investigations into 2016 election
12 interference, Burisma, or the Bidens? Were you aware of that?

13 A No, I was not aware of that.

14 Q So there was no discussions of that in the official Ukraine
15 policy -- policymaking channel?

16 A No.

17 Q No, okay.

18 Now, I believe minority counsel had asked you that -- or maybe
19 it was Mr. Meadows had asked about the fact that after the bilat in
20 Warsaw, Vice President Pence was going to call President Trump to relay,
21 I guess, the positive feedback he got from President Zelensky. Did
22 you participate in that phone call that night?

23 A No, I didn't.

24 Q Okay. Do you know that a phone call did occur though between
25 the Vice President and the President?

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1 A I believe he did have a phone call with the President, but,
2 again, I don't know what topics they discussed.

3 Q Okay. But President Trump didn't -- after that phone call
4 did not immediately release the hold on the security assistance, did
5 he?

6 A No.

7 Q It wasn't until about 10 days later that the hold was lifted?

8 A That's correct.

9 Q And I believe you testified that it was on September 9, so
10 2 days before the hold was lifted, that you became aware that the
11 Congress had launched an investigation into the freeze and the
12 Ukrainian issues more generally. Is that right?

13 A I believe so. I can't recall if it was the 9th or the 10th,
14 but, yes, it was before the hold was lifted.

15 Q Was that investigation discussed within the Office of the
16 Vice President?

17 A No.

18 Q Did you have any discussions with General Kellogg about the
19 investigation?

20 A No. I'm trying to remember where I learned of it, but, no,
21 I didn't have any conversations.

22 Q Yeah. Do you recall how you learned about it?

23 A Not really. Apologies. I don't, honestly. I don't recall
24 if it was through open-source reporting, or if there was some sort of
25 internal update, but I don't recall having any conversations with

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1 General Kellogg about it.

2 Q Okay. And not sticking even just within this timeframe, but
3 more generally, did you ever become aware of a document request that
4 these committees had sent to the Office of the Vice President for
5 documents relating to Ukraine?

6 A I believe I saw a letter issued that was publicly released
7 requesting documents, yes.

8 Q Was there ever any discussion about that request in the
9 Office of the Vice President that you were involved in?

10 A I'm not sure how to answer related to document requests.

11 MR. SHUR: Could you repeat the question?

12 MR. NOBLE: Sure. The question was, was there any discussion
13 within the Office of the Vice President of the document request that
14 the committee sent to the Vice President's office?

15 MR. SHUR: The concern, I think, is that the answer is going to
16 call for privileged communications with lawyers in the Vice President's
17 office.

18 MR. NOBLE: I think she can say whether, yes or no, there was
19 discussion or not without -- is the privilege attorney-client
20 privilege? Is that --

21 MR. SHUR: Yes.

22 MR. NOBLE: Okay. But I think she can answer whether or not there
23 was a discussion without getting into the content.

24 MS. WILLIAMS: Okay. Yes.

25 MR. NOBLE: Now, all of these documents that you've been talking

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1 about today, did you turn those over to anybody? Like your notes and
2 the emails relating to Ukraine? The notes of the July 25 call? The
3 copy of Ambassador Taylor's cable and the other documents that you've
4 referenced in your testimony?

5 MR. SHUR: I guess, I think, same objection in the sense that it's
6 arguably work product in terms of what she was asked to collect and
7 provide to counsel.

8 BY MR. NOBLE:

9 Q Oh, well, okay, maybe I can ask it this way: Those documents
10 still exist within the Office of the Vice President. Is that fair?

11 A Correct.

12 Q Okay. And do you recall about when the discussion of the
13 committee's request for documents was held? Do you remember when that
14 occurred?

15 A Not precisely. I'd have to go back and look at when
16 precisely the letter was issued versus when we started collecting
17 documents.

18 Q Okay. Are you aware of the call between Vice President Pence
19 and President Zelensky on September 18?

20 A Yes.

21 Q What was the purpose of that call?

22 A The purpose was to follow up on his successful meeting with
23 President Zelensky on September 1, and to reiterate the news that the
24 security assistance hold had been lifted, and that the security
25 assistance would be provided. We knew at that point that President

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1 Zelensky was already aware that the security assistance would be
2 released. But because the Vice President had a successful meeting with
3 President Zelensky, it was a good opportunity for them to have a
4 follow-on conversation.

5 Q And did you listen in on the call?

6 A Yes.

7 Q Can you describe the conversation for us?

8 A Sure. It was a very positive discussion, again, kind of
9 following up on their successful meeting from September 1, as well as,
10 at that point, I believe it was just prior to President Trump's first
11 meeting with President Zelensky in New York, which, I believe, took
12 place the following week.

13 So it was a good opportunity to kind of bridge that gap and to
14 convey that the President -- President Trump was looking forward to
15 meeting President Zelensky in New York the following week, and the Vice
16 President reiterated the news that the security assistance had been
17 released.

18 Q Was there any discussion about the July 25 call between
19 President Trump and President Zelensky --

20 A No.

21 Q -- during that call?

22 What about the investigations that we've been talking about
23 today?

24 A No.

25 Q No. Oh, sorry, I think my time is up.

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1 THE CHAIRMAN: Forty-five minutes to the minority.

2 MR. CASTOR: We have just a few questions. It might make sense
3 to just keep going on your end and then --

4 MR. NOBLE: Yeah, I think we're almost done.

5 THE CHAIRMAN: Yeah. And we want to go to our members too, but
6 I don't think we're going to be that long. So do you want us to wrap
7 up and then you can go and --

8 MR. CASTOR: Right. Like, I mean, I could go for 5 minutes or
9 something, but it might just make more sense to finish what you're doing
10 and then we'll --

11 THE CHAIRMAN: Yeah. Let's do that.

12 MR. NOBLE: Okay. Great. Thanks, Steve.

13 BY MR. NOBLE:

14 Q Did the topic of President Zelensky doing a televised
15 interview that I asked you about, did that come up during the Vice
16 President's call with President Zelensky?

17 A No.

18 Q Were you aware of whether that was still under consideration
19 at the time?

20 A I was still not aware of that at all at that point.

21 Q Did Vice President Pence give President Zelensky any advice
22 on how to approach or how to deal with President Trump at the upcoming
23 United Nations General Assembly?

24 A Nothing specific, other than just to -- that the
25 President -- President Trump would be eager to hear about President

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- 1 Zelensky's progress in his reform agenda.

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1 [1:28 p.m.]

2 BY MR. NOBLE:

3 Q On -- reform agenda on what, on corruption?

4 A Broadly, on anticorruption reforms, on reforming the
5 judiciary, and the legislative action that his administration was
6 undertaking, but there was no discussion of any specific
7 investigations.

8 Q Did Vice President Pence give President Zelensky any kind
9 of talking points or phrases or keywords to use with President Trump
10 during their meeting?

11 A No.

12 Q Going back to September 11th, just quickly, are you aware
13 of a meeting that evening at which the hold on security assistance was
14 discussed, on September 11?

15 A No. I'm trying to remember was -- I learned about the
16 lifting of the hold, I believe, on September 11th, but I thought I
17 learned about it in the morning. So no, I'm not aware of a meeting
18 that took place that evening.

19 Q So you're not aware of whether the Vice President or General
20 Kellogg participated in a meeting with President Trump at which the
21 question of whether to lift the hold was discussed on that day?

22 A I recall around that timeframe, September 10th-11th, there
23 was discussion with NSC about trying to have a discussion on the status
24 of the hold with the President, but I'm not -- I was not aware of when
25 it occurred, and I don't believe that General Kellogg or the Vice

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1 President were a part of it, although I can't confirm that. I'm not
2 certain.

3 Q To your recollection, though, you didn't have any
4 conversations with General Kellogg in advance of that, of such a meeting
5 or after such a meeting?

6 A No. I mean, at that point, the issue of the security
7 assistance hold had been ongoing, so I didn't feel there was anything
8 I needed to brief him on.

9 Q Are you aware of whether Ambassador Bolton ever called over
10 to OMB around the time that he departed the White House to urge them
11 to lift the hold on security assistance?

12 A I'm not aware.

13 Q Did you participate in the U.N. General Assembly?

14 A No.

15 Q Do you know if Vice President Pence or General Kellogg
16 participated?

17 A The Vice President was up in New York for about a day and
18 a half, I believe, but he did not participate in the President's meeting
19 with President Zelensky.

20 Q Okay. Did you do any prep work for the Vice President's trip
21 to UNGA?

22 A No. I don't believe he had any engagements related to my
23 region, so I did not.

24 Q You watched the presser between the President and President
25 Zelensky?

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1 A I did.

2 Q Okay. Did you get any readouts from anybody about the
3 private meeting that the two Presidents had?

4 A I believe I did receive a readout later from Tim Morrison
5 about the meeting.

6 Q Do you recall what Morrison relayed?

7 A I don't recall a lot of detail, to be honest. It sounded
8 like it had been a very positive meeting. I just don't recall the
9 specifics of it.

10 Q Are you aware of any conversations that the Vice President
11 had with either Secretary of State Pompeo or Secretary of Defense Esper
12 relating to the security assistance?

13 A I'm not aware of any. I can't say that it didn't come up
14 in inside conversations, but I'm not aware of any, no.

15 THE CHAIRMAN: I just had one question, then I'm going to hand
16 it to my colleagues.

17 You mentioned at the Warsaw meeting between President Zelensky
18 and Vice President Pence that President Zelensky made clear his
19 interest in the military assistance. Did President Zelensky raise at
20 that meeting his continued interest in a meeting with President Trump
21 as well?

22 MS. WILLIAMS: I'm trying to recall. I honestly don't recall if
23 that specific issue came up.

24 THE CHAIRMAN: His number one priority was getting the military
25 assistance and -- for its own right, and what it would say to the

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1 Russians about the U.S. having Ukraine's back militarily?

2 MS. WILLIAMS: That's right.

3 THE CHAIRMAN: Mr. Swalwell.

4 MR. SWALWELL: Thank you, Chairman.

5 Thank you, Ms. Williams.

6 On the April 21 congratulatory call between President Trump and
7 President Zelensky, did you hear President Trump mention corruption
8 at all?

9 MS. WILLIAMS: I only read the transcript, so I wasn't listening
10 to the call.

11 MR. SWALWELL: I'm sorry. Did you read corruption?

12 MS. WILLIAMS: I believe it may have come up in the context of
13 our overall foreign policy objectives for Ukraine to address the issue
14 of anticorruption reforms.

15 MR. SWALWELL: And I understand that those were the objectives
16 of the team, but what President Trump actually said to President
17 Zelensky, did he ever use the word "corruption"?

18 MS. WILLIAMS: I would have to refer back to the transcript to
19 be 100 percent certain. I haven't looked at it in quite a long time.

20 MR. SWALWELL: And you would agree in the July 25 call that
21 President Trump never used the word "corruption"?

22 MS. WILLIAMS: Again, I'd have to look at the transcript to be
23 100 percent certain. I believe he did talk about corruption in that
24 call, but --

25 MR. SWALWELL: You recall hearing the word "corruption" from

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1 President Trump?

2 MS. WILLIAMS: To be honest, I'd have to review the transcript.

3 MR. SWALWELL: After the April 21st call, you said the Vice
4 President reviewed the call memorandum to be prepared for his call to
5 President Zelensky. Do you recall that?

6 MS. WILLIAMS: I provided the transcript to him.

7 MR. SWALWELL: For him to review?

8 MS. WILLIAMS: Correct.

9 MR. SWALWELL: And I think you described the purpose of that as
10 being so the Vice President was prepared and could carry out the
11 President, President Trump's foreign policy objectives when he spoke
12 to President Zelensky -- or President-elect Zelensky?

13 MS. WILLIAMS: Yes. I wanted him to be familiar with the
14 conversation that President Trump had had with President Zelensky 2
15 days prior.

16 MR. SWALWELL: And would you say that Vice President Pence was
17 consistent with the message that President Trump delivered on April
18 21?

19 MS. WILLIAMS: I believe the two messages were consistent, yes.
20 They both congratulated President Zelensky and looked forward to a good
21 working relationship.

22 MR. SWALWELL: So fast-forward to July 25. After that call
23 memorandum is produced, you, again, provide that to the Vice President
24 in his briefing materials?

25 MS. WILLIAMS: Correct.

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1 MR. SWALWELL: And the next time the Vice President talks with
2 President Zelensky after July 25 is in Warsaw. Is that right?

3 MS. WILLIAMS: Yes. The Vice President had not spoken to
4 Zelensky since April 23rd until September 1st, yes.

5 MR. SWALWELL: And so, how would you describe the consistency
6 between President Trump's foreign policy objectives in the July 25 call
7 with how Vice President Pence interacted with President Zelensky in
8 their Warsaw meeting?

9 I guess my question is, April 21, President Trump expresses
10 foreign policy objectives. It sounds like Vice President Pence stays
11 pretty consistent with those in his followup call.

12 MS. WILLIAMS: Correct.

13 MR. SWALWELL: Now take the July 25 call between President Trump
14 and President Zelensky. How would you describe Vice President Pence's
15 consistency with President Trump's objectives?

16 MS. WILLIAMS: I would say that the Vice President's meeting on
17 September 1st in Warsaw was consistent with U.S. foreign policy
18 objectives.

19 MR. SWALWELL: But I asked about President Trump's objectives.

20 MS. WILLIAMS: I understand. I understand. I would say that,
21 as I've spoken about earlier, that I did find a couple of the references
22 in the President's July 25th call unusual, and more of a political
23 nature, and that is not something that the Vice President has ever
24 raised with the Ukrainians.

25 MR. SWALWELL: You would agree that the President of the United

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1 States sets the foreign policy objectives for the United States?

2 MS. WILLIAMS: Yes, sir.

3 MR. SWALWELL: And in the July 25 call, the priorities for
4 President Trump were for the Ukrainians to look into CrowdStrike and
5 to investigate the Bidens?

6 MS. WILLIAMS: That is what he raised.

7 MR. SWALWELL: And were those priorities of the President of the
8 United States raised by the Vice President when he met in person with
9 President Zelensky?

10 MS. WILLIAMS: No.

11 MR. SWALWELL: Why weren't they raised by the Vice President?

12 MS. WILLIAMS: It was never part of any of the preparation for
13 that meeting, and certainly not part of our -- the message that the
14 Vice President intended to convey to President Zelensky. It never came
15 up.

16 MR. SWALWELL: You described it as unusual when you heard those
17 priorities raised on the July 25 call. How did they make you feel as
18 you heard those words expressed by the President of the United States
19 to the President of Ukraine?

20 MS. WILLIAMS: As I mentioned, I think I found them to be more
21 political in nature and, in the context of a foreign policy -- or an
22 engagement with a foreign leader, to be more political than diplomatic.

23 MR. SWALWELL: On the July 9 meeting between the Vice President's
24 team and the Ukrainians that you were part of, was Rudy Giuliani
25 mentioned at all in that meeting?

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1 MS. WILLIAMS: No.

2 MR. SWALWELL: Were you a part of any discussions about releasing
3 the July 25 call record and making it public?

4 MS. WILLIAMS: No.

5 MR. SWALWELL: Was the Vice President a part of any discussions
6 to make it public?

7 MS. WILLIAMS: Not to my knowledge.

8 MR. SWALWELL: Can you describe for us, from your interactions
9 with the Ukrainians, what the security assistance meant to them as far
10 as life and death in the eastern part of their country?

11 MS. WILLIAMS: My only personal interactions with the Ukrainians
12 were on July 9th, and again on September 1st, in the meetings that we've
13 discussed.

14 MR. SWALWELL: And did you get a sense of what it meant to them
15 to have that assistance?

16 MS. WILLIAMS: In both contexts, both Secretary Danylyuk on July
17 9th, and certainly President Zelensky and Secretary Danylyuk at that
18 time on September 1st in Warsaw, conveyed quite seriously and
19 emphatically the importance of U.S. security assistance to Ukraine,
20 in terms of, again, not just the physical support provided, but the
21 symbolic value of that support.

22 MR. SWALWELL: Thank you.

23 I yield back.

24 THE CHAIRMAN: Mr. Raskin.

25 MR. RASKIN: When the hold was finally lifted on the security

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1 assistance on September 11th, what was your understanding at that point
2 of why the hold was lifted?

3 MS. WILLIAMS: I never received any readout of a discussion with
4 the President on how that decision was made, so I'm really not in a
5 position to comment on what the rationale was.

6 MR. RASKIN: So you got no readout from the President on that
7 issue, but was there any discussion on the Vice President's staff of
8 what motivated the lifting of the hold?

9 MS. WILLIAMS: No. I found out from a colleague that morning,
10 I believe that morning, that the President had made the decision to
11 lift the hold, but with no further discussion as to the rationale.

12 MR. RASKIN: So between July 3rd, when you first learned of the
13 hold, and September 11th, when you learned it was lifted, you never
14 came to understand why the hold was imposed on the security assistance?

15 MS. WILLIAMS: That is correct.

16 MR. RASKIN: And were you curious about it, or you just accepted
17 it?

18 MS. WILLIAMS: I was certainly curious about it, but I didn't have
19 any firsthand knowledge as to the reasoning.

20 MR. RASKIN: Okay. And you stated that you took notes of the
21 mentions of the political conditions in the July 25th call because you
22 thought that they were improper, because they were more political than
23 diplomatic. Is that right?

24 MS. WILLIAMS: I think that's how I would characterize those two
25 references to specific investigations on that call, yes.

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1 MR. RASKIN: Some people would say that diplomacy itself is
2 inherently political, and so everything diplomatic is, by definition,
3 political also, but you had a strong reaction to that. Can you spell
4 out what you saw as improperly political about those mentions?

5 MS. WILLIAMS: I believe I found the specific references to
6 be -- to be more specific to the President in nature, to his personal
7 political agenda, as opposed to a broader --

8 MR. RASKIN: Do you mean related to a campaign?

9 MS. WILLIAMS: Potentially, as opposed to a broader foreign
10 policy objective of the United States.

11 MR. RASKIN: Okay. Thank you, Mr. Chairman.

12 THE CHAIRMAN: Representative Heck and then Representative
13 Demings.

14 MR. HECK: Thank you, Mr. Chairman.

15 Ms. Williams, thank you again very much for being here. I
16 actually want to briefly follow up on a question that Congressman
17 Swalwell asked. He asked you how it made you feel when you heard the
18 President in the July 25th call invoke the specter of investigations
19 for which you've now characterized as personal political interest.

20 And your response to that was that you found them unusual and
21 political. But the question was how did it make you feel? Given that
22 what you've just said, would it be fair to infer that it made you
23 uncomfortable?

24 MS. WILLIAMS: I guess I would say, as a diplomatic professional,
25 I try to keep my own personal feelings out of, you know, the day-to-day

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1 work, but --

2 MR. HECK: You had no personal feeling response to that, given
3 how you've characterized it?

4 MS. WILLIAMS: Again, I would say that it struck me as unusual
5 and inappropriate.

6 MR. HECK: Ms. Williams, that's not the question. How did it
7 make you feel?

8 MS. WILLIAMS: I guess for me it shed some light on possible other
9 motivations behind a security assistance hold.

10 MR. HECK: Well, I asked three times and didn't get there, so I
11 guess I'm going to let it go at that.

12 I yield back, Mr. Chairman.

13 THE CHAIRMAN: Congressman Maloney.

14 MRS. MALONEY: Thank you very much for your service.

15 MS. WILLIAMS: Thank you ma'am.

16 MRS. MALONEY: We've been discussing these telephone calls in
17 great detail. Do you keep tapes of these telephone calls?

18 MS. WILLIAMS: I do not, and I'm not aware of any.

19 MRS. MALONEY: You're not aware of any?

20 MS. WILLIAMS: I'm not aware of any recordings.

21 MRS. MALONEY: Are you positive there's no recordings?

22 MS. WILLIAMS: I don't know how the White House Situation Room
23 produces the transcripts of calls, so I'm really not in a position to
24 say.

25 MRS. MALONEY: Well, I'll tell you how we do them in Congress.

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1 We have a tape of it, and then we have it transcribed, and then they
2 put the tape with the words and you have an official record. And so,
3 people have joked in the press and Members talking that, of course,
4 Putin is listening to these phone calls, given his former profession
5 as the head of the KGB. [REDACTED]

6 [REDACTED]
7 Right now many of us are in elections, and when you're in a
8 contested election, you never say anything unless it's taped, because
9 your opponent may try to mix your words up or whatever. So we always
10 have a tape.

11 And something as important as this, don't you think when you're
12 talking to a foreign government, that there's got to be a tape someplace
13 of this?

14 MS. WILLIAMS: I'm really not in position to say. I don't know.
15 I know we receive the written transcripts afterwards for our own
16 internal records. It's really above my pay grade to determine whether
17 there's a tape or not.

18 MRS. MALONEY: Where could I go to get this question answered?
19 Who would tell me whether or not there's a tape? Who could tell me?

20 MS. WILLIAMS: My understanding is the White House Situation Room
21 handles the processing of those transcripts. So they would --

22 MRS. MALONEY: Can you give me a name?

23 MS. WILLIAMS: I couldn't, honestly. I -- there's a generic
24 email address that we communicate with them, and it's a very large team.

25 MRS. MALONEY: Who's in charge of the White House Situation Room?

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1 MS. WILLIAMS: I don't personally know. I apologize.

2 MRS. MALONEY: Can you find out for us?

3 MS. WILLIAMS: I certainly can.

4 MRS. MALONEY: Thank you.

5 Now, what I find very confusing is I'm a former bureaucrat in State
6 Government of New York. And the governors change all the time, but
7 the bureaucrats stay, and we work for whoever it is. We're working
8 for the State with a specific job.

9 It's the same for the professionals, not the political
10 appointees, but the professionals are working for the President,
11 whoever the President is, right?

12 MS. WILLIAMS: Yes, ma'am.

13 MRS. MALONEY: That's it. And so the chain of command is the
14 President to the Secretary of State down to whoever has that
15 responsibility, correct?

16 MS. WILLIAMS: Yes, ma'am.

17 MRS. MALONEY: Well, what I find, if I were in your position or
18 others, so confusing is that you have this chain of command from the
19 President through the State Department. Then you have another chain
20 of command coming from the President through Giuliani. Now, anyone
21 who knows their relationship, they're very close friends. And if
22 Giuliani told me he's speaking for the President, I'd believe him. I'd
23 believe he's probably speaking for him when he's not saying it.

24 So here how, as a professional, you have this and what was being
25 told was separate, was different. You had Giuliani saying the

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1 President wants this, and then coming down here, the State Department
2 saying the President -- they've come in here and testified about this.

3 So have you ever seen that before, or heard of two chains of
4 command coming into the State Department?

5 MS. WILLIAMS: Not in that way, no, ma'am.

6 MRS. MALONEY: But am I describing it correctly? Was it
7 confusing to professionals? You were probably a political appointment
8 working for the Vice President or maybe you're -- are you a political
9 appointment or are you professional with the State Department?

10 MS. WILLIAMS: I'm a career foreign service officer.

11 MRS. MALONEY: So you're a career officer, so you're working for
12 the government.

13 MS. WILLIAMS: Yes, ma'am.

14 MRS. MALONEY: How do you -- he was saying, did that make you feel
15 uncomfortable? Did it make you feel uncomfortable and confused that
16 a chain of command from the State Department was saying one thing and
17 then you had a chain of command from the, I'll call it the friendship
18 channel, I don't know what it is, coming in, and you're sitting there,
19 both coming from the President. How do you -- how did you and your
20 colleagues handle that?

21 MS. WILLIAMS: Well, I personally was not aware of a lot of the
22 discussions that were going on with Mr. Giuliani and others until more
23 recently through this inquiry process. The first reference I had
24 personally heard related to Mr. Giuliani was on the July 25th phone
25 call.

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1 So until that time, I really wasn't aware of what other
2 engagements the Ukrainians may have had with other U.S.
3 representatives, whether official or not.

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1 MRS. MALONEY: Well, reading the papers, it was clear that there
2 was a conflict between the interpretation of the professionals at the
3 State Department and what was coming in through the very powerful
4 friendship channel.

5 Now, I'm very sensitive to how women are treated professionally,
6 and I followed very closely Ambassador Yovanovitch. But she was, by
7 all accounts, by everyone, both sides of the aisle, they all said
8 beautiful things about her: a professional, a mentor, she inspired
9 me, we turned to her for advice.

10 And I see a pattern of the State Department sort of controlling
11 the situation and saying: Hey, all this stuff isn't true, maybe we
12 should stand behind our professional.

13 Isn't it the State Department's position usually to back up the
14 American representatives if they factually know they're correct? What
15 I heard is everybody was backing this Ambassador, she's absolutely
16 correct. And wouldn't you say that's true?

17 MS. WILLIAMS: Yes, ma'am.

18 MRS. MALONEY: And then there was a change. Now, the change
19 seemed to come after the Mueller report came out. Did you see a
20 difference?

21 It seemed to me that there was a difference in how her situation
22 was treated and that State Department officials did not stand behind
23 her when she pled for them to support her. Is that a correct assessment
24 of what came out?

25 MS. WILLIAMS: I don't recall precisely when the Mueller report

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1 was released, but it seems that it was around that timeframe. I'm not
2 in a position to make a linkage between the two. But I was aware of
3 the situation with Ambassador Yovanovitch towards the end of April,
4 when she was recalled from Kyiv for consultations.

5 MRS. MALONEY: Well, all I can say is, if every candidate has a
6 tape to make sure that their record is portrayed accurately, I've got
7 to think that the great country of America has got to have a tape to
8 counter everybody else's tape that's out there.

9 I mean, everybody is saying -- [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 And it's just common sense that we would have a record.

13 And I would -- what's your -- what's your -- I guess this is not
14 an appropriate question for you.

15 I just want to thank you for your service.

16 And I yield back.

17 MS. WILLIAMS: Thank you, ma'am.

18 THE CHAIRMAN: Back to the minority.

19 BY MR. CASTOR:

20 Q Thank you for your service and for appearing here today and
21 answering our questions. This is, indeed, not a comfortable
22 environment. So to the extent you have sat here all day and answered
23 questions, thank you.

24 A Thank you.

25 Q I just have a couple of followup questions --

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1 A Of course.

2 Q -- which should be hopefully brief.

3 A No worries.

4 Q Were there any -- after you returned from Poland, did the
5 VP have any further interactions with President Zelensky, to your
6 knowledge?

7 A Not until the September 18th call.

8 Q Okay. And could you just refresh my recollection of what
9 occurred on the September 18th call?

10 A Sure. So we had proposed that the Vice President make a
11 followup call to President Zelensky to follow up on their very positive
12 discussion from September 1st. It seemed like good timing, because
13 not only could they discuss the fact that the security assistance hold
14 had been released, but also it was about a week before President Trump
15 would see President Zelensky in New York.

16 So that's why the call took place, and it was very -- again, a
17 very positive call, you know, with the Vice President reiterating the
18 release of the funds and asking a bit more about, you know, how
19 Zelensky's efforts were going.

20 Q Okay. And on that call, there wasn't any mention of
21 investigations?

22 A No.

23 Q Any --

24 A No specific investigations, no.

25 Q Not 2016, not --

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1 A No.

2 Q -- Burisma?

3 A No.

4 Q Not Biden?

5 A No.

6 Q Not CrowdStrike?

7 A No.

8 Q Okay. How often do you interact with the Vice President?
9 Like how frequently are you briefing him and --

10 A It depends on the week. It's not a very concrete answer.
11 It's according to his engagements with issues in my portfolio, which
12 is Europe and Russia. So whether that's in preparation for a meeting
13 with a foreign leader or a phone call. So I would say, you know, at
14 least once a week, but it depends on the week.

15 Q And ordinary briefings with the Vice President, what's the
16 roster of staff that participates?

17 A In his foreign leader engagements or just in general?

18 Q The briefings that you're involved with. What's your
19 typical understanding or your typical recollection of the type of staff
20 that is involved?

21 A Well --

22 Q I mean, you're not briefing him one-on-one, correct?

23 A Sure. No, no, no, of course.

24 So when I've been involved in briefings with him, it's -- almost
25 always General Kellogg is part of that discussion as well, and often

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1 his Chief of Staff.

2 THE CHAIRMAN: If I can just interrupt, and this may or may not
3 be an issue. We try to be very careful not to allow questions to probe
4 or seek to identify the whistleblower. And so I just put that caveat
5 out there, that if your answers would tend to give any indication one
6 way or another, then you should not go there.

7 And, with that caveat, I will allow the counsel to proceed.

8 MR. CASTOR: I didn't realize I was anywhere close to that.

9 THE CHAIRMAN: I don't know if you are. When we started getting
10 into tell me all the names you know, then that's when I took interest.

11 BY MR. CASTOR:

12 Q No, I'm just trying to understand, when you brief the Vice
13 President are there 10 staffers there, is it 5, is it just you, Kellogg,
14 and --

15 A Usually -- it's usually a small group. It's usually General
16 Kellogg, Marc Short, our Chief of Staff, and myself. Sometimes our
17 Deputy National Security Advisor as well.

18 Q Okay. And in terms of the briefing books the Vice President
19 gets, you know, like any senior executive, I mean, is it your
20 understanding he reads the briefing books every night or he reads it
21 sometimes and not sometimes -- or not other times, excuse me?

22 A I honestly don't know. We provide it daily.

23 Q Okay.

24 A Yeah.

25 Q But you have no way of knowing whether or not the Vice

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1 President reads a particular briefing book? I mean, he might have a
2 very busy calendar. He might have things at night. It just might not
3 happen.

4 A Correct.

5 Q And there's just no way of knowing.

6 A Correct.

7 Q And so the briefing book that the Vice President received
8 on July 25th, you said it included the call transcript.

9 A That's right.

10 Q And to the best of your knowledge, that was the only briefing
11 book or set of materials provided to the Vice President relating to
12 that call?

13 A Correct.

14 Q And you genuinely just don't know if the Vice President read
15 that information?

16 A That's right. I just don't know.

17 Q Okay.

18 The concerns that you've outlined about the call, have you
19 communicated your concerns at any point to anyone inside the Vice
20 President's office?

21 A No. My boss, General Kellogg, was on the call as well. And
22 I knew that the Vice President had access to the transcript from his
23 briefing book that evening. But given my role as Special Adviser to
24 the Vice President, I considered that something related to the
25 President in that manner was really outside my purview.

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1 Q Now that you're here testifying in Congress, that there's
2 a transcript that could be made public, before you came up here did
3 you communicate to the Vice President's -- to General Kellogg and the
4 rest of the staff that you're coming up here and you're planning to
5 tell Congress about the concerns you had?

6 A I didn't discuss my testimony with anyone in the office.

7 Q So it's possible General Kellogg, the other staff in the Vice
8 President's office, this might be the first they're hearing of your
9 concerns about the 7/25 call?

10 A That is possible.

11 Q The information you received from Marc Short's assistant on
12 May 13th -- was that the day?

13 A Correct.

14 Q You were told by Marc Short's assistant that the VP was not
15 going on the trip?

16 A Correct.

17 Q And did the assistant -- I think you said it was a she, right?

18 A Yes.

19 Q Did she explain why or how she came to learn that?

20 A My best recollection is that she informed me that the VP would
21 not be traveling to Ukraine for the inauguration. And I asked her,
22 why not? And my best recollection is that she then let me know that
23 the President had determined that the Vice President should not go.

24 Q Okay.

25 A But I was not privy to that conversation.

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1 Q Okay. And it was a telephone conversation?

2 A Correct.

3 Q And you didn't ask any followup questions?

4 A I took that to be the guidance and then moved on with stopping
5 the trip preparation.

6 Q So as you sit here today, you don't know how she learned that
7 information?

8 A Correct, I don't.

9 Q Okay. Have you had any further discussions with her since
10 May 13th about that conversation? Have you --

11 A No. We don't really talk about policy issues. I generally
12 engage with her related to scheduling issues.

13 Q So you didn't go back to her and try to refresh your
14 recollection about exactly how you came to learn this information?

15 A No. No, I refreshed my memory just from looking at my own
16 internal documents.

17 Q Okay. And to the best of your knowledge, between May 13th
18 and today, you haven't ever discussed that with her, right?

19 A Not with her, no.

20 Q And I think you said this morning that once the VP's trip
21 to Kyiv was not going to happen you never had any discussions with
22 General Kellogg or Mr. Short or anyone on the VP's staff about why?

23 A No. No, I conveyed that information to NSC colleagues and
24 let them take it from there.

25 Q So your information about the why solely comes from

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1 Mr. Short's assistant, right?

2 A That's right.

3 Q I forget if you indicated to us, but how many interactions
4 have you had with Ambassador Sondland?

5 A A handful. I'm trying to be more precise than that. He was
6 obviously part of the delegation in Warsaw, so I saw him a couple times
7 there. I had seen him at some point in the summer at another meeting
8 related to, I believe, other EU issues. So not a lot, four or five.

9 Q Okay. And have you had any discussions with other staffers
10 that you work with about Ambassador Sondland and his role in some of
11 these issues?

12 A In his role in Ukraine issues in particular?

13 Q Yes.

14 A Not specific discussions. I mean, I think his name came up
15 in various discussions about Ukraine, and so I deduced from that that
16 obviously he was involved. I didn't know if he had a -- some sort of
17 formal designation to do that or if it was just his interest in it.

18 Q Did you know whether or not Ambassador Sondland represented
19 to people that he frequently communicated with the President?

20 A Can you rephrase? That he represented --

21 Q Do you know whether Ambassador Sondland had represented to
22 other people in your circle of, you know, working these staff issues,
23 represented to those people that he had frequent communications with
24 the President?

25 A I don't know. I didn't have enough personal interaction

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1 with Ambassador Sondland to be able to say.

2 Q Okay. So it was never communicated to you that part of his
3 value proposition here is that he's close to the President?

4 A Again, you know, I'm only now becoming aware of some of the
5 engagements that he may have had with Ukrainians and others, so I don't
6 know how he characterized himself in those discussions.

7 Q The communication that he had with Mr. Yermak in Warsaw, you
8 only learned about that in the press?

9 A That's right. I was not aware of it at the time.

10 Q And were you tracking what happened yesterday? He submitted
11 an addendum, I think it is.

12 A I've seen that.

13 Q An addendum? Was that what it was, an addendum to his
14 testimony?

15 A I've seen it.

16 Q Did you see that?

17 A I've seen the reports, yes.

18 Q Okay. And did you track what was in the addendum?

19 A I haven't read it yet. I've just seen the news reporting
20 about it.

21 Q Do you know whether the addendum included an account of the
22 Warsaw --

23 A I don't know, I haven't read it yet. But I understand I think
24 he was describing his meeting with Mr. Yermak. But, again, I wasn't
25 part of that meeting in Warsaw.

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1 Q Okay. But the -- Morrison, Bolton, nobody communicated to
2 you about the Sondland-Yermak communication?

3 A Correct.

4 Q You just read about it in the press?

5 A Yes. I was not aware of that until this week.

6 MR. CASTOR: Okay.

7 That's all I have.

8 Mr. Jordan?

9 MR. JORDAN: So the concerns you had, Ms. Williams, with the July
10 25th call, I just want to make sure I heard what you said earlier. You
11 didn't share any concerns with anyone?

12 MS. WILLIAMS: No, sir, that's right.

13 MR. JORDAN: Okay. Not with General Kellogg, not with the Vice
14 President?

15 MS. WILLIAMS: Correct.

16 MR. JORDAN: Okay. And the Vice President had the three
17 interactions with President Zelensky. He had the call in April, he
18 had the face-to-face in Warsaw September 1st, and then the followup
19 call a few weeks later.

20 MS. WILLIAMS: September 18th, yes, sir.

21 MR. JORDAN: September 17th, 18th?

22 MS. WILLIAMS: Correct.

23 MR. JORDAN: 18th. Okay. And Mr. Castor asked you about what,
24 you know, the things that weren't discussed there and what was discussed
25 there.

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1 Did the Vice President talk with any other high-ranking Ukrainian
2 officials in this timeframe?

3 MS. WILLIAMS: No. There were other Ukrainian officials
4 obviously involved in the September 1st bilat meeting, but that's it.

5 MR. JORDAN: But the focus was always the Vice President and
6 President Zelensky, talking with --

7 MS. WILLIAMS: Correct.

8 MR. JORDAN: -- our Vice President talking with their top -- top
9 official?

10 MS. WILLIAMS: That's right.

11 MR. JORDAN: Okay. Thank you.

12 THE CHAIRMAN: Okay.

13 Ms. Williams, thank you for your testimony. Thank you for your
14 service to the country.

15 That concludes this deposition, and we are adjourned.

16 [Whereupon, at 1:57 p.m., the deposition was concluded.]

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November 11, 2019

The Honorable Adam Schiff
Chairman
Permanent Select Committee on Intelligence
U. S. House of Representatives
Washington, D.C. 20515

Re: Correction to the transcript of Jennifer Williams's deposition testimony

Dear Chairman Schiff:

We write on behalf of Jennifer Williams under Rule 8 of the 116th Congress's Regulations for Use of Deposition Authority. Ms. Williams has reviewed the transcript of her deposition testimony from November 7, 2019, and wishes to amend it as described below.

At her deposition, Ms. Williams was asked whether the Ukrainian company Burisma was mentioned by name during the call between President Trump and President Zelensky on July 25, 2019. She testified that it was. Tr. at 66-67, 129. She was then asked who had mentioned it and whether she had taken notes. Ms. Williams testified that she had taken notes, and that she believed her notes reflected that President Trump had referenced Burisma. *Id.* At the time of her testimony, that was Ms. Williams's recollection.

Following the deposition, Ms. Williams reviewed her notes again and discovered that her recollection had been incorrect. Her notes reflect that President Zelensky mentioned Burisma during the July 25 call. They do not indicate that President Trump did so. Accordingly, Ms. Williams wishes to amend her response to the question discussed above so that it accurately reflects what she recorded during the call.

We thank the Committee for considering this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Shur', written over a horizontal line.

Justin V. Shur
Emily K. Damrau
Caleb Hayes-Deats
Counsel to Jennifer Williams

A handwritten signature in black ink, appearing to read 'Jennifer Williams', written over a horizontal line.

Jennifer Williams

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4 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
5 joint with the
6 COMMITTEE ON OVERSIGHT AND REFORM
7 and the
8 COMMITTEE ON FOREIGN AFFAIRS,
9 U.S. HOUSE OF REPRESENTATIVES,
10 WASHINGTON, D.C.

11

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14 DEPOSITIONS OF: T. ULRICH BRECHBUHL AND RUSSELL VOUGHT

15

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17

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19 Wednesday, November 6, 2019

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Washington, D.C.

21

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23 The depositions in the above matter were held in Room HVC-304,
24 Capitol Visitor Center, commencing at 9:17 a.m.

25

Present: Representative Schiff.

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1 Appearances:

2

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4 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

5

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

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1 MR. GOLDMAN: Before we begin this deposition, I would like just
2 to open the depositions for Russell Vought and Ulrich Brechbuhl, who
3 both were noticed to appear at 9:30 this morning.

4 We were informed by each of those individuals that they will not
5 appear. And, at this time, we will recess those matters until later
6 in the day, when we will address them more fully.

7 [Recess.]

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1 [12:15 p.m.]

2 THE CHAIRMAN: Okay. Let's go back on the record.

3 We will now begin the deposition proceeding involving T. Ulrich
4 Brechbuhl, Counselor to the Secretary of State, conducted by the House
5 Permanent Select Committee on Intelligence, in coordination with the
6 Committees on Foreign Affairs and Oversight and Reform, pursuant to
7 the impeachment inquiry announced by the Speaker on September 24, 2019,
8 and affirmed by House Resolution 660 on October 31, 2019.

9 On October 27, 2019, the committees sent a letter to Mr. Brechbuhl
10 requesting that he voluntarily appear for a deposition as part of this
11 inquiry. Through his counsel, Mr. Brechbuhl informed the committees
12 that the State Department had directed him not to appear for a
13 deposition and that Mr. Brechbuhl would follow that instruction.

14 On October 25, the Intelligence Committee served through
15 Mr. Brechbuhl's attorney a duly authorized subpoena compelling
16 Mr. Brechbuhl's appearance today.

17 Yesterday, November 5th, Mr. Brechbuhl's attorney sent a letter
18 to the committee stating that, quote, "Mr. Brechbuhl has received a
19 letter of instruction from the State Department directing that he not
20 appear," unquote, based upon, quote, "significant executive branch
21 interests," unquote, and asserting that the subpoena is invalid based
22 on a purported analysis of the United States Department of Justice.

23 The committees requested a copy of the State Department's letter
24 and the Department of Justice analysis, but Mr. Brechbuhl's attorney
25 has not responded.

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1 While the letter from Mr. Brechbuhl's attorney provides only
2 vague references to unidentified executive branch interests and a DOJ
3 analysis as the basis for the State Department's blocking of Mr.
4 Brechbuhl's testimony, the Department's latest obstruction of this
5 inquiry appears to be predicated on the opinion issued by the Department
6 of Justice Office of Legal Counsel just last Friday, November 1, well
7 after the subpoena was issued to Mr. Brechbuhl.

8 It is noteworthy and telling that the OLC issued this opinion only
9 after multiple State Department officials testified in this inquiry,
10 both voluntarily and pursuant to subpoena, all without agency counsel
11 present. Indeed, this morning, the third-highest-ranking official at
12 the State Department, Under Secretary David Hale, appeared and has
13 begun testifying in accordance with his legal obligations pursuant to
14 a subpoena.

15 The Trump administration's drafting and reliance upon this
16 self-serving OLC opinion should, therefore, be seen for what it is:
17 a desperate attempt to staunch the continuing flow of incriminating
18 testimony from executive branch officials about the President's abuse
19 of power.

20 The administration's recently invented rationale, like the
21 others it has used to attempt to block witnesses from appearing for
22 depositions in this impeachment inquiry, has no basis in law or the
23 Constitution. It is also a serious affront to decades of precedent
24 in which Republicans and Democrats have used exactly the same
25 procedures to depose executive branch officials without agency counsel

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1 present, including some of the most senior aides to multiple previous
2 Presidents.

3 I would note for my Republican colleagues that this rule was
4 supported by Acting White House Chief of Staff Mick Mulvaney when he
5 served as a member of the Oversight Committee and by Secretary of State
6 Mike Pompeo when he served as a member of the Benghazi Select Committee.

7 In fact, some of the same Members and staff currently conducting
8 depositions as part of the President's impeachment inquiry
9 participated directly in depositions without agency counsel present
10 during the Clinton, Bush, and Obama administrations.

11 The basis for this process is straightforward. It ensures that
12 the committees are able to depose witnesses and further our
13 investigation without having representatives of the agency or office
14 under investigation in the room to interfere or improperly learn
15 details about the investigation.

16 The rule nevertheless protects the rights of witnesses by
17 allowing them to be accompanied in the deposition by personal counsel,
18 which was offered to Mr. Brechbuhl, who has personal counsel.

19 Other than the administration's objection to longstanding
20 congressional practice, the committees are aware of no other valid
21 constitutional privilege asserted by the State Department to direct
22 Mr. Brechbuhl to defy the subpoena.

23 To the extent the Department believes that an issue could be
24 raised at the deposition that may implicate a valid claim of privilege,
25 the Department may seek to assert that privilege with the committee

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1 in advance of the deposition. To date, as has been the case in every
2 other deposition that is part of this inquiry, the administration has
3 not done so.

4 I am, therefore, entering into the record for the impeachment
5 inquiry the following documents:

6 Exhibit 1 is the committees' letter dated September 27
7 requesting Mr. Brechbuhl's voluntary deposition.

8 Exhibit 2 is the committees' letter dated October 25 to Mr.
9 Brechbuhl's counsel transmitting a subpoena.

10 Exhibit 3 is the subpoena issued by the Intelligence Committee
11 to Mr. Brechbuhl and served on his counsel on October 25 that commanded
12 his appearance here today.

13 And exhibit 4 is the letter received from Brechbuhl's counsel on
14 November 5 stating that Mr. Brechbuhl would not appear for his
15 deposition, as instructed by the State Department.

16 [Majority Exhibit No. 1
17 was marked for identification.]

18 [Majority Exhibit No. 2
19 was marked for identification.]

20 [Majority Exhibit No. 3
21 was marked for identification.]

22 [Majority Exhibit No. 4
23 was marked for identification.]

24 THE CHAIRMAN: Mr. Brechbuhl has neither presented a valid
25 constitutional reason to defy a duly authorized subpoena, nor have the

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1 committees received a court order relieving him of his obligation to
2 appear today.

3 Despite his legal obligations to appear, Mr. Brechbuhl is not
4 present here today. The committees may therefore consider Mr.
5 Brechbuhl's defiance of a duly authorized subpoena as evidence in a
6 future contempt proceeding.

7 The subpoena remains in full force.

8 The committee reserves all of its rights, including the right to
9 raise this matter at a future Intelligence Committee proceeding at the
10 discretion of the chair of the committee.

11 One final note: While the administration's latest rationale for
12 directing a State Department official not to appear even though
13 multiple current and former State Department officials have already
14 testified in this inquiry, including one today, may be a newly contrived
15 justification to block witnesses from testifying, Mr. Brechbuhl is not
16 absolved of responsibility here, as he is willfully abiding by this
17 clearly deficient basis to defy a duly authorized subpoena.

18 Nevertheless, this effort by the President to attempt to block
19 Mr. Brechbuhl from appearing can only be interpreted as a further effort
20 by the President, the White House, and the State Department to obstruct
21 the impeachment inquiry and Congress's lawful and constitutional
22 functions.

23 Moreover, this obstruction does not exist in a vacuum. Over the
24 past several weeks, we have gathered extensive evidence of the
25 President's abuse of power related to pressuring Ukraine to initiate

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1 investigations that would benefit the President personally and
2 politically and sacrifice the national interest in attempting to do
3 so.

4 Some of that evidence has revealed that Mr. Brechbuhl was aware
5 of the shadow foreign policy being run by Rudy Giuliani and Ambassadors
6 Volker and Sondland in Ukraine at the direction of President Trump.

7 The evidence also suggests that Mr. Brechbuhl would have
8 information about the State Department's removal of Ambassador Marie
9 Yovanovitch and the President's withholding of a coveted White House
10 meeting and almost \$400 million in security assistance from Ukraine.

11 We can only infer, therefore, that the administration's effort
12 to block Mr. Brechbuhl from testifying is to prevent the committees
13 from learning additional evidence of Presidential misconduct and that
14 Mr. Brechbuhl's testimony would corroborate and confirm other
15 witnesses' accounts of such misconduct.

16 At this point, I'll yield to Mr. Nunes or, in his absence, any
17 other Republican Member or to the minority staff.

18 MR. CASTOR: Nothing at this time. Thank you.

19 THE CHAIRMAN: That concludes the proceeding with respect to Mr.
20 Brechbuhl.

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1 [12:23 p.m.]

2 THE CHAIRMAN: We will now turn to the deposition of Mr. Vought.

3 This is the deposition of Acting Director of the Office of
4 Management and Budget, Russell Vought, conducted by the House Permanent
5 Select Committee on Intelligence, in coordination with the Committees
6 on Foreign Affairs and Oversight and Reform, pursuant to the
7 impeachment inquiry announced by the Speaker of the House on
8 September 24, 2019, and affirmed by House Resolution 660 on October 31,
9 2019.

10 On October 11, 2019, the committees sent a letter to Mr. Vought
11 requesting that he voluntarily appear for a deposition on October 25,
12 2019.

13 On October 21, 2019, the Office of Management and Budget informed
14 the committees that Mr. Vought would not voluntarily appear at a
15 deposition per the White House Counsel's October 8, 2019, letter.

16 As a result, on October 25, 2019, the committees issued a subpoena
17 compelling Mr. Vought's mandatory appearance at a deposition today.

18 On Monday of this week, OMB reasserted its position that, quote,
19 "as directed by the White House Counsel's October 8, 2019, letter, OMB
20 will not participate in this partisan and unfair impeachment inquiry,"
21 unquote. OMB argues that the impeachment inquiry lacks basic due
22 process protections and relies on OLC opinion that the committee cannot
23 lawfully bar agency counsel from depositions.

24 This new and shifting rationale from the White House, like the
25 others it has used to attempt to block witnesses from appearing to

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1 provide testimony about the President's misconduct, has no basis in
2 law or the Constitution and is a serious affront to decades of precedent
3 in which Republicans and Democrats have used exactly the same
4 procedures to depose executive branch officials without agency counsel
5 present, including some of the most senior aides to multiple previous
6 Presidents.

7 I would note for my Republican colleagues that this rule was
8 supported by Acting White House Chief of Staff Mick Mulvaney when he
9 served as a member of the Oversight Committee and by Secretary of State
10 Mike Pompeo when he served as a member of the Benghazi Select Committee.

11 In fact, some of the same Members and staff currently conducting
12 depositions as part of the present impeachment inquiry participated
13 directly in depositions without agency counsel during the Clinton,
14 Bush, and Obama administrations.

15 The basis for this process straightforward. It ensures that the
16 committees are able to depose witnesses in furtherance of our
17 investigation without having representatives of the agency or office
18 under investigation in the room to interfere or improperly learn
19 details about the investigation.

20 The rule nevertheless protects the rights of witnesses by
21 allowing them to be accompanied in the deposition by personal counsel,
22 which was offered to Mr. Vought.

23 Other than the White House's objection to longstanding
24 congressional practice, the committees are aware of no other or valid
25 constitutional privilege asserted by the White House to direct Mr.

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1 Vought to defy the subpoena.

2 To the extent the White House believes that an issue could be
3 raised at the deposition which may implicate a valid privilege, the
4 White House may seek to assert that privilege with the committee in
5 advance of the deposition. To date, as has been the case in every other
6 deposition as part of this inquiry, the White House has not done so.

7 I am entering into the record for the impeachment inquiry the
8 following documents:

9 Exhibit 1 is the committees' letter dated October 11 requesting
10 Mr. Vought voluntarily appear for a deposition.

11 Exhibit 2 is a tweet by Mr. Vought dated October 21, 2019.

12 Exhibit 3 is the committees' cover letter to the subpoena dated
13 October 25.

14 Exhibit 4 is the Intelligence Committee's subpoena to
15 Mr. Vought, which was served on October 25.

16 Exhibit 5 is OMB's letter to the committees dated November 4
17 stating that the White House instructed him not to appear.

18 [Majority Exhibit No. 1
19 was marked for identification.]

20 [Majority Exhibit No. 2
21 was marked for identification.]

22 [Majority Exhibit No. 3
23 was marked for identification.]

24 [Majority Exhibit No. 4
25 was marked for identification.]

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1 [Majority Exhibit No. 5
2 was marked for identification.]

3 THE CHAIRMAN: Mr. Vought has neither presented a valid
4 constitutional reason to defy a duly authorized subpoena, nor have the
5 committees received a court order relieving him of his obligation to
6 appear today.

7 Despite his legal obligations to appear, Mr. Vought is not present
8 here today and has therefore defied a duly authorized congressional
9 subpoena. The committees may therefore consider Mr. Vought's defiance
10 of a subpoena as evidence in a future contempt proceeding.

11 The subpoena remains in full force.

12 The committees reserve all of their rights, including the right
13 to raise this matter at a future Intelligence Committee proceeding at
14 the discretion of the chair of the committee.

15 This effort by the President to attempt to block Mr. Vought from
16 appearing can only be interpreted as a further effort by the President
17 and the White House to obstruct the impeachment inquiry and Congress's
18 lawful and constitutional functions.

19 Moreover, the obstruction does not exist in a vacuum. Over the
20 past several weeks, we have gathered extensive evidence of the
21 President's abuse of power related to pressuring Ukraine to initiate
22 investigations that would benefit the President personally and
23 politically and sacrifice the national interest in attempting to do
24 so.

25 Some of that evidence has revealed that Mr. Vought was a

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1 percipient witness to the President's misconduct, including President
2 Trump's decision to place a hold on Ukraine security assistance and
3 concerns about the legality of the hold.

4 We can only infer, therefore, that the White House's effort to
5 block Mr. Vought from testifying is to prevent the committees from
6 learning additional evidence of Presidential misconduct and that Mr.
7 Vought's testimony would corroborate and confirm other witnesses'
8 accounts of such misconduct, including Mr. Mulvaney's admission from
9 the White House Briefing Room that the Ukraine military aid was frozen
10 by the President in order to pressure Ukraine into initiating
11 investigations into the Bidens and the 2016 election.

12 At this point, I will yield to Ranking Member Nunes or, in his
13 absence, any other Republican Member or to minority counsel.

14 MR. CASTOR: Nothing to add. Thank you.

15 THE CHAIRMAN: That concludes the deposition proceeding
16 involving Russell Vought, and we will now recess and shortly resume
17 the deposition of Ambassador Hale.

18 [Whereupon, at 12:28 p.m., the depositions were concluded.]

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Congress of the United States
Washington, DC 20515

September 27, 2019

Mr. T. Ulrich Brechbuhl
Counselor
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Brechbuhl:

Pursuant to the House of Representatives' impeachment inquiry, we write to request your appearance at a deposition on **October 8, 2019, at 10:00 a.m. at The Capitol, HVC-304**. We also request that you produce the documents set forth in the accompanying Document Request by the date of your deposition.

This deposition will be conducted jointly by the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Oversight and Reform. The deposition transcript and documents produced by you shall be part of the impeachment inquiry and shared among the Committees. Any failure to appear for a scheduled deposition shall constitute evidence of obstruction of the House's impeachment inquiry.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression.

In light of press reports, recently declassified documents, and other sources, we believe you have information and documents relevant to the Committees' investigation. On September 13, 2019, the Committees wrote to Secretary of State Mike Pompeo, requesting that the State Department make you available for a transcribed interview. We asked him to provide, by September 20, 2019, a date by which you would be made available for a transcribed interview.¹ He failed to comply with this request.

Today, the Committees wrote to Secretary Pompeo again, notifying him that the Committees have scheduled your deposition for the date and time set forth above.²

¹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform to Secretary Mike Pompeo, Department of State (Sept. 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-13.EEC%20ELE%20Schiff%20re%20Ukraine.pdf>).

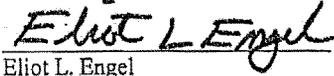
² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform to Secretary Mike Pompeo, Department of State (Sept. 27, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-09-27.EEC%20Engel%20Schiff%20to%20Pompeo-%20State%20re%20Depositions.pdf>).

**DEPOSITION
EXHIBIT**

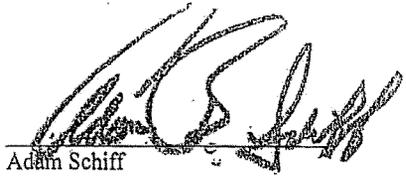
Mr. T. Ulrich Brechbuhl
Page 2

If you have any questions, please contact staff for the Committee on Foreign Affairs at (202) 225-5021.

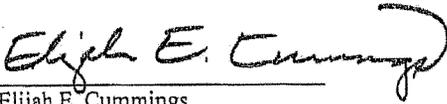
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam Schiff
Chairman
House Permanent Select Committee
On Intelligence



Elijah E. Cummings
Chairman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

Document Request

The Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Oversight and Reform ("Committees") request all documents and communications in your possession, custody, or control referring, relating to, or involving the following subjects. Unless otherwise noted, the time frame for this request is **January 20, 2017 to the present**. The Committees request that these materials be provided to the Committees at your deposition.

1. Any communication or meetings between President Donald Trump and Ukrainian president Volodymyr Zelensky, including but not limited to phone calls between President Trump and President Zelensky on April 21, 2019, and July 25, 2019, and a meeting between President Trump and President Zelensky on September 25, 2019, in New York City;
2. The U.S. delegation to the inauguration of President Zelensky in Kiev, Ukraine, in or about May 2019;
3. A potential visit of President Zelensky to the United States for an Oval Office meeting with President Trump;
4. A potential meeting between President Trump and President Zelensky in Poland in or about early September 2019;
5. Any efforts, whether by you or anyone else, to induce, compel, suggest, pressure, solicit, or otherwise influence former or present Ukrainian officials, politicians, or other persons of influence, or their representatives or agents, to investigate matters relating to Paul Manafort, Hunter Biden, Joseph Biden, the Democratic National Committee, Hillary Clinton, or Burisma Holdings Ltd. (or any of its parents, subsidiaries, or affiliates, collectively "Burisma");
6. The actual or potential withholding, suspending, delaying, or releasing of foreign assistance of any kind, including security assistance, to Ukraine;
7. The removal of former U.S. Ambassador to Ukraine Marie "Masha" Yovanovitch;
8. Rudolph W. Giuliani including any text messages or emails using either official government devices or personal devices;
9. Paul Manafort;
10. Hunter Biden;
11. Burisma; and

Mr. T. Ulrich Brechbuhl
Page 4

12. Efforts to conceal or destroy any documents or records relating to any of the foregoing items (1-11).

Responding to Committees' Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committees.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, including alternate spellings or transliterations of any names, the request shall be read also to include that alternative identification.
4. The Committees' preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committees should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

7. Documents produced to the Committees should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committees' letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term "including" shall be construed broadly to mean "including, but not limited to."
5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.
7. The terms "relating to" and "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term "involving", with respect to any given subject, means sending, receiving, or being copied (CC or BCC), or being the subject matter on any documents or communications described in the request.
9. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
10. The term "individual" means all natural persons and all persons or entities acting on their behalf.

Congress of the United States
Washington, DC 20515

October 25, 2019

Mr. T. Ulrich Brechbuhl
Counselor
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

C/o Ronald J. Tenpas, Esq.
Vinson & Elkins
2200 Pennsylvania Ave. N.W., Suite 500 West
Washington, D.C. 20037

Dear Mr. Brechbuhl:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to appear at a deposition on **November 6, 2019**, at 9:30 a.m., at **The Capitol, HVC-304**.

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President, the White House, or the State Department, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

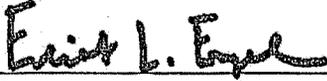
On September 27, 2019, the Committees sent a letter to you requesting that you voluntarily appear for a deposition on October 8, 2019. Your counsel has informed us that you will not appear voluntarily for a deposition. The Committees, therefore, have no choice but to issue a subpoena compelling your mandatory appearance.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.



Mr. T. Ulrich Brechbuhl
Page 2

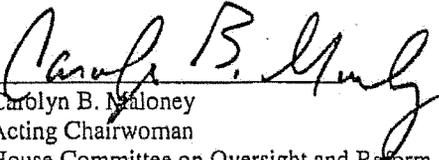
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Thomas Ulrich Brechtbuhl

You are hereby commanded to be and appear before the House Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: _____
Date: _____ Time: _____

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: HPSCI - HUC-304, The Capitol
Date: 11/6/2019 Time: 9:30 a.m.

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____
Date: _____ Time: _____

To U.S. Marshals Service, or any authorized Member or congressional staff

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 24th day of October, 2019.

[Signature]
Chairman or Authorized Member

Attest:
Robert F. Brown, Deputy Clerk
Clerk



PROOF OF SERVICE

Subpoena for Thomas Ulrich Brechbuhl

Address C/o Ronald J. Tenpas, Esq., Vinson & Elkins, 2200 Pennsylvania Ave. N.W., Suite 500 W

Washington, D.C. 20037

before the Permanent Select Committee on Intelligence

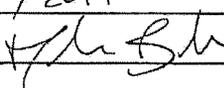
U.S. House of Representatives
116th Congress

Served by (print name) Maheer Bitar

Title General Counsel

Manner of service Electronic Mail

Date 10/25/2019

Signature of Server 

Address Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol

Vinson&Elkins

Ronald J. Tempas [REDACTED]
 Tel +1.202.639. [REDACTED] Fax +1.202.670. [REDACTED]

November 5, 2019

Congress of the United States
 Washington, DC 20515

The Honorable Adam B. Schiff
 Chairman
 House Permanent Select Committee on Intelligence

The Honorable Eliot L. Engel
 Chairman
 House Committee on Foreign Affairs

The Honorable Carolyn B. Maloney
 Acting Chairwomen
 House Committee on Oversight and Reform

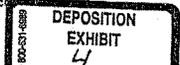
Dear Chairpersons Schiff, Engel and Maloney:

I write on behalf of T. Ulrich Brechbuhl with respect to the subpoena from the House of Representatives Permanent Select Committee on Intelligence for an appearance before your joint Committees on November 6, 2019. Mr. Brechbuhl respects the important Constitutional powers vested in the United States Congress. And, indeed, he would welcome the opportunity to address through testimony an existing inaccuracy in the public record -- the false claim that Mr. Brechbuhl in any way personally participated in the telephone call between President Trump and President Zelensky that occurred on July 25, 2019.

However, Mr. Brechbuhl has received a letter of instruction from the State Department, directing that he not appear. The State Department letter of instruction asserts significant Executive Branch interests as the basis for direction not to appear and also asserts that the subpoena Mr. Brechbuhl received is invalid. The letter is supported by an analysis from the United States Department of Justice.

Vinson & Elkins LLP Attorneys at Law
 Austin Beijing Dallas Dubai Hong Kong Houston London
 New York Richmond Riyadh San Francisco Tokyo Washington

2200 Pennsylvania Avenue NW, Suite 600 West
 Washington, DC 20037-1701
 Tel +1.202.639.6500 Fax +1.202.639.6504 vlaw.com



V&E

The Honorable Adam B. Schiff
The Honorable Elliot L. Engel
The Honorable Carolyn B. Maloney
November 5, 2019
Page 2

We are also aware that litigation has recently been initiated in the United States District Court for the District of Columbia that may bear on resolving the significant issues now arising between the Committees and the President.

Given these current circumstances, Mr. Brechbuhl is not able to appear on November 6, 2019.

Sincerely,



Ronald J. Tenpas

Cc: The Honorable Michael McCaul, Ranking member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

Congress of the United States
Washington, DC 20515

October 11, 2019

The Honorable Russell T. Vought
Acting Director
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

Dear Acting Director Vought:

Pursuant to the House of Representatives' impeachment inquiry, we write to request your appearance at a deposition on **October 25, 2019, at 9:30 a.m. at The Capitol, HVC-304.**

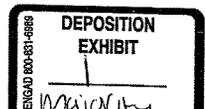
This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

The Committees are investigating the extent to which President Trump jeopardized U.S. national security by pressing Ukraine to interfere with our 2020 election and by withholding a White House meeting with the President of Ukraine and military assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

Based upon public reporting and evidence gathered as part of the impeachment inquiry, we believe you may have information relevant to these matters.

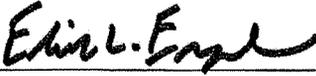
If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

PRINTED ON RECYCLED PAPER



The Honorable Russell T. Vought
Page 2

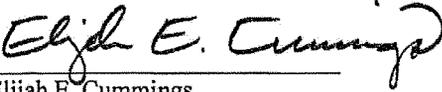
Sincerely,



Eliot L. Engel
Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Elijah E. Cummings
Elijah E. Cummings
Chairman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform



Russ Vought

@RussVought45

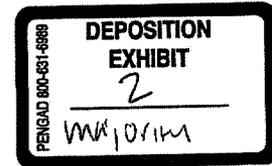
Follow



I saw some Fake News over the weekend to correct. As the WH letter made clear two weeks ago, OMB officials - myself and Mike Duffey - will not be complying with deposition requests this week. #shamprocess

6:43 AM - 21 Oct 2019

708



10/21

Congress of the United States
Washington, DC 20515

October 25, 2019

The Honorable Russell T. Vought
Acting Director
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

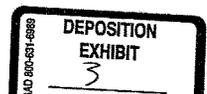
Dear Acting Director Vought:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to appear at a deposition on **November 6, 2019, at 9:30 a.m., at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

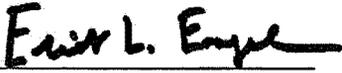
On October 11, 2019, the Committees sent a letter to you requesting that you voluntarily appear for a deposition on October 25, 2019. On October 21, 2019, the Office of Management and Budget informed the Committees that you would not voluntarily appear at a deposition per the White House Counsel's October 8, 2019 letter. The Committees therefore have no choice but to issue a subpoena compelling your mandatory appearance.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.



The Honorable Russell T. Vought
Page 2

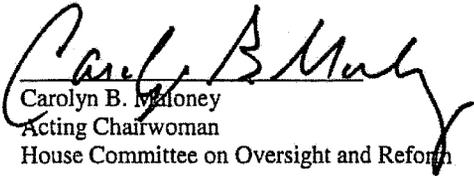
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To RUSSELL VOUGHT

You are hereby commanded to be and appear before the Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: _____
Date: _____ Time: _____

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol
Date: NOVEMBER 6, 2019 Time: 9:30 a.m.

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____
Date: _____ Time: _____

To The U.S. Marshals Service, or any authorized Member or congressional staff

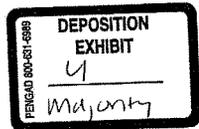
to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 24th day of OCTOBER, 2019.

[Signature]
Chairman or Authorized Member

Attest:
Robert F. Reeves, Deputy Clerk
Clerk



PROOF OF SERVICE

Subpoena for

RUSSELL VOUGHT

Address _____

before the Permanent Select Committee on Intelligence

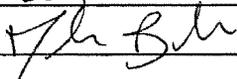
*U.S. House of Representatives
116th Congress*

Served by (print name) Maheer Bitar

Title General Counsel

Manner of service Electronic Mail

Date 10/25/2019

Signature of Server 

Address Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 4, 2019

The Honorable Adam Schiff
Chairman
House Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Schiff:

This letter is in response to your October 25, 2019, subpoenas to Acting Director Russell Vought and Associate Director Michael Duffey and your November 1, 2019, subpoena to Associate Director Brian McCormack compelling their appearances for depositions. The Office of Management and Budget (OMB) reasserts its position that, as directed by the White House Counsel's October 8, 2019, letter, OMB will not participate in this partisan and unfair impeachment inquiry.¹ Thursday's resolution only formalized a process that lacks basic due process protections and the ability to protect executive privilege. For example, as set forth in your rules² and your Committee's communications with Mr. Vought, Mr. Duffey, and Mr. McCormack, the Committee is denying agency counsel from participating in these depositions. The Office of Legal Counsel has advised that the Committee cannot lawfully bar agency counsel from these depositions. Therefore, Mr. Vought, Mr. Duffey, and Mr. McCormack will not appear at their respective depositions without being permitted to bring agency counsel.

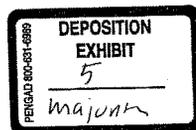
Sincerely,

Jason A. Yaworske
Associate Director
for Legislative Affairs

cc: The Honorable Devin Nunes

¹ Letter from Jason Yaworske, Assoc. Dir. for Leg. Affairs, Off. of Management and Budget to Hon. Adam B. Schiff, Chairman, H. Permanent Select Comm. on Intelligence (Oct. 15, 2019).

² Regulation for the Use of Deposition Authority, 116th Cong. H1216 (Jan. 25, 2019).



KMI

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EXECUTIVE SESSION
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM,
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: AMBASSADOR DAVID MACLAIN HALE

Wednesday, November 6, 2019
Washington, D.C.

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1 The deposition in the above matter was held in Room HVC-304,
2 Capitol Visitor Center, commencing at 9:12 a.m.

3 Present: Representatives Schiff and Quigley.

4 Also Present: Maloney, Norton, Connolly, Jordan, Meadows, and
5 Perry.

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1 For the COMMITTEE ON OVERSIGHT AND REFORM:

2

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6

7

8 For the COMMITTEE ON FOREIGN AFFAIRS:

9

10 [REDACTED]

11 [REDACTED]

12

13

14 For AMBASSADOR DAVID MACLAIN HALE

15

16 BRIAN GLASSER

17 CARY JOSHI

18 BAILEY GLASSER, LLP

19 1055 Thomas Jefferson Street, NW

20 Suite 540

21 Washington, DC 20007

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1 THE CHAIRMAN: Okay. The committee will come to order.

2 Good morning, Ambassador Hale, and welcome to the House Permanent
3 Select Committee on Intelligence, which along with the Foreign Affairs
4 and Oversight Committees is conducting this investigation as part of
5 the official impeachment inquiry of the House of Representatives.

6 Today's deposition is being conducted as part of the impeachment
7 inquiry.

8 In light of attempts by the Department of State and the
9 administration to direct you and others not to cooperate with the
10 inquiry, the committee had no choice but to compel your appearance
11 today.

12 We thank you for complying with the duly authorized congressional
13 subpoena, as other current and former officials from across the Federal
14 Government have done.

15 Ambassador Hale is the Under Secretary of State for Political
16 Affairs, the most senior career official at the Department of State.
17 He has held this position since August 30, 2018, after being appointed
18 by President Trump.

19 Ambassador Hale joined the foreign service in 1984 and has served
20 with distinction in various positions throughout his long career in
21 public service. He has served across administrations and has been
22 appointed by Presidents of both parties, including but not limited to
23 Ambassador to Pakistan, Ambassador to Lebanon, and Ambassador to
24 Jordan.

25 Ambassador Hale, thank you for your service, and welcome.

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1 We look forward to your testimony today, including your knowledge
2 of and involvement in key policy discussions, meetings, and decisions
3 on Ukraine that relate directly to areas under investigation by the
4 committees. This includes developments related to the re-call of
5 Ambassador Yovanovitch; the President's July 25, 2019, call with
6 Ukrainian President Zelensky; as well as the documentary record that
7 has come to light about efforts before and after the call to get the
8 Ukrainians to announce publicly investigations into two areas
9 President Trump asked President Zelensky to pursue: the Bidens and
10 Burisma, and the conspiracy theory about Ukraine's purported
11 interference in the 2016 U.S. elections.

12 We will also have questions about the Department's response to
13 the impeachment inquiry, including the committee's subpoena, which the
14 Department continues to defy despite the fact that we know with great
15 specificity that it has already collected significant documentary
16 evidence that goes to the heart of our inquiry.

17 Finally, to restate what I and others have emphasized in other
18 interviews, Congress will not tolerate any reprisal, threat of
19 reprisal, or attempt to retaliate against any U.S. Government official
20 for testifying before Congress, including you or any of your
21 colleagues.

22 It is disturbing that the State Department in coordination with
23 the White House has sought to prohibit Department employees from
24 cooperating with the inquiry and with Congress and have tried to limit
25 what they can say. This is unacceptable.

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1 Thankfully, consummate public servants like you have
2 demonstrated remarkable courage in coming forward to testify and tell
3 the truth.

4 Before I turn to committee counsel to begin the interview, I
5 invite Ranking Member Nunes or, in his absence, any of the other
6 Republican members present to make any opening remarks.

7 MR. JORDAN: Mr. Chairman, thank you.

8 Ambassador, thank you for being here today. Thank you for your
9 long service to our country. We greatly appreciate that.

10 I would just add one thing, Mr. Chairman, for the record. I think
11 we've had some witnesses not appear this week and throughout
12 this -- throughout these depositions over the past several weeks. I
13 think we would have some of those individuals show up if, in fact, the
14 majority would reconsider their decision to not allow agency counsel
15 to represent folks from the State Department or other agencies in the
16 government to be here as counsel for them.

17 If we're truly focused on getting to the truth and developing a
18 full picture of the facts, I think we could have more witnesses and
19 get more information if, in fact, agency counsel would be permitted
20 to represent some of the folks who have been called by the majority.

21 With that, I would yield back.

22 THE CHAIRMAN: I thank the gentleman. I would just point out
23 that when the gentleman was part of the Benghazi investigations, those
24 interviews were -- depositions were conducted without agency counsel
25 present. It was a good practice for my colleague then, it remains the

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1 better practice now.

2 MR. JORDAN. Mr. Chairman, if I could, just a quick response.
3 You've raised this several times.

4 The example I'll point to is Cheryl Mills, who was not even an
5 employee at the State Department at the time we deposed her in the
6 investigation you referenced, and she was permitted to have agency
7 counsel there as well as her own counsel. So she had more lawyers in
8 the room than just about anyone I could imagine.

9 All I'm saying is I think there would be more witnesses show up
10 for this investigation if, in fact, we are determined the to get to
11 the full picture, get the full picture and get to the truth, if the
12 chairman would permit agency counsel to represent some of the witnesses
13 that the majority has called.

14 THE CHAIRMAN: I'll just point out again, and then we should move
15 on to the witness interview, that was not a deposition. That was a
16 transcribed interview. We're not being -- we are not being -- we are
17 adopting -- we are using the same practice, Mr. Jordan, that you fully
18 supported at the time.

19 We'll go forward now. And with that, I'll recognize Mr. Goldman.

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1 [9:17 a.m.]

2 MR. GOLDMAN: This is a deposition of Ambassador David Hale
3 conducted by the House Permanent Select Committee on Intelligence
4 pursuant to the impeachment inquiry announced by the Speaker of the
5 House on September 24th, 2019.

6 Ambassador Hale, if you could please state your full name and
7 spell your last name for the record.

8 AMBASSADOR HALE: David Maclain Hale, H-A-L-E.

9 MR. GOLDMAN: Thank you. You can leave your microphone on
10 and -- well, as we begin and then so you can just talk and we won't
11 have to worry about it.

12 Along with other proceedings in furtherance of the inquiry to
13 date, this deposition is part of a joint investigation led by the
14 Intelligence Committee in coordination with the Committees on Foreign
15 Affairs and Oversight and Reform.

16 In the room today are majority staff and minority staff from all
17 three committees. And this will be a staff-led deposition. Members,
18 of course, may ask questions during their allotted time, as has been
19 the case in every deposition since the inception of this investigation.

20 My name is Daniel Goldman. I'm the Director of Investigations
21 for the Intelligence Committee's majority staff, and I want to thank
22 you again for coming in today.

23 Let me do some brief introductions. To my right here is Nicolas
24 Mitchell. He's the senior investigative counsel for the Intelligence
25 Committee's majority staff, and Mr. Mitchell and I will be conducting

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1 most of the interview for the majority.

2 Now I'd like to allow my counterparts on the minority to introduce
3 themselves.

4 MR. CASTRO: Morning, sir. Steve Castor with the Oversight
5 Committee Republican staff.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 MR. GOLDMAN: This deposition will be conducted entirely at the
11 unclassified level; however, the deposition is being conducted in HPSCI
12 secure spaces and in the presence of staff with appropriate security
13 clearances.

14 It is the committee's expectation that neither questions asked
15 of you nor answers provided by you will require discussion of any
16 information that is currently or at any point could be properly
17 classified under Executive Order 13526.

18 You are reminded that E013526 states that quote, "in no case shall
19 information be classified, continue to be maintained as classified,
20 or fail to be declassified" unquote, for the purpose of concealing any
21 violations of law or preventing embarrassment of any person or entity.

22 If any of our questions, however, can only be answered with
23 classified information, please inform us of that fact before you answer
24 the question and we will adjust accordingly.

25 Today's deposition is not being taken in executive session, but

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1 because of the sensitive and confidential nature of some of the topics
2 and materials that will be discussed, access to the transcript of the
3 deposition will be limited to the three committees in attendance.

4 Under House deposition rules, no Member of Congress nor any staff
5 member can discuss the substance of the testimony that you provide
6 today.

7 You and your attorneys will have an opportunity to review the
8 transcript.

9 Before we begin, I'd like to just go over the ground rules for
10 this deposition. We will be following the House regulations for
11 depositions, which we have previously provided to your counsel.

12 The deposition will proceed as follows: The majority will be
13 given 1 hour to ask questions and then the minority will be given
14 1 hour. Thereafter, we will alternate back and forth between majority
15 and minority in 45-minute rounds until questioning is complete.

16 We will take periodic breaks, but if you need a break at any time,
17 please let us know.

18 Under the deposition rules, counsel for other persons or
19 government agencies may not attend.

20 You are permitted to have an attorney present during this
21 deposition, and I see that you have brought one. At this time, if
22 counsel -- sorry. I see you brought two.

23 At this time, if counsel could please state their appearances for
24 the record.

25 MR. GLASSER: Brian Glasser.

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1 MS. JOSHI: Cary Joshi.

2 MR. GOLDMAN: There is a stenographer taking down everything that
3 is said here today in order to make a written record of the deposition.
4 For the record to be clear, please wait until each question is completed
5 before you begin your answer, and we will wait until you finish your
6 response before asking you the next question.

7 The stenographer cannot record non-verbal answers such as shaking
8 your head, so it is important that you answer each question with an
9 audible verbal answer.

10 We ask that you give complete replies to questions based on your
11 best recollection. If a question is unclear or you are uncertain in
12 your response, please let us know. And if you do not answer the
13 question -- do not know the answer to a question or cannot remember,
14 simply say so.

15 You may only refuse to answer a question to preserve a privilege
16 recognized by the committee. If you refuse to answer a question on
17 the basis of privilege, staff may either proceed with the deposition
18 or seek a ruling from the chairman on the objection. If the chair
19 overrules any such objection, you are required to answer the question.

20 Finally, you are reminded that it is unlawful to deliberately
21 provide false information to Members of Congress or staff. It is
22 imperative that you not only answer our questions truthfully, but that
23 you give full and complete answers to all questions asked of you.
24 Omissions may also be considered as false statements.

25 Now, as this deposition is under oath, Ambassador Hale, would you

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1 please stand, raise your right hand to be sworn.

2 Do you swear that your testimony provided here today will be the
3 whole truth and nothing but the truth?

4 AMBASSADOR HALE: I do.

5 MR. GOLDMAN: Thank you.

6 Let the record reflect that the witness has been sworn.

7 You may be seated.

8 Ambassador Hale, if you have any opening statement or your
9 attorney has any matters to discuss, now is the time for either.

10 AMBASSADOR HALE: Well, good morning. As the chairman said, I
11 am and have been the Under Secretary of State for Political Affairs
12 since August 2018 and a foreign service officer for over 35 years with
13 a career primarily in the Middle East.

14 It has been my great honor to serve as an Ambassador for three
15 administrations, representing presidents of both parties.

16 I'm here in response to your subpoena and I'm ready for your
17 questions.

18 MR. GOLDMAN: Thank you. We will now begin the majority's first
19 hour of questioning.

20 EXAMINATION

21 BY MR. GOLDMAN:

22 Q Ambassador Hale, just following up a little bit on your
23 service and your background, you said that you were an Ambassador in
24 three different countries. Which countries were those and when were
25 those Ambassadorships?

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1 A I was Ambassador in Jordan from 2005 to 2008, Ambassador to
2 Lebanon from 2013 to 2015, and Ambassador to Pakistan from 2015 to 2018.

3 Q And as the under secretary that you are now, that's a -- that
4 is a confirmed position. Is that right?

5 A Correct.

6 Q And is it generally -- are you the -- am I correct in
7 understanding that you are the highest ranking career servant in the
8 State Department right now?

9 A There are actually four career Ambassadors. I am one of the
10 four, and I'm also the most senior in terms of the position that I hold
11 as Under Secretary of State.

12 Q Okay. Can you explain a little bit what -- the duties and
13 responsibilities of the Under Secretary of Political Affairs?

14 A The Under Secretary for Political Affairs covers the globe.
15 I'm responsible for the management of our bilateral relations with
16 every country in the world that we recognize, for the management of
17 our policies toward those countries, as well as our relations or
18 policies as they relate to multi-lateral organizations, the U.N. and
19 other such bodies.

20 I oversee all the regional bureaus and the International
21 Organizations Bureau and all of the embassies that report to those
22 bureaus.

23 I advise the Secretary of State as needed on all of those matters.

24 Q How frequently do you meet with the Secretary of State?

25 A It varies. If we're both in town, we could meet several

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1 times a week or we can meet several times a day. It really just depends
2 on the schedules and what's happening.

3 Q And how often -- how frequently are you in written
4 communication with the Secretary?

5 A We almost never exchange email. He has once or twice sent
6 me an email. I never respond. I go back through his staff. Or rarely
7 respond. I primarily go back through his staff or directly on the
8 phone.

9 Q As you know, our inquiry is focused on Ukraine, which is one
10 of many countries, obviously, that you oversee.

11 Just generally speaking, how much attention have you paid to the
12 State Department's engagement and policy towards Ukraine since
13 you assumed this position in August of 2018?

14 A Well, I obviously pay attention to all of our relationships.
15 I first focused on it really when Ambassador Yovanovitch came to see
16 me, as many Ambassadors do, to introduce herself in October
17 of -- October 5th of 2018. And she briefed me on Ukraine. She
18 encouraged me to come visit Ukraine before the presidential elections.
19 And so I did go in February. I planned a trip in December that got
20 postponed.

21 So it was in the context of my trip that really, as often is the
22 case, trips focus the attention of a visitor. And I learned a lot on
23 that trip in spending time with her.

24 Q When did you go to Ukraine?

25 A It was in February of 2019.

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1 Q Where did you go?

2 A To Kiev.

3 I'm sorry. It was March, if I may correct the record. March 5th
4 to 7th.

5 Q And what prompted your visit to Ukraine?

6 A Oh, the Ambassador had encouraged me to come. She felt it
7 was important to have a senior officer come to indicate our continued
8 presence and engagement with Ukrainian officials. It was also on the
9 eve of the election, so it was an opportunity for me to meet with
10 President Poroshenko and the two leading contenders against him for
11 office, which I did.

12 Q When you met with Ambassador Yovanovitch in October of 2018,
13 what did she say to you about the state of play in Ukraine at that time?

14 A I really don't remember the details of the conversation.
15 There was nothing unusual about the conversation. She talked about
16 the importance of our anti-corruption effort, the importance of
17 standing up to the Russians and helping the Ukrainians do that.

18 Q Did you have any discussion about any complaints that had
19 been made by any other Americans related to her role there and her job?

20 A I don't remember that it came up there.

21 Q When you were there in March, did you have a discussion with
22 Ambassador Yovanovitch about extending her stay there?

23 A Yes, I did. I remember that we had a conversation, as
24 the -- later in the program, after I had some time with her, I felt
25 that I could make an assessment that she was doing a very good job,

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1 and I asked her if she was -- because we had a gap coming, we didn't
2 have an Ambassador lined up and confirmed to be there when she was due
3 to leave in the summer, I asked her if she would consider staying longer.
4 She said she wanted to think about it.

5 She got back to me after the trip and indicated that she was
6 prepared to stay longer. So I turned it over to our head of the European
7 Bureau to work it and see if there would be agreement on that.

8 Q Did you know Ambassador Yovanovitch before you met with her
9 in October of 2018?

10 A No. We had never met.

11 Q Did you know her by reputation at all?

12 A Somewhat. I don't think I'd heard it until I took this
13 position. And I was asking people about various Ambassadors in areas
14 I was not familiar with, and I had heard positive things about her.

15 Q Did anything else stand out to you about your visit to Ukraine
16 in early March of this year?

17 A No. As I said, it was new terrain for me. I had been to
18 Ukraine only once before as a -- as a staffer for a Secretary of State
19 20 years earlier, so it was new terrain. I was just very interested
20 in the developments there.

21 Q When you offered Ambassador Yovanovitch the extension of her
22 appointment there, did you have any discussions with any more senior
23 members of the State Department about that, or was that within your
24 complete domain?

25 A It's not within my complete domain, but I don't remember

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1 discussing it. I may have. It was not something I could do on my own,
2 but I just don't remember those conversations.

3 Q And by early March of this year, were you aware of any
4 complaints that anyone had about Ambassador Yovanovitch?

5 A By what time period?

6 Q Early March, when you visited Ukraine.

7 A Yes. The Secretary of State had mentioned to me some time
8 in the fall that he had received a letter from a Member of Congress
9 with complaints saying that the Ambassador was saying derogatory things
10 about President Trump.

11 Q Can you describe that conversation in a little more detail?

12 A Only to say that the Secretary told me that his attitude to
13 her or his response to that was that he needed to see evidence. He
14 wasn't going to take these allegations seriously unless he saw evidence
15 behind them.

16 Q And was he aware of any evidence at that point?

17 A No. Not to my knowledge. He indicated he had not.

18 Q Prior to your trip to Ukraine in March, did you have any
19 further discussions with the Secretary about those allegations?

20 A I don't remember.

21 Q Now, did you know who the Congressman was who had made the
22 complaint?

23 A I did.

24 Q Who was that?

25 A Congressman Sessions.

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1 Q Did you do anything to look into those allegations?

2 A No.

3 Q Did you have any reason to believe that there was any validity
4 to them?

5 A No.

6 Q Now, shortly after you returned from Ukraine, did there come
7 a time when you read some news articles that included additional
8 allegations related to Ambassador Yovanovitch?

9 A Yeah. In late March, there were several articles, including
10 an article in The Hill, which came out, which were brought to my
11 attention in the context of discussion by email amongst various staff
12 as to what we should do as a Department in response to these press
13 articles.

14 Q Before we get to these press articles, there were a couple
15 questions that I wanted to ask you.

16 Were you aware of any efforts by Robert Livingston in connection
17 to Ukraine or Ambassador Yovanovitch?

18 A No.

19 Q Did you have any discussions with Ambassador Yovanovitch
20 when you were in Ukraine about Rudy Giuliani?

21 A I don't remember it coming up. I don't believe so, because
22 I don't remember it.

23 Q Okay. Or any associates of Rudy Giuliani?

24 A Same.

25 Q So when you received those emails about the articles at the

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1 end of March, what was the context that you received those emails?

2 A Well, there were a series of emails that came over a period
3 of time. I mean, it was from March 21st till about the 23rd, 24th,
4 primarily from the European Affairs Bureau indicating -- there was one
5 stream which was, what press statement, if any, should we issue in
6 response to these various allegations, another stream was, what should
7 we do to protect or otherwise defend Ambassador Yovanovitch, who was
8 the target of much of these various things that were in the public arena
9 about her conduct.

10 Q Let's take each of those two streams. As to the public
11 statement, what do you recall about that stream?

12 A There was a back-and-forth about what we should say. We did
13 put out a statement that said that one of the -- there was an allegation
14 that we had somehow -- the United States Government had presented a
15 "do not prosecute" list to the Ukrainian authorities, and we put out
16 a statement saying that that was an outright fabrication.

17 And then there was a separate stream about the so-called smear
18 campaign against the Ambassador. And there were various suggestions
19 there.

20 There was discussion of whether Mayor Giuliani was involved or
21 not. Initially, I found that a little bit hard to believe, it seemed
22 abnormal to me, but there was more and more information and allegations
23 that came out.

24 Finally, on March 24, it was a Saturday -- by the way, I was
25 traveling during this time period, I was in Beirut, so communications

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1 were difficult, given the time change and not having access to your
2 electronics at all times, but in any case, we landed at 3 or 4 o'clock
3 in the morning on a Sunday.

4 And that morning, Ambassador Yovanovitch had emailed me
5 indicating that the tempo of the social media and other criticisms of
6 her were such that she felt she could no longer function unless there
7 was a strong statement of defense of her from the State Department.

8 So I read that email at some point that day, and called her up
9 in the afternoon to hear firsthand from her just exactly what it was
10 that was going on.

11 Q What did she say to you?

12 A I don't remember anything differently than what was in the
13 email, to be honest with you. And I asked her to send me in writing
14 an account of what she thought was happening to her, because, again,
15 it was extremely confusing. It was just this mass amount of
16 information churning in the public arena. I asked her to send that
17 to me and indicated that I would review that on Monday and we would
18 see what we would do.

19 Q Did she send that email to you?

20 A She did.

21 Q What did that email say?

22 A The email basically talked -- didn't provide what I was
23 expecting, which was an account of what was happening, but rather an
24 informed series of speculations about the motivations of people who
25 may have been behind this campaign.

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1 Q Do you recall any more specifics?

2 A Well, there was stuff about how -- why the -- Lutsenko, the
3 Ukrainian Prosecutor General, would want to do these things for his
4 own political reasons.

5 And then there was a section speculating on what Mayor Giuliani
6 may or may not have been motivated, if he was indeed involved in this,
7 which there was, you know -- it was speculative, including, you know,
8 references to -- most of it was about his business relationships in
9 Ukraine, but there was also reference to the fact that the Mueller
10 report had just come out, and that it somehow may be related to that.

11 And there was a reference to trying to -- by raising the Biden
12 family connection to that company, that this was something that might
13 be derogatory of Vice President Biden and therefore something that
14 Mayor Giuliani might find appealing to do.

15 As I say, this all struck me as speculative, but I took it on board,
16 certainly.

17 Q Before we circle back to Mayor Giuliani, let's follow the
18 trail of the statement that you mentioned.

19 What, if anything, did you do next in regard to a full-throated
20 statement in defense of Ambassador Yovanovitch?

21 A At 7:15 on Monday morning, I attended a routine meeting we
22 have at that time every Monday with the Secretary of State, and I raised
23 it.

24 Q What did the Secretary of State say?

25 A I don't remember exactly what he said. There's -- it's a

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1 group meeting, the deputy secretary's there; the counselor, Ulrich
2 Brechbuhl, is there; Mike McKinley usually attends, and the Under
3 Secretary for Management or whoever is filling in in that role.

4 I do know that coming out of that meeting, I wrote an email to
5 her -- and I've reviewed this. I, frankly, did not remember these
6 details. I researched them, and I found the email that I sent to
7 Ambassador Yovanovitch immediately following that meeting saying that
8 I had briefed the Secretary; that she should get in touch with Phil
9 Reeker for more details, because I had briefed him as well; and that
10 the Secretary had asked Ulrich Brechbuhl, the counselor, to get in touch
11 with Americans who were apparently -- or thought to be involved in
12 passing this alleged information about the behavior of the Ambassador
13 into the social media arena or around into the White House or whatnot,
14 that they would talk to those individuals. And that a statement would
15 be on hold until such time as those conversations had been concluded.

16 Q When you say you reviewed these emails, you mean prior to
17 your testimony here today --

18 A Yes.

19 Q -- you went back and --

20 A Yeah.

21 Q -- reviewed these emails --

22 A That's right.

23 Q -- to prepare?

24 And who were the American individuals that Ulrich Brechbuhl was
25 tasked with reaching out to?

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1 A I really don't know.

2 Q Do you remember any names?

3 A No. I don't think I was given the names at the time.

4 Q Were you aware of any Americans who, individuals who were
5 promoting the narrative that was first included by John Solomon in The
6 Hill at the time?

7 A You know, I don't know what I knew at the time. I mean, now
8 I -- you know, you know the names. I don't know what I knew then, to
9 be honest with you, sir.

10 Q Do you recall there being a discussion of specific
11 individuals who were promoting this narrative at that meeting?

12 A I don't think so, but I don't know for sure.

13 Q Well, would you deduce that there was at least an awareness
14 that there were some prominent Americans who were promoting this
15 narrative?

16 A Yeah. Certainly Mayor Giuliani's name was obviously
17 prominent at that point.

18 Q Were you aware of whether Donald Trump, Jr., had tweeted
19 about these articles?

20 A I don't remember when I -- I mean, at some point I knew that
21 when it happened. I don't remember when it happened, but I'm sure -- I
22 can deduce that when it happened, I probably knew at that point.

23 Q Do you recall whether you understood whether -- that Sean
24 Hannity was promoting these narratives on his television show?

25 A Yes, I was aware of that.

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1 Q And did that come up at that meeting?

2 A I don't know if it came up at that meeting. It did come up
3 at some point with the secretary. I understood that he did call Sean
4 Hannity.

5 Q You understood the Secretary called Sean Hannity?

6 A Yes.

7 Q What did you understand that the Secretary said to Sean
8 Hannity?

9 A What the Secretary had consistently been saying, which is:
10 If there are these allegations, I need to see what the evidence is.

11 Q Within the State Department, as far as you knew, was there
12 any validity to any of these allegations about Ambassador Yovanovitch?

13 A Could you repeat the question?

14 Q Within State Department circles, in terms of your
15 conversations with anyone within the State Department or your
16 communications with anyone within the State Department, did anyone in
17 the State Department view these allegations against Ambassador
18 Yovanovitch to have any validity?

19 A No. No one that I met. The Secretary of State consistently
20 maintained that he could not credit these allegations in the absence
21 of credible evidence, and I never met anyone who felt that they had
22 received that credible evidence, including the Secretary of State.

23 Q Did you have any further discussions with Ambassador
24 Yovanovitch about a statement issued by the State Department?

25 A I don't remember doing that. I believe that at a staff

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1 level, at least a more junior level, the word got back to her eventually
2 that there would be no statement.

3 Q Do you recall recommending to anyone within the State
4 Department, including potentially Phil Reeker, that Ambassador
5 Yovanovitch deny the allegations and quote, "reaffirm her loyalty, as
6 the Ambassador and foreign service officer, to the President of the
7 United States and the Constitution?"

8 A Yeah. We were working on -- throughout this period, I was
9 advocating strongly for a State Department statement, a very robust
10 full-page statement of defense and praise, actually, for the
11 Ambassador's work. And the concept was that simultaneously, or in
12 coordination anyway, she would put out a statement. And they were
13 debating in her embassy whether she should do it on camera or a written
14 statement. I don't know exactly who initiated that idea.

15 I thought it was a good idea for her to demonstrate that
16 she -- there was -- because it had become so personal, that she needed
17 to remind people what foreign services are and who we were loyal to
18 and who we work for and that she was committed to that, and that that
19 would be backed up, of course, by the statement that she was also seeking
20 from the State Department.

21 Q Now, if you were a strong proponent of the statement and one
22 was ultimately not issued, who made the decision not to issue the
23 statement?

24 A I don't remember actually being told that. I must have been,
25 but given my position in the State Department, it could only have been

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1 someone more senior to me. The Secretary most likely would have been
2 the person.

3 Q And did you ever understand any rationale or reason why your
4 recommendation of a full statement in support of Ambassador Yovanovitch
5 was not acted upon?

6 A Well, the impression we had was that it would only fuel
7 further negative reaction. And our plan at that point was to try to
8 contain this and wait it out.

9 Q How would it fuel further negative reaction?

10 A That a statement of endorsement for the Ambassador might lead
11 these various individuals, whoever they were who were conveying
12 information that was derogatory about the Ambassador, to counter it,
13 and so it would just further fuel the story and there would be more
14 back and forth.

15 So I think the judgment was that it would be better for everyone,
16 including the Ambassador, to try to just move past this.

17 Q Do you recall any discussions related to the statement that
18 included the views of the President of the United States?

19 A Yeah. I mean, one point of view was that it might even
20 provoke a public reaction from the President himself about the
21 Ambassador.

22 Q And were you or -- were you aware at that time of the
23 President's views about the Ambassador?

24 A I don't know that I can say that affirmatively. I think
25 there was a general impression that there was a serious problem, yes,

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1 but I don't know that firsthand at all.

2 Q Well, who do you know that from?

3 A It was just in the -- it was in the atmosphere. I mean, I
4 don't -- I can't say who I learned that from.

5 Q Well, let's unpack this for a second.

6 If there was some concern that the President would issue a
7 statement or a comment in contradiction to the State Department's
8 defense of Ambassador Yovanovitch, presumably someone within the State
9 Department knew that that was a possibility, right?

10 A Yes.

11 Q And who do you think -- do you recall who that was?

12 A I don't.

13 Q If it was in the atmosphere within the State Department, what
14 was your understanding -- what was your understanding of the
15 President's views towards Ambassador Yovanovitch at that time?

16 A Well, the President actually did go public on March 24 and
17 said, "We need less of these jokers as Ambassadors."

18 Q I think that was the President's son, Donald Trump, Jr.

19 A I see.

20 Q The President around that time did re-tweet the -- one of
21 John Solomon's articles that was entitled, "As Russia Collusion Fades,
22 Ukrainian Plot to Help Clinton Emerges".

23 But I guess, just taking a step back, what was -- at that time,
24 as you recall, and based on your refreshing your recollection with your
25 emails, what did you understand the President's concerns about

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1 Ambassador Yovanovitch to be?

2 A I didn't know. I found the entire thing confusing.

3 Bear in mind, I have global responsibilities. I don't follow
4 social media. I'm not -- my office is a SCIF as well, so I'm not -- I
5 don't have electronics in my office, so I don't know exactly what's
6 happening on the social media unless someone alerts me. Our operations
7 center does alert us.

8 So it is not as though I'm constantly following these matters on
9 social media. It was just -- we knew we had a problem. We knew there
10 was a White House problem with Ambassador Yovanovitch. That was
11 definitely a factor. And that, I think, you know, was something that
12 was being evaluated by the Secretary of State.

13 I would also add that counselor, Ulrich Brechbuhl, was the point
14 person in dealing with this set of issues.

15 Q But just to clarify, there was concern, am I correct, that
16 if you did issue a statement, it would provoke a reaction either from
17 the President or other allies of the President?

18 A I think that was the reasoning behind not going forth with
19 the statement, was that there would be, as I said, a negative reaction
20 in the public arena, which was the very thing we were trying to bring
21 to an end.

22 Q And do you recall anyone enunciating or elaborating on that
23 concern?

24 A I can't pin it down to a specific conversation or individual.
25 I'm sorry.

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1 Q And you specified that Ulrich Brechbuhl was the point person.
2 What did that mean as it related to this matter?

3 A Well, the counselor plays a quasi chief of staff role.
4 There's no chief of staff at the State Department under Secretary
5 Pompeo, and that often involves dealing with sensitive issues that are
6 potentially, you know, related to personnel or sensitive issues that
7 touch on domestic politics or White House, as opposed to NSC-White House
8 matters.

9 Q And do you know following -- well, withdrawn.
10 Did you have any subsequent conversations on this issue with the
11 Secretary himself after that 7:15 Monday morning meeting?

12 A Which? The issue of the --

13 Q Of Ambassador Yovanovitch and -- well, the issue of the
14 statement, I should say.

15 A I don't know, to be honest with you.

16 MR. GOLDMAN: Okay. Go ahead, Mr. Chairman.

17 THE CHAIRMAN: I wanted to try to clarify things.

18 No one believed that there was any merit to these allegations
19 against the Ambassador. Is that right?

20 AMBASSADOR HALE: No one that I talked to at the State Department.
21 That's correct.

22 THE CHAIRMAN: The Ambassador wanted a statement of support from
23 the Secretary, did she not?

24 AMBASSADOR HALE: That's correct.

25 THE CHAIRMAN: You recommended it?

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1 AMBASSADOR HALE: That's correct.

2 THE CHAIRMAN: Secretary Reeker recommended it?

3 AMBASSADOR HALE: Correct.

4 THE CHAIRMAN: Mr. McKinley recommended it?

5 AMBASSADOR HALE: At that point, I don't remember Ambassador
6 McKinley being involved in this discussion, but he may have been.

7 THE CHAIRMAN: And there was a decision made not to issue the
8 statement, despite your recommendation and others. And given your
9 seniority at the Department, that decision to refuse the statement
10 could have only come from the Secretary. Is that right?

11 AMBASSADOR HALE: That's right.

12 THE CHAIRMAN: But you don't recall why the Secretary told you
13 he was turning down this unanimous request?

14 AMBASSADOR HALE: I don't remember him coming back to me
15 directly, which is not unusual when it comes to press statements. We
16 have a press -- whole press operation and a spokesperson, an assistant
17 secretary who would normally, once -- if I make a recommendation, which
18 in itself is unusual for me to be specific about doing something like
19 that, it will often come back in other channels through the press
20 spokesperson, it might have come back through Ulrich. He might have
21 sent it to me directly. I honestly don't remember.

22 THE CHAIRMAN: But it was unusual for you to make this kind of
23 recommendation?

24 AMBASSADOR HALE: Correct.

25 THE CHAIRMAN: And you think you might have gotten the answer,

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1 not from the Secretary, but through the Secretary's press person?

2 AMBASSADOR HALE: I just don't remember, Mr. Chairman.

3 THE CHAIRMAN: But you've conveyed also that the message that got
4 back to you was that this was in everybody's interest, including the
5 Ambassador?

6 AMBASSADOR HALE: [Nonverbal response.]

7 THE CHAIRMAN: But you acknowledge the Ambassador didn't think
8 that was in her best interest, right?

9 AMBASSADOR HALE: The Ambassador had said to me that -- in that
10 conversation and email exchanges that I mentioned over the weekend,
11 that the statement we put out saying that this was an outright
12 fabrication had helped stabilize the media environment in Kiev. But
13 the problem was back in the United States with the U.S. media
14 environment. So she was looking for a statement to help deal with that
15 problem.

16 And so it's not just the Ambassador's judgment, obviously, but
17 also a judgment of the people here as to what would be most effective
18 in dealing with that particular media event.

19 THE CHAIRMAN: Well, I understand that, but you testified just
20 a moment ago that the decision was made it was in everybody's best
21 interest, including the Ambassador's, not to issue the statement, but
22 that was not the Ambassador's view, was it? The Ambassador wanted a
23 statement from the top of the State Department, including the
24 Secretary, supporting her against these baseless allegations, did she
25 not?

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1 AMBASSADOR HALE: She did.

2 THE CHAIRMAN: Mr. Goldman.

3 BY MR. GOLDMAN:

4 Q Did you -- do you recall whether there was -- do you recall
5 any more specifics about what the Secretary or other senior officers
6 in the State Department were concerned about the White House reaction?
7 Do you remember any further specifics about the concerns about a
8 blowback to a statement?

9 A No.

10 Q Was the President, as you recall, specifically mentioned in
11 that meeting?

12 A The meeting on Monday morning?

13 Q Yes.

14 A I don't know. I have no record of that.

15 Q So once the statement was put on hold, I believe you
16 testified, what happened next with regard to this -- the State
17 Department's reaction to these smears against Ambassador Yovanovitch?

18 A Well, there were a series of emails about the smear campaign,
19 and basically we moved on. For whatever reason, we stopped working
20 on that -- at least I stopped working on that issue.

21 Q And you testified earlier that the Secretary called Sean
22 Hannity. Do you know whether anyone else from, whether it be the
23 Secretary or Ulrich Brechbuhl, reach out to any other individuals to
24 sort of tamp down these allegations?

25 A The last I heard really was that Monday morning meeting. I

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1 may have heard more information. I just don't have a record of it.
2 I have no recollection of it. I was not involved in doing it, so I
3 wasn't paying a great deal of attention to it.

4 Q Do you know whether anyone reached out to Rudy Giuliani?

5 A Again, in researching the materials available to me for this
6 deposition, I did ask to and saw the routine documents that our
7 operations center keeps about the calls that the Secretary of State
8 is making. So I don't believe I knew this at the time, but he did make
9 two calls to Mayor Giuliani, once on March 28 and again the next day
10 on March 29.

11 Q And that Monday, what date was that?

12 A March 25.

13 Q And just so the record is clear, you are looking at a document
14 to refresh your recollection. Can you --

15 A That's true.

16 Q -- describe what that document is?

17 A This is a document that my attorney worked on based on public
18 information, information released by this committee, and information
19 available to me based on my recollection or access to documents.

20 THE CHAIRMAN: Mr. Secretary, you've given us the dates of two
21 calls between Secretary Pompeo and Secretary Giuliani. Did those two
22 calls precede the decision that was made not to issue the statement
23 of support to Ambassador Yovanovitch?

24 AMBASSADOR HALE: I don't know, frankly. I can't pinpoint
25 chronologically when we were informed that there would be no statement.

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1 THE CHAIRMAN: You mentioned, though, these two calls in the
2 context of discussions about trying to find out what the basis was for
3 these attacks on the Ambassador. Does that indicate to you that that
4 likely preceded the decision on the statement?

5 AMBASSADOR HALE: I honestly don't know, sir.

6 THE CHAIRMAN: You mentioned that -- what the Secretary had
7 stated to Mr. Hannity. Did you find out from the Secretary or others
8 what Mr. Hannity's response was why he was pushing out this smear?

9 AMBASSADOR HALE: I believe that the Secretary's takeaway from
10 the conversation was that there was no evidence that was credible
11 about -- to support these allegations.

12 THE CHAIRMAN: Is that something Hannity acknowledged or is that
13 something that he deduced from the conversation with Hannity?

14 AMBASSADOR HALE: It's what I deduced, really, from
15 the -- hearing from the Secretary after the call that the Secretary
16 believed that there wasn't any evidence to back up these allegations.

17 THE CHAIRMAN: Mr. Goldman.

18 BY MR. GOLDMAN:

19 Q Do you know whether -- did you ever hear anything about the
20 Secretary's conversations with Mr. Giuliani?

21 A No.

22 Q But is it true that at the time that Secretary Pompeo was
23 focused to some degree on whether there was any evidence to support
24 these allegations?

25 A Who was focused?

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1 Q Secretary Pompeo.

2 A Throughout this period, the Secretary, whenever these issues
3 came up of the so-called smear campaign against Ambassador Yovanovitch,
4 said that he wasn't going to act upon them unless somebody could
5 demonstrate that there was credible evidence that backed them up. And
6 at no point, to my knowledge, was that evidence presented.

7 Q Do you know whether he asked Mayor Giuliani for any evidence
8 to back up the smear campaign?

9 A I don't know from firsthand knowledge, nor at the time. I
10 was not aware of these calls at the time.

11 I've seen reports since then about this, but that was all after
12 these -- I only learned from the news reports that came out of the
13 whistleblower and so forth.

14 Q You didn't understand from Secretary Pompeo that at the time,
15 whether you knew about these specific calls or not, but that he had
16 asked Mayor Giuliani for any evidence?

17 A I did not know that.

18 Q Did you come to learn about a submission that
19 ultimately -- of documents and information that ultimately made its
20 way to the Office of Inspector General in the spring of this year?

21 A I knew nothing about that until, again, the news reports came
22 out of this committee's activities about that.

23 Q And that's the State Inspector General, right, that --

24 A That's right.

25 Q Did you do any follow-up on any of those materials within

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1 the State Department to determine how they came in to the Department?

2 A Well, I didn't know about it.

3 Q No. Once you learned about it more recently, did you do
4 any -- make any inquiries about these documents?

5 A No. I mean, at that point, the investigation was already
6 underway, and it was clear that anything I might do or any of us might
7 do could look like we were trying to involve ourselves in trying to
8 influence, you know, witnesses or whatnot, so, no, I did not act at
9 all.

10 Q Did you learn whether these materials were given directly
11 to the Secretary himself?

12 A I did not, no.

13 Q Have you reviewed those materials?

14 A I have not.

15 Q Are you aware that it is information relate -- including some
16 of these articles as well as other information related to the same
17 topic?

18 A I only know what I've seen in the open media.

19 Q You said that Mayor Giuliani's role was -- around this time
20 in Ukraine matters, was, I think you said, quote "hard to believe?"
21 unquote. What did you mean by that?

22 A There was an email from George Kent that Phil Reeker
23 forwarded to me right at the beginning of this -- well, some time in
24 the late March period, and in it, Mr. Kent conveyed information from
25 two journalists, so Ukrainian journalists that he had talked to who made

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1 a number of allegations, including that the President -- they were
2 quoting Giuliani saying to a Ukranian that the President really wants
3 Ambassador Yovanovitch to go. And this seemed to be -- the implication
4 was that this was a roundabout way the President was trying to get rid
5 of the Ambassador through this smear campaign.

6 I found it at the beginning very -- I found it very hard to
7 understand why a President of the United States would do it that way
8 when he can just -- I mean, all Ambassadors are Presidential
9 appointees, they serve at the pleasure of the President, so it
10 didn't -- it didn't add up to me. I didn't understand why that would
11 be.

12 Plus you have to, again, appreciate my career. I've served in
13 environments of a great deal of corruption where information is
14 manipulated, and I'm not -- was not prepared to believe on face these
15 kinds of allegations. People make these charges all the time for
16 whatever motivations they may have.

17 So that's one of the reasons why I called Ambassador Yovanovitch,
18 was I wanted to get straight from her her best most -- you know, the
19 senior person on the ground, the assessment of what was happening, and
20 she gave that to me here, not really an assessment of what was happening,
21 but as I said earlier in this deposition, her speculation on the motives
22 of various individuals.

23 Q Did she indicate to you that she was aware that Mr. Giuliani
24 was in communication with Mr. Lutsenko?

25 A I don't remember that being stated clearly, but she was

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1 talking about two people in that email, Lutsenko and Mayor Giuliani.

2 Q What did she say about Mayor Giuliani?

3 A She was speculating that he might have motives to perpetuate
4 these allegations about the Ambassador.

5 Q What were those motives?

6 A As I mentioned, they seemed to focus on his business
7 practices, his business connections in Ukraine, but she also mentioned
8 the fact that the Mueller report had just come out, and she mentioned
9 that he might have an interest in reminding the public of the
10 investigation -- or the affair related to the company that
11 Vice-President Biden's son was on the board because that would be bad
12 news -- bad for the former Vice-President.

13 Q You were obviously aware at this time that Mayor Giuliani
14 was the personal attorney for the President, right?

15 A Well, it was in the news. I mean, I didn't know myself.

16 Q Right. I mean, you have no reason to think that when Mayor
17 Giuliani said that, that he was making a false statement?

18 A I've --

19 Q He said that he was.

20 A I found it very hard to believe.

21 Q Well, I'm just talking about the fact that he was the personal
22 attorney for the --

23 A I understand that, yeah.

24 Q You found it hard to believe that he was the personal attorney
25 for the President?

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1 A No. I found it hard to believe the journalists who were
2 stating what he allegedly was stating.

3 Q But you also had information from Ambassador Yovanovitch
4 that was not relying on those journalists, right?

5 A Right.

6 Q Did you find that hard to believe?

7 A I wouldn't say I found it hard to believe. I found the whole
8 thing puzzling, I suppose would be the best word to use. But she was
9 not making connections between Giuliani and the President, which is
10 what George -- the email that George Kent had conveyed, was conveying
11 information that Ukrainian journalists were saying that there -- that
12 Mayor Giuliani was asserting that these activities were on behalf of
13 the President. That was the piece that I found hard to credit
14 initially.

15 Q And you found it hard to credit because there were obviously
16 official channels that the President could go through to get to the
17 same objective?

18 A Correct.

19 Q But you did know at the time that Rudy Giuliani was the
20 President's personal attorney?

21 A It's been in the news, yes. I mean, I --

22 Q I understand you didn't have a conversation with
23 Mr. Giuliani or the President about it, but you -- that was very
24 public --

25 A Yes. It's well known.

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1 Q -- and undisputed, right?

2 A It's well known in our country, yes.

3 Q Okay. And you -- so as we move forward, let's focus a little
4 bit on the allegations in these press reports that were unrelated to
5 Ambassador Yovanovitch.

6 You're aware that there were -- you mentioned the "do not
7 prosecute" list and that she had said -- she had disparaged President
8 Trump, that that was included, but you also were aware of other
9 allegations that were in these articles too. Is that correct?

10 A I'd have to reread the articles.

11 Q Well, you just mentioned this Biden and company that Joe
12 Biden's son was a member of the board, right? Was that one?

13 A What's the question, sir?

14 Q You were aware that there were other allegations in these
15 news articles unrelated to Ambassador Yovanovitch?

16 A I suppose. I mean, I was looking at the articles.

17 Our focus was on the issue before the State Department, which was
18 the allegations directed at our Ambassador. And the focus of all of
19 our conversations was what was the best way to deal with that.

20 Q Well, did you receive, directly or through a forward, an
21 email from George Kent where he outlined the four narratives that were
22 included in these press reports and other allegations that flowed from
23 them?

24 A I don't remember the phrase "four narratives," but there were
25 certainly emails from the European Affairs Bureau speculating on what

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1 was happening.

2 Again, my focus was on the issue that we had to face, which was
3 what would be the best way to deal with it.

4 Q Right. And I guess what I'm trying to get at is putting aside
5 the Ambassador Yovanovitch aspect of this, do you recall there being
6 another aspect of these allegations unrelated to Ambassador
7 Yovanovitch that you had to deal with?

8 A My focus was on the issue of Ambassador Yovanovitch and the
9 issue of a statement. As I said, Counselor Brechbuhl was the point
10 person on dealing with this entire set of matters.

11 Q Okay. When Ambassador Yovanovitch mentioned to you that
12 after the Mueller report came out and there was a -- there were
13 allegations of -- related to a company that the Vice-President's son
14 served on the board of that might hurt the Vice-President -- former
15 Vice-President, what, if anything, did you do in connection to that
16 allegation?

17 A The allegation about the vice-president's son?

18 Q Yes.

19 A Nothing.

20 Q Nothing. Were you aware that there were allegations related
21 to Ukraine's involvement in 2016 election interference here in the
22 United States?

23 A Somewhat. Again, my focus really was pretty much on the
24 issue of our Ambassador and whether or not to put out a statement.

25 Q I'm really just trying to establish when you first heard of

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1 these allegations related to Biden, the Bidens, and the 2016 election.

2 A I honestly don't know, sir.

3 Q But you did indicate that at least in Ambassador
4 Yovanovitch's email to you on March 24th, that she included something
5 about the Bidens in that?

6 A Yes. Yes.

7 Q Okay. Now, you indicated that it died down a little bit
8 after this initial reaction and the initial specific statement
9 debunking the allegations.

10 Did there come a time a little bit later when issues surrounding
11 Ambassador Yovanovitch flared again?

12 A Yes. It was around -- well, it was -- on April 25, I
13 attended a meeting chaired by the Deputy Secretary of State with
14 Counselor Brechbuhl and the Director General of the Foreign Service,
15 Carol Perez, which is basically like the head of our human resources
16 division, to discuss what we learned of, I think probably a little bit
17 prior to that meeting, that the President had lost confidence in the
18 Ambassador. And the purpose of that meeting was to discuss how to end
19 her assignment there in a way that brought this matter to a conclusion.

20 Q How did the State Department learn that the President had
21 lost confidence in Ambassador Yovanovitch?

22 A I don't know. I don't remember exactly how I learned of it,
23 but I don't believe it would have come through any other channel but
24 the Secretary of State.

25 Q Why do you not -- why do you believe that?

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1 A Because it didn't come from below me, and so there are limited
2 options, and the Secretary of State and the Counselor were obviously
3 the people who were involved in this, I guess.

4 Q And do you recall hearing any reason why the President had
5 lost confidence in Ambassador Yovanovitch?

6 A We were not given a reason.

7 Q When you say "we," who do you mean?

8 A Myself, the deputy, the people in -- that I mentioned who
9 were in the meeting.

10 Q Who ran that meeting?

11 A The deputy secretary.

12 Q And did he indicate that he had any conversations with
13 Secretary Pompeo about this issue?

14 A I don't remember. My guess is he had, that's why he was
15 convoking the meeting.

16 Q So it's your understanding, based on common practice and
17 usual procedures within the State Department, that the -- that the
18 deputy secretary called this meeting because the Secretary had relayed
19 to him that the President had lost confidence in Ambassador
20 Yovanovitch?

21 A That's correct.

22 Q Now, this was almost a month after these articles had come
23 out. And you had indicated there was a flurry of activity in responding
24 to the articles at the end of March.

25 Do you recall having any communications about this issue in April

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1 leading up to this April 25th meeting?

2 A Yeah. There was an email from George Kent in that -- we
3 guess it was in that timeframe. I don't have it with me -- of the same
4 nature of what we were just describing. It may have been in late March,
5 it may have been in late April. I can't answer that question based
6 on --

7 Q You mean early April or --

8 A No. My records indicate that there was an exchange of emails
9 on press guidance and how to deal with it in late March. And
10 that -- remember I mentioned the March 21st to March 25th timeframe
11 when I finally heard from the Ambassador.

12 And then my notes reflect that there may have been, but it's
13 undated, another email from George Kent -- sorry -- that same week that
14 we heard about the President's position that was of the same nature.

15 And so what I'm saying is I don't know if what I was just describing
16 about these two Ukrainian journalists and so forth, whether that was
17 in late March or late April. I can't pin that down based on what I
18 brought to you today.

19 MR. GOLDMAN: Mr. Chairman.

20 THE CHAIRMAN: On the information by those two Ukrainian
21 journalists, and I don't know whether you're referring to that
22 information or the information that Ambassador Yovanovitch provided
23 in terms of what she thought the rationale for some of the smear campaign
24 might be, with respect to, I think it was in the journalists, if I
25 understood what you said earlier, you said you found it hard to credit

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1 initially.

2 Did you later find reason to credit either what was suggested in
3 those articles or what was suggested by the Ambassador?

4 AMBASSADOR HALE: Yeah. That's why I think that email was in
5 late March, because it was earlier in the period of time, but I can't
6 pin the date down based on the records that I had with me.

7 Well, it just became more and more obvious that this was an unusual
8 set of things that were happening and that the mayor was involved. And,
9 as I said, by the April 20 -- what was it -- the April 25th meeting,
10 it was self-evident that the Secretary -- that the President had lost
11 confidence in the Ambassador.

12 Now -- so I didn't -- I did say I initially couldn't credit that.
13 It just -- over time, it became much more confusing to me what was
14 happening, so I suspended -- in fact, if I can use the word, I was more
15 prepared to suspend my disbelief than I was when I was first was
16 confronted with this information.

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1 [10:11 a.m.]

2

3 THE CHAIRMAN: And can you, you mentioned I think two occasions
4 in which the Secretary called Rudy Giuliani. Were those the only two
5 occasions, or were there more occasions that you found when you were
6 reviewing the call records that you were looking at?

7 AMBASSADOR HALE: Those were the two occasions that I found.

8 THE CHAIRMAN: And I think you said those were what dates again?

9 AMBASSADOR HALE: March 28 and March 29.

10 THE CHAIRMAN: In prior testimony, there was reference to your
11 special assistant sending an email to the European Bureau press office
12 that read: "P said no statement." That was March 25. Are you P?

13 AMBASSADOR HALE: Yes.

14 THE CHAIRMAN: Do you recall asking your special assistant to
15 send an email, or the circumstances around her sending an email or him
16 sending an email that read: "P says no statement"?

17 AMBASSADOR HALE: I don't remember that specifically, but it's
18 consistent with the note -- the email that I sent to Ambassador
19 Yovanovitch that same day saying that there would be no statements now.
20 But after these various contacts were made with Americans who were
21 involved in the social media effort against the Ambassador, we would
22 be back to look at whether or not there would be a statement.

23 THE CHAIRMAN: So on March 25 then: "P says no statement," that
24 was not necessarily indefinite, but at that point, the decision had
25 been made to make no statement.

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1 AMBASSADOR HALE: That's right. That day we were not going to
2 be issuing a statement.

3 THE CHAIRMAN: And then a few days later you have those two calls
4 between Secretary Pompeo and Mr. Giuliani, and after those calls, the
5 status remained the same. There would be no statement.

6 AMBASSADOR HALE: That's right.

7 THE CHAIRMAN: Mr. Goldman.

8 BY MR. GOLDMAN:

9 Q Do you know if anyone, either Secretary Pompeo or Counselor
10 Brechbuhl called Donald Trump Jr.?

11 A I don't know.

12 Q Did you have -- did you have any conversations with
13 Ambassador Gordon Sondland about this issue around this time?

14 A No.

15 Q Do you know whether he was involved in responding to these
16 allegations about Ambassador Yovanovitch in any way?

17 A No.

18 Q Were you aware at this time in late March early April whether
19 Ambassador Sondland had taken an interest or been involved at all with
20 Ukraine?

21 A I was aware that he had taken a trip to Ukraine in connection
22 with the E.U. My counterpart in the European Union External Affairs
23 Division accompanied him on a trip that drew attention to the Russian
24 occupation and reflected a jointness between us and the European Union.

25 Q So you viewed that as a trip in his official capacity as the

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1 Ambassador of the European Union?

2 A Correct.

3 Q Other than that, were you aware by April that Ambassador
4 Sondland had taken extra interest in Ukraine beyond that one trip?

5 A No, I was not aware.

6 Q Let's go back to this April 25th meeting. What do you
7 remember about that meeting?

8 A I remember that we discussed the fact that the President had
9 lost confidence in the Ambassador, and that the discussion focused on
10 how to implement that position that he had taken in a way that
11 caused -- that limited the controversy, and, you know, the damage that
12 that might do to the Ambassador's own reputation and to the State
13 Department and to the embassy in Kyiv so that we could all continue
14 to do our work.

15 So the decision was made to bring the Ambassador back to
16 Washington in order to have a consultation with her on how best to
17 achieve that.

18 Q By the end of April, were you aware of any additional evidence
19 to support the allegations against her?

20 A No.

21 Q In that meeting, was there any discussion of the validity
22 of these allegations?

23 A No. No one, to my knowledge, believed that they had seen
24 anything that would suggest that the Ambassador had done anything
25 wrong. So that was not the focus of the conversation.

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1 The focus of the conversation was that we were given a decision
2 by the President that he had lost confidence in the Ambassador and our
3 task was to implement that.

4 Q But as far as the State Department was concerned, Ambassador
5 Yovanovitch was doing a stellar job representing the United States
6 official policy in Ukraine, is that right?

7 A I felt she had been doing an exceptional job, yes.

8 Q And you were unaware of anyone either above you or below you
9 who disagreed with that assessment? Is that right?

10 A That's correct.

11 Q So what happened, after this meeting it was decided that
12 Ambassador Yovanovitch would be called back. Did you have any more
13 involvement in that process after this April 25 meeting?

14 A I left on a trip on April 26. I left for a long trip to Asia
15 and I was gone until May 6. I will stop there.

16 Q So you did not meet with Ambassador Yovanovitch when she
17 returned?

18 A No, I was out of town for the whole period she was back.

19 Q And do you know what ultimately was decided by the Department
20 in dealing with this issue related to Ambassador Yovanovitch?

21 A Yeah, I mean, in general, the Deputy Secretary met with her
22 and he had the conversation that I think all -- he discussed himself
23 during his confirmation hearing the other day, and the gist of the plan
24 was that she would go back to Kyiv and relatively quickly pack up her
25 personal effects, meet with her staff, and find a graceful way to leave.

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1 And we were going to issue a -- and did issue a statement that
2 was -- didn't refer to the issue of confidence and just said that she
3 was rotating out of Ukraine.

4 Q And that statement actually indicated that her return was
5 as planned. Was that accurate though?

6 A No, in fact, I was, again, traveling at that time, so I was
7 sort of at times behind the curve and the press guidance and whatnot,
8 and I have, again, in researching documents available to me for this
9 deposition, I reread an email exchange on that where my chief of staff
10 was reminding me that I had not cleared on this press statement.

11 So I looked at it, and I said, please delete the words "as
12 planned." It's too cute, and it's not exactly accurate. It went out
13 with those two words in it. I don't know why. My guess is that I was
14 too late. You know, press guidance has to go. Sometimes you just have
15 to get it out. And it just went forward without my input.

16 Q Did you ever learn what Ambassador Reeker and Ambassador
17 Yovanovitch had agreed upon in terms of the timing of her extension
18 in March?

19 A No, I don't believe that it was ever agreed upon in an
20 official way.

21 Q But you understood that this recall was not as planned
22 related to Ambassador Yovanovitch?

23 A Oh, absolutely.

24 THE CHAIRMAN: Secretary, we may get into this later, but I just
25 want to ask you now. It seems like an appropriate point.

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1 We don't have the advantage of the documents that you have been
2 referring to. To my knowledge, not a single document has been provided
3 by the State Department.

4 Have you been part of discussions about why those documents are
5 being withheld from Congress?

6 AMBASSADOR HALE: It's not in my area of responsibility. It's
7 handled by the Under Secretary for Management Affairs. I did, during
8 that period of time when this first developed, I heard from him on the
9 fly -- we didn't sit down and have a meeting, but I was sort of standing
10 in the hallway, what directions -- what our intentions were, what the
11 directions were from the White House on this matter.

12 THE CHAIRMAN: And what did he tell you?

13 AMBASSADOR HALE: I just want to emphasize, it was not as if I
14 was hearing the final outcome of this. I just was getting snippets
15 of it. We were and have put out directions. We've done the document
16 search. The documents have been gathered. And while we were doing
17 that, we got notice from the White House that we were not to share these
18 documents.

19 THE CHAIRMAN: Did they give you a reason?

20 AMBASSADOR HALE: They may have. I don't -- I didn't involve
21 myself in this. It's not my area. So I just -- I honestly can't answer
22 the question accurately.

23 THE CHAIRMAN: And when you had this conversation in passing,
24 what explanation was given to you then?

25 AMBASSADOR HALE: I really don't remember the specific

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1 explanation. It was just clear that the White House did not want
2 agencies to provide documents to the committee. I can try to get that
3 back to you. I'm sure it's in writing, frankly. I just -- I don't
4 have it.

5 THE CHAIRMAN: I'm interested in how it was explained to you.
6 Thank you, Mr. Goldman.

7 BY MR. GOLDMAN:

8 Q Let's just followup on that. You said that all of the
9 documents had, to your knowledge, been gathered and were prepared to
10 be provided to the committees. Is that right?

11 A They were in the process of being gathered and they have now
12 been gathered, yes.

13 Q Okay. So if the Department decided to provide them to the
14 committees, that could happen quite quickly. Is that your
15 understanding?

16 A Well, we have gathered the documents. I'm not -- I've never
17 really dealt with this matter before. And again, it is not my area
18 of responsibility so I have not been asking the questions about how
19 long it would take us to respond, but I'm sure it could be done, you
20 know, straightforwardly.

21 Q Were you aware of a letter written by the Secretary to the
22 committees on or about, I believe, October 1 related to this
23 investigation?

24 A Vaguely.

25 Q Where the Secretary accused the committee of bullying

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1 members of the Department?

2 A Yeah, I -- vaguely. I can't tell if I saw it internally or
3 if I just read about it in the media. It was not a document that would
4 have entailed my clearance in any ways.

5 Q Did you receive a memo to file written by George Kent related
6 to that letter and the State Department's response to the subpoena from
7 the committees?

8 A Mike McKinley forwarded to me an email from George. It was
9 a memo to the record in September in which -- I'm sorry, October 3rd,
10 George wrote for the record, a memo describing a meeting that he and
11 other officials of the European Affairs Bureau had had with a lawyer
12 from the legal adviser's office and a representative of the
13 congressional relations office in which George said that the lawyer
14 had behaved in an intimidating and unprofessional way. There was a
15 lot of detail in there.

16 I don't remember if the letter -- the Secretary of State's letter
17 was referenced there. It may well have been. My focus was really on
18 the issue of an officer who ultimately reported to me being intimidated,
19 by his account, from the Legal Affairs Office.

20 Mike forwarded this to me -- George had not sent it to me -- late
21 on a Friday, I believe. I discussed it with the Under Secretary for
22 Management Affairs and we kind of went back and forth. It was
23 inconclusive. The next morning on a Saturday I spoke to a number of
24 officers about this matter. I talked to the head of our European
25 Affairs Bureau, the acting head. I spoke to the Legal Affairs adviser.

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1 I spoke to the Under Secretary for Management again, and I spoke to
2 my chief of staff.

3 I directed that the legal adviser remove that lawyer from the file
4 of George Kent, and assign a different lawyer. My impression from the
5 conversation was that he may have already been moving in that direction,
6 but in any event, I wanted to make sure that that was the case and there
7 was no argument about it.

8 And we had a back and forth on the appropriateness of my going
9 to meet with George and these officers to make amends and introduce
10 them to the new lawyer. I decided I was going to do that on that
11 Saturday, so we came back to the office on Monday morning. By midday
12 Monday when I asked the status of the effort to get the meeting together,
13 I was told that because George had an attorney, a private attorney,
14 that the legal adviser had to deal with the attorney and not with George
15 directly. And so that was what was causing the delay.

16 And then I was told either late that Monday or the next day,
17 Tuesday, that the attorney on behalf of George had declined the offer
18 of a meeting with me.

19 Q Our time is up, so we will circle back to that. But just
20 before we do, one last question, if I could.

21 Did you get the sense from any career members of the State
22 Department that they felt bullied by the committee's requests for them
23 to testify?

24 A Bullied by the committee, no, I had not heard that, no.

25 Q All right. I yield to the minority.

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1 MR. JORDAN: Ambassador, you were for two statements, I think you
2 said earlier. You supported a statement from the Department in support
3 of Ambassador Yovanovitch, but then you also supported a statement from
4 the Ambassador, is that right?

5 AMBASSADOR HALE: Correct.

6 MR. JORDAN: And did you or did the Department convey that to the
7 Ambassador that she should put forward a statement as well?

8 AMBASSADOR HALE: There were email exchanges where I said I
9 thought it was a good idea. I don't remember whether or not I
10 specifically spoke to the Ambassador about it. I know that she was
11 prepared to do something.

12 MR. JORDAN: And why didn't she do something?

13 AMBASSADOR HALE: Well, because the -- it was clear that the
14 Department was not going to be issuing a statement. The concept was
15 these would be two parallel statements.

16 MR. JORDAN: Did she submit any type of draft or anything to you
17 or anyone else at the Department?

18 AMBASSADOR HALE: I never saw drafts, sir.

19 MR. JORDAN: Okay, great. Mr. Castor.

20 BY MR. CASTOR:

21 Q The email from George Kent that I believe was forwarded to
22 you about the interaction he had with the lawyer, did you ever get any
23 information about the lawyer's side of that account?

24 A No, I talked to the legal adviser, and he agreed that it
25 was -- we needed to assign a different lawyer to the case.

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1 Q Okay. So it was concluded that the lawyer may have acted
2 in a way that was --

3 A The legal adviser -- acting legal adviser, I should
4 say -- had ample opportunity to explain to me a different account. He
5 did not. I had no reason to disbelieve George. There were witnesses
6 there.

7 My interest was not in investigating the behavior of this lawyer.
8 The L was the designation for the legal adviser. They don't work for
9 me, but I wanted, very swiftly, to make sure that George did not feel
10 intimidated and, therefore, regardless of what actually happened, it
11 was important to put new people on it.

12 Q Okay. Did you ever have any communications with Ambassador
13 McKinley?

14 A I don't remember getting back to him. He had resigned at
15 this point.

16 Q Okay. What was his role?

17 A Mike McKinley's role?

18 Q Yeah.

19 A His title was Senior Adviser, I believe, to the Secretary
20 of State.

21 Q And what functions was he performing?

22 A Ad hoc advisory on matters that he and the Secretary wanted
23 to discuss. He did not have an operational role in the State
24 Department.

25 Q Okay. And do you know what matters he got involved with?

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1 A It would vary over the time, you know, depending on what is
2 on the Secretary's plate and what issues are in front of us. He would
3 often focus on those issues where he had had personal experience where
4 he had served as an Ambassador.

5 Q Okay. Did you ever have any communications with him about
6 Ambassador Yovanovitch during the dependency of this -- since the late
7 March time period through her recall?

8 A No, I have no recollection of Mike really being in the picture
9 in these meetings on these emails at all.

10 Q Okay. There were a couple instances where a
11 discussion -- or discussion about making a statement of support for
12 Ambassador Yovanovitch came to the floor?

13 A Yeah. If you are referring to Mike in that connection, that
14 came much later. That was after the -- after the release of the
15 transcript of -- the White House released the transcript of the phone
16 call with President Zelensky.

17 Q Okay. So there were two time periods where State
18 Department, senior State Department officials were discussing
19 potentially a statement of support of Ambassador Yovanovitch in the
20 March-April timeframe. Ultimately, a decision was made not to go
21 forward on that. And then, again, after they released the call
22 transcript?

23 A That's correct.

24 Q And what can you tell us about the discussion, communication
25 about the statement during that period?

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1 A On September 28, Ambassador McKinley sent an email to a
2 number of senior colleagues, including myself, and he proposed that
3 there should be a very strong statement of support for the Ambassador,
4 who, of course, had already left the post, and he also -- he was coming
5 in and out of my office that week, so I think that probably on at least
6 one occasion he may have suggested that directly to me. And so -- sir,
7 that's my answer.

8 Q Okay. And were you in favor of a statement at that point
9 in time?

10 A Well, in general, I thought that, you know, I understood what
11 Mike was doing, and I agreed with the content of the statement. I
12 didn't, based on my prior experience in the first episode, it just
13 seemed to me extremely unlikely that that statement was going to be
14 issued, but I had no concern about proposing it.

15 Q At this point, Ambassador Yovanovitch had returned to the
16 United States. She is at Georgetown at this time?

17 A That's right.

18 Q And so was the statement a public one that was being
19 discussed?

20 A Yes, I believe Mike's email suggested that there be a strong,
21 on-the-record public statement by the Department of State, maybe in
22 the Secretary's name -- I don't know that -- defending her.

23 Q And do you know if that related to her transition out of being
24 the Ambassador, or specifically to her mention in the President's call
25 transcript?

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1 A It was the transcript that I think prompted Mike to make that
2 proposal.

3 Q Was there ever any discussion of sending an internal email
4 to the State Department officials?

5 A Not that I remember, no.

6 Q Okay. So Ambassador McKinley's interest here was a public
7 statement?

8 A That's how I reacted to it at the time, yes.

9 Q Okay. And to the best of your recollection, Ambassador
10 McKinley was not involved during the March 25 to April 25 timeframe?

11 A That's right. To my knowledge, I mean, he sits right next
12 to the Secretary, so there are lots of things that I don't know about
13 that go on between them.

14 Q Okay. But to the best of your knowledge, he didn't advocate
15 for keeping Ambassador Yovanovitch during this time period when he
16 was --

17 A Right. He was not part of the conversation, to my
18 knowledge -- at least any conversation I was part of. Although, I
19 mentioned that 7:15 meeting after Ambassador Yovanovitch's email on
20 the 25 of March. That's a meeting Mike normally attends. He may not
21 have been there that morning, but he would -- he would routinely be
22 in that meeting where we discussed -- where I raised Ambassador
23 Yovanovitch's desire for a strong statement.

24 Q You were attending that meeting via SVTC?

25 A Oh, no, we'd go into the Secretary's office and sit down.

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1 Q Okay. So you were not traveling at that point? You had
2 returned home?

3 A I had come back. On March 24, I was traveling with the
4 Secretary of State in Lebanon. We landed about 3 o'clock in the
5 morning, and that day I got the email from Ambassador Yovanovitch, so
6 the next day, on a Monday, we had that 7:15 meeting.

7 Q Okay. And that was in the United States?

8 A That was -- we were already back, so that was in the United
9 States.

10 Q Okay. But you don't remember whether Ambassador McKinley
11 was in that meeting?

12 A No.

13 Q And you don't remember Ambassador McKinley ever raising the
14 issue with you directly about whether Ambassador Yovanovitch needed
15 additional support?

16 A No.

17 MR. JORDAN: Ambassador, was Ambassador Yovanovitch willing to
18 do a statement --

19 AMBASSADOR HALE: Yes.

20 MR. JORDAN: -- back in the March timeframe?

21 AMBASSADOR HALE: Yes, she had misgivings about whether to do it
22 on camera or a written statement. But in general, she was very much
23 prepared to do a statement.

24 BY MR. CASTOR:

25 Q Ultimately, the decision not to do a statement in the

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1 March-April timeframe was made because the assessment -- correct me
2 if I'm wrong -- the State Department officials thought it might make
3 things worse. Right?

4 A Correct.

5 Q So a public statement of support would be good for the
6 Ambassador on one hand, but on the other hand, it could end up being
7 very bad. Right?

8 A That was the -- precisely, I think the reasoning.

9 Q And the President can bring home an Ambassador at any time
10 for any reason or no reason. Right?

11 A That is correct.

12 Q This particular President has a -- sometimes he asks people
13 to leave their duties. Right?

14 A We've seen that, yes.

15 Q Okay. So he has had a number of different senior people at
16 various posts through government. Correct?

17 A Correct.

18 Q So the concept of a President, this President, deciding to
19 bring someone home or relieving somebody of their duties is certainly
20 not unusual. Correct?

21 A Correct. You know, I have been an Ambassador three times.
22 We all know that we serve at the pleasure of the President.

23 Q Was there ever any discussion with the counselor, or the
24 Secretary to maybe try to go to the White House and make a pitch to
25 alter the course of the President's views of Ambassador Yovanovitch,

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1 but before the decision was made to bring her home?

2 A I don't have specific data on that. The impression was that
3 the Secretary of State was doing what he could to, again, maintain the
4 point that while there are allegations without evidence, they could
5 not be credited.

6 Q In the April 25th meeting when you were discussing the best
7 way to have the Ambassador leave gracefully, what were some of the
8 options on the table to help her transition gracefully?

9 A Well, to do it quickly, so that this matter was just dealt
10 with and there was no further reason for public criticism of the
11 Ambassador, to explain that this was a normal rotation. It was not,
12 but to explain that it was, that she was due out that summer anyway,
13 and thank her for her service, and move on.

14 Q Was she afforded the opportunity to stay longer if she
15 thought it was in the best interest of the situation, or --

16 A At that point in time?

17 Q Yeah.

18 A In other words, what are we talking about, in April.

19 Q April 25th.

20 A At that point, again, I was on travel during that week when
21 she was back. I don't know what she was saying to being honest with
22 you.

23 Q Okay. Around this time period, too, it is right around
24 President Zelensky's election and inauguration?

25 A Yeah.

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1 Q Does it sometimes happen that the Ambassadors switch out when
2 a new President comes in?

3 A Yes. Your question prompts my memory. That was a factor
4 in the discussion about this that the fact that there was a transition
5 of leaders in Ukraine afforded an opportunity to have a fresh team
6 there.

7 Again, the reason we were -- she was being recalled was the lack
8 of confidence that the President had expressed in her.

9 Q Right. You mentioned at one point that before the -- before
10 she was relieved of her duties in Kyiv, it became apparent that the
11 President had a serious problem with her. Is that correct?

12 A Yes, I -- this was seemingly a problem over this whole period
13 of time, and we learned categorically that week that the President had
14 lost confidence in her.

15 Q Did any of the top State Department officials ever explain
16 to her that these things happen, and that if the President has these
17 serious concerns, it might be impossible to alter the outcome?

18 A I think that conversation was the one conducted by the Deputy
19 Secretary when she came back.

20 Q Did you get any feedback from the Deputy Secretary or these
21 key people involved with Ambassador Yovanovitch's views?

22 A I don't have any records of that, and I just know that she
23 went back and she did as had been directed.

24 Q Okay. Did the Deputy Secretary ever have any communication
25 with him about how she took the news?

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1 A I don't -- again, I was on travel, so I don't think anyone
2 specifically got back to me about that. I just have no recollection
3 of it.

4 Q Okay, not the Director General Perez (ph)?

5 A She may have. I think, again, my focus is on making sure
6 that what we were directing was happening and I have no doubt that I
7 learned that the Ambassador was going back to wrap up her affairs. I
8 cleared on the May 9 statement that we issued, as was mentioned in the
9 previous session.

10 Q How about with Phil Reeker? Did you have any communications
11 with him after she had been relieved of her duties about, you know,
12 helping her through this at this time?

13 A I don't have any records of that. We may have.

14 Q Okay. But you don't remember any?

15 A Nothing specific that jumps out of the ordinary.

16 Q Do you know if she was particularly upset by this?

17 A Yeah, she was -- I'm sure she was, but, again, I didn't talk
18 to her. We had no further communication, actually.

19 Q Okay. And that wasn't unusual given your post?

20 A That's right.

21 Q There's been some discussion of the role of Ambassador
22 Sondland and Ambassador Volker and how their involvement -- even
23 Secretary Perry -- how their involvement came to be and how it
24 interacted with the duties of Ambassador Taylor who was subsequently
25 installed as the Charge. When did you first become aware of the Volker,

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1 Sondland, Perry involvement?

2 A When the Presidential delegation to the inauguration was
3 announced on May 18, I believe the date was, the composition of the
4 delegation included Ambassador Sondland and Ambassador Volker.

5 Q And what was Ambassador Volker's role at that time?

6 A Ambassador Volker was a special envoy. I don't know the
7 exact title, but basically his responsibilities were to pursue the
8 Minsk process which is a diplomatic effort to engage the Russians and
9 some of the Europeans in order to effect the Russian departure from
10 Ukraine.

11 Q And how did his duties overlap with the Ambassador in
12 Ukraine?

13 A That's a good question. I don't really know. I only met
14 Kurt once in the fall. I asked to see him in order to prepare for my
15 trip. At that time I was thinking I was going in December. I never
16 really heard that there was any problem or issue, so I'm sure they just
17 worked it out amicably.

18 Q Have you known Ambassador Volker before that time period or
19 was that the first time you met him?

20 A First I met him. Knew him by reputation.

21 Q Okay. And what was that reputation?

22 A When he was a career officer, he was very talented one and
23 then he retired.

24 Q So you had no question to question his integrity?

25 A No. He had a very strong reputation and the fact that he

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1 was on this delegation gave me some confidence about, you know, how
2 they would operate.

3 Q And Sondland's involvement, the first time you became aware
4 of that was preparing for the inaugural?

5 A That's right. I mean, it came out in this announcement.
6 The State Department had, and I had cleared on a document -- we always
7 do, on these matters -- which was to propose an inauguration team, a
8 delegation.

9 We had wanted the Vice President to lead it. That was our idea.
10 For whatever reason, the Vice President couldn't do it, and this thing
11 came back, and Ambassador Sondland had been added to the delegation.

12 Q Okay. And did you ever develop any concerns about
13 Ambassador Sondland's role in these events?

14 A Well, again, it was a surprise that he was included because
15 his responsibilities don't cover the Ukraine. But it is often the case
16 where these delegations include a wide array of individuals that the
17 President knows or that he has admiration for, or believes are a good
18 fit for the Ukraine. Again, I don't know what the President's thinking
19 was on that, but that's how I assessed why Gordon was included on it.

20 And, again, when I saw that we had a professional who was steeped
21 in Ukrainian issues like Kurt Volker on the delegation, I had no
22 concerns.

23 Q Did you subsequently become involved with some of the
24 specific things Ambassador Sondland and Ambassador Volker were
25 involved in, such as trying to get a White House meeting?

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1 A I received a written readout of the June 23 meeting -- I'm
2 sorry, May 23 meeting that the President had. I believe the meeting
3 was on May 23. At any rate, on May 23, I received a readout of the
4 meeting the President had with the delegation members, and that note
5 to me outlined the policy guidance that the President had given to the
6 group.

7 Q What was that guidance?

8 A The note was classified, but I will summarize --

9 Q Please.

10 A -- it as best I can.

11 Q As best you can without revealing classified information.

12 A Yeah. That the President would send a letter of
13 congratulations to President Zelensky and would be inviting him to the
14 Oval Office, and that the delegation should push for reform and flag
15 the President's deep concerns about corruption in that country and its
16 poor investment climate, and the oligarchical control over the economy,
17 and that they should ensure that Zelensky was coming to the Oval Office,
18 prepared to commit to improving U.S.-Ukraine relations and addressing
19 these matters.

20 Q Okay. And the corruption environment, the poor investment
21 climate, and the other items you mentioned, was that consistent with
22 your view of Ukraine at the time?

23 A It was consistent with my view and with our policy, stated
24 policy, yes.

25 Q And Ukraine has been beset by corruption over the years, is

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1 that correct?

2 A Correct.

3 Q And a lot of the involvement of the oligarchs presents
4 problems with regard to corruption. Is that correct?

5 A Correct.

6 Q And some of these oligarchs, they have government positions
7 and then they go into the private sector, or at least, supposed to be
8 the private sector, and they use their connections, their former
9 connections in government to sometimes take money, take, you know,
10 licenses to, you know, do things. Is that correct?

11 A Correct.

12 Q There is one particular oligarch, Mykola Zlochevsky. Are
13 you familiar with him?

14 A I've seen the name, yeah.

15 Q And he was the Minister of Ecology. And do you know anything
16 about him or just what you've read?

17 A I don't know firsthand anything about him, and I've read
18 things. There's so many of these, I don't know the details, to be
19 honest.

20 Q Okay. But his involvement with a company called Burisma,
21 it didn't surprise or shock you that the company was, you know, involved
22 possibly with corruption, had been subject to a number of
23 investigations over the years?

24 A I wasn't focused on this. I was Ambassador to Pakistan at
25 that time, and I had a full plate there, so I really wasn't following

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1 what was happening in Ukraine until I was preparing for my trip to
2 Ukraine. And this matter was not the subject of the discussions.

3 Q Okay. But, generally, an oligarch in the country certainly
4 could be subject to charges of corruption. Right?

5 A Correct.

6 Q After the readout that you received from the May 23 meeting
7 in the Oval Office, did you come to learn that there was an interest
8 in involving Mr. Giuliani?

9 A No.

10 Q When did you subsequently become aware of his changed role?

11 A When these various revelations came out after the
12 whistleblower's activity.

13 Q Okay. So not until late September?

14 A Thereabouts, yes.

15 Q And your only awareness of Mr. Giuliani's role on a
16 diplomatic front, whether it was irregular or not, only came to your
17 attention via the public news stories?

18 A Correct.

19 Q Did you ever have any discussions with some of the State
20 Department players at this point?

21 A No.

22 Q Okay. And why was that?

23 A Because it was clear that these were matters that were going
24 to be under, or already were under investigation, and therefore I didn't
25 want to appear in any way to be influencing potential witnesses to this

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1 committee or other.

2 Q Okay. So back in the March-April timeframe, you are aware
3 that Mr. Giuliani was pushing a negative narrative about the Ambassador
4 and the climate in Ukraine. Right?

5 A I didn't know that, but I had seen, as I said, allegations
6 of that, and certainly speculation on the part of our Ambassador as
7 to what his motivations might be if he was involved.

8 Q And then you never learned that Mr. Giuliani's name was
9 mentioned in the May 23rd meeting in the Oval Office?

10 A That was not in the readout that was provided to me.

11 Q Okay. And never related to you until the public news
12 accounts emerged?

13 A Correct.

14 Q Just in your experience as a State Department official, how
15 common or uncommon is it that a President might lean on a private person
16 for public diplomacy?

17 A Well, it's not unprecedented.

18 Q Can you give any examples or --

19 A Well, throughout history, I mean -- I'm trying to think of
20 a recent example. It's hard to think of an example that quite matches
21 this particular one. But I do believe that it's safe to say that
22 Presidents have relied upon people who he trusts or -- he trusts
23 to -- for certain initiatives. But it's true, I can't think of someone.
24 It's not leaping in my mind right now.

25 Q To the extent the President had involved Mr. Giuliani, that's

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1 not necessarily in and of itself concerning?

2 A No. I will give you an example. I wasn't expecting the
3 question, so forgive my pauses. But we've had private citizens, former
4 government officials, who have been emissaries for the President to
5 North Korea, to Cuba. I remember President Carter, Representative
6 Richardson, others, who performed tasks like that.

7 Q Okay. And Mr. Giuliani as the former mayor of New York
8 during 9/11 had a relatively high public profile?

9 A Correct.

10 Q And so if the President had trust in him given his role in
11 U.S. history, that's not entirely surprising that the President might
12 lean on somebody of that stature for these issues?

13 A Not unprecedented.

14 Q At any point in time when the discussion of a White House
15 meeting was being worked on by Ambassadors Volker and Sondland, did
16 George Kent or Ambassador Reeker ever bring you into the loop of some
17 of the challenges that were going on?

18 A Well, I was not informed about the back and forth going on.
19 What I did know was that there was an invitation extended, as I
20 mentioned, to President Zelensky.

21 At some point, and I don't know why, the concept of the meeting
22 shifted from being in the Oval Office to being in Warsaw. I interpreted
23 that just being logistically simpler because they were all -- both going
24 to be in Warsaw for another event. Then when the hurricane hit the
25 Carolinas, the President indicated that he would not be traveling there

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1 and the Vice President would be going instead.

2 I may have learned some of this from the European Affairs Bureau,
3 I may have learned some of it from the Secretary. I just don't know.
4 I was not following this. I was not the operational lead on it, so
5 I was not particularly focused or concerned about it.

6 Q Did Ambassador Reeker or DAS Kent seek your leadership on
7 any of these issues to sort out concerns that Ambassador Taylor may
8 have been having?

9 A No, I did not hear about that. Again, my frame of mind was
10 that we had Volker -- it was clear that the President, from the readout
11 I had received, the President had tasked that group, members of that
12 delegation to pursue these objectives: the meeting, and the policy
13 goals that I outlined earlier.

14 So I was, you know, knowing I was aware that Ambassador Volker
15 and Ambassador Sondland would be doing that. So to my mind, it sort
16 of checked, that's being handled. There's a pro on the team. And the
17 nature of my job is such that a situation like that happens, unless
18 there are problems, people don't come back to me. Or if there's a new
19 development that is somehow complicating this, people don't come back
20 to me, and no one came back to me.

21 Q Okay. Ambassador Volker was the pro?

22 A Yeah.

23 Q Were you involved with installing Ambassador Taylor?

24 A I was aware that the decision had been made. Counselor
25 Brechbuhl was involved in that selection in finding a person that we

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1 needed. We knew we needed a senior leadership there during the interim
2 period. And but I was not -- and I was consulted. I'm sure I was asked
3 if I was okay with that, and I was. And I met Ambassador Taylor once
4 before he went out to Kyiv.

5 Q Did you know him from prior service?

6 A Yeah, we had -- when I was handling Middle East piece, he
7 was, I think, the coordinator for assistance in the Near East Bureau.
8 So we would occasionally attend staff meetings together. But I didn't
9 have a personal relationship with him in particular.

10 Q What was your experience with him? Was it positive?

11 A Yeah. He was a very well regarded person, well respected
12 in the Department.

13 Q The decision of installing him as the Charge, ultimately,
14 whose call was that?

15 A The Secretary of State.

16 Q But below the Secretary of State, is that your call or is
17 that --

18 A It's really, there's no system for doing this. It is an
19 unusual situation. So it would be basically a consensus. It would
20 go to the Secretary if everyone is on board with this. There is a body
21 called the D Committee that's chaired by the Deputy Secretary that makes
22 recommendations on Ambassadorial nominations. So, informally, for a
23 charge, although it is not an Ambassador, those same people would
24 normally be consulted.

25 And that's the Under Secretary for management, myself, the

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1 Director General of the Foreign Service, the Deputy Secretary, and
2 Consular Brechbuhl.

3 Q Did you ever become aware of Ambassador Taylor's trepidation
4 about taking the post?

5 A As I said, at the meeting we had, he did talk to me. I really
6 don't remember the contents of that meeting. I remember asking him
7 if he really wanted to take this on. It is a challenging thing. And
8 he said, yes, he did. I don't remember him expressing any reservations
9 about it. He seemed to be actually rather enthusiastic.

10 Q Okay. And it was a challenge because of the external and
11 environmental challenges?

12 A Well, also what our Ambassador had just been through.

13 Q That's what I mean. There were outside forces --

14 A Yes.

15 Q -- promoting a negative narrative?

16 A That's right.

17 Q But he was okay with that at that time?

18 A Yeah, he was enthusiastic about going. Again, I don't
19 remember, frankly, any of the details of the conversation,
20 but -- except that I did ask that question, and I sensed total
21 enthusiasm and a very positive attitude about going there. And we were
22 glad to have that. That's what we needed.

23 Q Do you know if he contemplated, you know, what he would do
24 if he became the subject of the negative narrative that Ambassador
25 Yovanovitch had had?

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1 A No, I don't remember that conversation. I don't think
2 anyone expected he would experience that again, but you never know,
3 I suppose.

4 Q Okay. And during this time period, did you or Counselor
5 Brechbuhl assure Ambassador Taylor that if the going got tough, the
6 State Department leadership would have his back?

7 A I did not, to my knowledge, have that conversation, but I
8 really don't -- the details of my discussion with him are not clear
9 to me.

10 Q Okay. And do you know if anyone else --

11 A I don't know.

12 Q -- at the Secretary level, or the counselor --

13 A I don't know. There was a meeting that he had with the
14 Secretary to get guidance. I did not attend that meeting. I don't
15 know why. It may have been a schedule conflict.

16 Q And once Ambassador Taylor was on the ground in Kyiv, did
17 you hear of any concerns that he had had?

18 A No, I heard from him only very rarely. So he met with the
19 Secretary on May 23rd. I met with him on June 7. He sent me an email
20 on July 2nd, basically reminding me that the Secretary of State
21 had -- there was a telegram that reminded people that there was a pending
22 invitation of Zelensky to Washington, D.C. -- and I'm just finding the
23 next time I heard from him.

24 On August 27, Ambassador Taylor emailed me with a -- in doing so,
25 he was forwarding a telegram, a State Department communication from

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1 an embassy, a classified cable, so I will be a little bit cryptic. But
2 in that cable, he said there was something in the cable about a foreign
3 official asking the question about the status of our policy toward
4 Ukraine, without providing any further context.

5 And Ambassador Taylor said that he wanted to remind me that he
6 had said that the Secretary -- not to me, but to the Secretary -- in
7 that earlier meeting, that if our policy changed, there would be no
8 use in having him stay in Kyiv.

9 And he cited three things in the note to me as to why he was raising
10 these concerns. One was what he had heard in the media about the
11 President pondering a possible expansion of the G7 to -- G8 status to
12 include Russia; the freeze on security assistance, which, by this time,
13 was well-known in our government; and the fact that the Zelensky meeting
14 did not occur because of the -- we thought because of the hurricane.

15 Q Was that the first time you heard concerns?

16 A That's the first time I heard of any concerns, yes.

17 Q So Deputy Assistant Secretary Kent never brought to your
18 attention any of Ambassador Taylor's concerns?

19 A No.

20 Q Ambassador Reeker the same?

21 A To my knowledge.

22 Q Are you aware of any other action Ambassador Taylor took to
23 try to get the attention of State Department leadership about his
24 concerns?

25 A I'd like to step back on this series of questions. I was

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1 well-aware of the problems related to the freeze on security
2 assistance. So during this period of time, my focus was on that. So
3 if that's what you're referring to, I did have backs and forths with
4 various Department people on this.

5 Q Okay. I will get there in a second. But, you know,
6 Ambassador Taylor has documented his concerns now. He came before the
7 committee. There was this public statement. Were you aware of his
8 concerns during the pendency of this time period?

9 A I was aware because of his email he sent me that he was
10 concerned. He cited these three things as evidence that there might
11 be a shift underway in our policy toward Ukraine.

12 Q Do you know if he pursued any other avenue to get the
13 attention of State Department leadership that he was concerned either
14 before or after this cable?

15 A He sent on August 29 a cable as well, also classified, which
16 I have reread now to prepare for this deposition, in which he laid out
17 in a very professional fashion all of the negative consequences of the
18 freeze of our assistance if the assistance did not go forward.

19 Q Okay. Between the Oval Office meeting on May 23, and
20 August 27, are you aware of any actions the Ambassador took to raise
21 concerns?

22 A No.

23 Q So the 8/27 communication was an email or cable that was
24 forwarded to you --

25 A That's right.

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1 Q -- was the first time it became front and center that
2 Ambassador Taylor had a big time issue?

3 A That's right.

4 Q What did you do with that concern? Did you try to engage
5 Assistant Secretary Reeker, the Acting Assistant Secretary, or DAS
6 Kent?

7 A Well, we had already engaged at the White House an
8 interagency meeting related to the security assistance.

9 Q Okay. So at that point in time, you thought Ambassador
10 Taylor's concern was related to the -- just to the security assistance?

11 A That was the most tangible piece.

12 Q Okay.

13 A And the one that I had direct responsibility to deal with.

14 Q Okay.

15 A We were already dealing with it. The other matters, the
16 White House, you know, meeting with the President, first of all, was
17 not in my power, but my understanding was circumstances were what was
18 making it -- delaying it. But there had not been a policy decision
19 that was contradictory to what I was briefed on on May 23 out of the
20 May 23 meeting.

21 Q Okay.

22 A And the G7-G8 thing, it struck me the President had said that.
23 No one at the State Department was working on a plan to expand G7, so
24 it was not an operationalized -- at that point anyway, an
25 operationalized thought. So that was my reaction to Ambassador

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1 Taylor's concerns.

2 Q Okay. Now, stepping back to the securities assistance hold
3 that first emerged on July 18, when did that first come on your radar?

4 A Again, having researched it to prepare for today, I first
5 started to hear that there was a problem with it on June 21; that OMB
6 had stopped the aid.

7 I learned from a member of my staff, I believe, and the aid package
8 to Lebanon was also being held in the same fashion. So, you know,
9 people started asking: What's the problem?

10 On July 23, in relation to Lebanon, our Assistant Secretary for
11 Near Eastern Affairs emailed me that he had a conversation with an
12 official in OSD, the Office of the Secretary Defense, about the Lebanon
13 assistance, in which that officer also raised the freeze on the Ukraine
14 assistance, and the two of them speculated, was this a new normal on
15 assistance.

16 The context, bearing in mind, is that the administration has been
17 embarked on a foreign assistance review in which we are trying to
18 reestablish the norms that guide the assistance that we provide
19 overseas.

20 And I was briefed that on July 23 there was a lower-level
21 interagency meeting in which OMB said that the Ukraine assistance was
22 suspended. And on July 26, I was called to a meeting of what we called
23 the Deputies Small Group on Ukraine. That's the deputies of all of
24 the foreign affairs agencies that have concerns, chaired by Deputy
25 National Security Adviser Kupperman.

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1 Q Were there any events between 7-26 and the cable from
2 Ambassador Taylor on this topic?

3 A No, I mean, what happened in the -- in the Small Group meeting
4 was that Mr. Kupperman asked each agency, starting with me, as the
5 State's senior cabinet agency what our view was on this matter, and
6 I advocated strongly for resuming the assistance, as did every other
7 agency represented there with the exception of one, which was the OMB.

8 Q And did you have confidence that the aid would be ultimately
9 released?

10 A Well, OMB said that the -- when asked why by someone, perhaps
11 Kupperman, they said that they had guidance from the President and from
12 Acting Chief of Staff Mulvaney to freeze the assistance.

13 So I went back to the office and sent a note to the Secretary
14 through his staff reporting this and saying that it seemed to me that
15 this was going to have to be resolved at the principals level and that
16 it was unlikely that OMB would be shifting their position at the
17 principals level given what we just heard. And, therefore, it would
18 have to be resolved, if he wished to have it resolved, directly with
19 the President. So I left it at that, and time passed.

20 Q Okay. Did you get any feedback from that communication?

21 A No, I never did. I mean, nothing that I remember, let me
22 put it that way.

23 Q Okay. You mentioned that there was a foreign assistance
24 review undergoing --

25 A Yes.

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1 Q -- at that time. What can you tell us about that?

2 A Well, it had been going on for quite a while, and the concept,
3 you know, the administration did not want to take a, sort of,
4 business-as-usual approach to foreign assistance, a feeling that once
5 a country has received a certain assistance package, it's a -- it's
6 something that continues forever. It's very difficult to end those
7 programs and to make sure that we have a very rigorous measure of why
8 we are providing the assistance.

9 We didn't go to zero base, but almost a zero-based concept that
10 each assistance program and each country that receives the program had
11 to be evaluated that they were actually worthy beneficiaries of our
12 assistance; that the program made sense; that we have embarked on, you
13 know, calling everything that we do around the world countering violent
14 extremism, but, rather, that's actually focused on tangible and proven
15 means to deal with extremist problems; that we avoid nation-building
16 strategies; and that we not provide assistance to countries that are
17 lost to us in terms of policy, to our adversaries.

18 Q And do you know if the President also had concerns about
19 whether the allies of Ukraine, in this example, were contributing their
20 fair share?

21 A That's another factor in the foreign affairs review is
22 appropriate burden sharing. But it was not, in the deputies committee
23 meeting, OMB did not really explain why they were taking the position
24 other than they had been directed to do so.

25 Q Okay. You are aware of the President's skeptical views on

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1 foreign assistance? Right?

2 A Absolutely.

3 Q And that's a genuinely held belief, correct?

4 A It is what guided the foreign affairs review.

5 Q Okay. It's not just related to Ukraine?

6 A Absolutely not. It's global in nature.

7 Q Did you ever come to learn in, you know, during the course
8 of these meetings on 7-23 and 7-26 and some of the earlier meetings,
9 that there was a concern about the corruption environment in Ukraine
10 and that might be related to the hold?

11 A We knew that the President was a skeptic about the issue of
12 corruption.

13 Q Did you know what was the source of his deep-rooted views
14 about the corruption environment in the Ukraine?

15 A I couldn't comment on that.

16 Q Did anyone brief you?

17 A Again, on the note that I mentioned that was the readout of
18 the May 23 letter, the comment was attached to it. This is an
19 observation that the President did express skepticism, that he was
20 skeptical about our ability to succeed in all of these, but that he
21 endorsed the approach.

22 Q Okay. Are there any other key events during that time period
23 related to the foreign assistance holds that you haven't touched on
24 yet?

25 A No, I mean, there have been various backs and forths about

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1 it leading up to the meeting of July 26, and I have not received or
2 have available to me anything on it until the August 27 email from
3 Taylor, and the August 29 cable. And then, of course, the aid was
4 released sometime in early September, I believe.

5 Q Right. During the period of July 26, and you said shortly
6 thereafter you brought this to the attention of the Secretary?

7 A Yeah. Immediately following the meeting I sent him a note.

8 Q Okay. Between that time period and September 11 when the
9 aid was ultimately released, did you have any feedback from your staff,
10 whether it be Ambassador Reeker, Deputy Assistant Secretary Kent, about
11 some of the drama going on here?

12 A You mean the exchanges amongst Sondland, that we have heard
13 about? Yeah.

14 Q Well, there was a real concern on behalf of Ambassador
15 Taylor, DAS Kent that while the aid was held, it was contributing to,
16 you know, a negative impact on U.S.-Ukrainian relations?

17 A No, that was not the case. I was not so informed other than
18 the cable, or the email from Taylor was the first time.

19 Q But on the flip side, the public reveal that the aid was held
20 didn't come until late August. Are you aware of that?

21 A I wasn't tracking that in particular. I didn't understand
22 that the information had been communicated to the Ukrainians. That
23 was not the focus of the deputies committee meeting. In the normal
24 state of things, it would not be communicated until -- a freeze would
25 not be communicated to a foreign government, only a decision. It then

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1 has to be notified to Congress. It could be at that point. Things
2 leak out, of course. And bear in mind, this is future assistance.
3 That is not to keep the army going now. It is to help them in the future.

4 Q So did you become aware of when it was made public?

5 A I wasn't tracking that, to be honest.

6 Q There was an article, I think, on August 28 that revealed
7 this was held. Is that consistent with your understanding?

8 A I don't remember it going public. I certainly knew about
9 it. So it probably didn't surprise me. I didn't register it, but I
10 don't remember that.

11 Q Were you aware around the same time Ambassador Bolton had
12 traveled to Ukraine?

13 A Yes.

14 Q Did you get any readouts of his meeting on the ground?

15 A I may have. I don't really remember anything unusual about
16 it.

17 Q Okay. Right around the time of Ambassador Bolton's visit,
18 the Rada convened and President Zelensky was trying to push through
19 some of his opening legislative vehicles.

20 Did that ever come to your attention?

21 A Well, in general, I'm sure I was tracking Zelensky's, you
22 know, activities. The general impression was that he was doing the
23 things that we wanted to see done.

24 Bear in mind, I had met him back during my visit in March. I was
25 impressed by him. I felt, obviously, it was an hour-long meeting. You

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1 can only draw so many conclusions.

2 We, obviously, had to test them. But I felt that this was
3 somebody we were going to be able to work with. And he certainly said
4 all of the right things. No surprise there.

5 We want to look at his actions. Right? And the actions he was
6 taking subsequent to his inauguration seemed to be the right ones.

7 Q And so at the time, you thought President Zelensky was a
8 genuinely -- a genuine reformer?

9 A I think it would be premature to say that.

10 Q That would be the hope?

11 A Yeah, that we had an opportunity here that we needed to take
12 advantage of.

13 Q That he was in it for the right reasons?

14 A Yes. That he was saying the right things, and that our
15 approach could make sure that he really pushed for the reforms we
16 wanted. That was the case we were trying to test.

17 Q And to your knowledge, you had no evidence that he was
18 somebody in it for himself?

19 A Well, there's always questions about Ukrainian, you know,
20 public officials. I mean, and those exist. I don't think anyone could
21 say categorically anything on that score. We were looking at actions;
22 what steps would he take to pursue the anticorruption and reform agenda
23 that was so important to both of our countries.

24

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1 [11:11 a.m.]

2 BY MR. CASTOR:

3 Q And were you aware that when he did finally get control of
4 the process and the Rada was seated, that he did, in fact, push through
5 a number of reform initiatives?

6 A I hesitate to talk in detail. I didn't bone up on that prior
7 to today. I'm not sure. But the general impression was that he was
8 moving in the right direction.

9 Q And the feedback from Ambassador Bolton's visit, do you
10 remember if that was positive?

11 A I don't really have any recollection that there was anything
12 notable out of that.

13 Q And then, subsequent to that visit, it was over the Labor
14 Day time period, I believe that's when the Secretary was able to engage
15 the President on the security assistance question?

16 A Perhaps, yeah.

17 Q And did you ever get any feedback of how that went from the
18 Secretary?

19 A If I did, I don't really remember it, to be honest with you.

20 Q And then the aid September 11 was -- the hold was lifted?

21 A That's right.

22 Q And how did you learn about that fact?

23 A I think from the public, or maybe someone told me. Let me
24 just look at my chronology here. I don't have any document that shows
25 someone telling me that. I think we just learned it when it happened.

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1 Q Did you receive any feedback about how that occurred?

2 A No.

3 Q So the Secretary never followed back up with you and related
4 to you how this occurred?

5 A I don't remember him doing that.

6 Q Okay. Did it surprise you that, ultimately, the aid was
7 released?

8 A I was relieved that it was released.

9 Q During that time period where it was on hold, do you know
10 if the State Department had taken any action to deal with the
11 possibility that the aid would not be released, whether it be through
12 reprogramming or other avenue?

13 A In what timeframe?

14 Q During the time period that it was on hold; but mostly the
15 7/26 to 9/11 time period.

16 A I received some emails on the assistance freeze on the 25th
17 of July. I believe it was just confirming that the freeze existed.
18 I don't remember discussion about going so far as reprogramming.
19 Obviously, that was the implication.

20 All of this was really leading up to what ended up being a deputies
21 meeting on July 26, where we did discuss -- I mean, I pointed out in
22 that meeting that there was a soft earmark on the money and so, whatever
23 happened, we would have to be spending that money in Ukraine, and OMB
24 acknowledged that.

25 And then I advised -- not that I'm an expert on it, but I advised

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1 that it was most likely, given the bipartisan support in Congress for
2 this assistance, that if we actually suspended the aid for the military,
3 we would face a hard earmark in the following year; and that was
4 acknowledged as a possibility as well.

5 Q The posture of providing javelins to the Ukrainians, what
6 do you know about that decision?

7 A Nothing actually.

8 Q Do you know that at one point, the U.S. Government had a
9 position not to provide lethal defensive assistance to the Ukrainians?

10 A I'm not expert in this. Our Political and Military Affairs
11 Bureau normally handles all these things. I don't get involved. I
12 didn't research the history. Our focus at that meeting was on the
13 freeze.

14 Q Okay. When the cable came in from Ambassador Taylor, was
15 there any renewed focus at your level to zero in on the irregular
16 channel, as he described it, of diplomacy?

17 A No. I was unaware of anything other than what I've already
18 described this morning. And he did not reference that in the August 27
19 email or the August 29 cable.

20 As I said, it focused on the inability to get a Zelensky visit
21 with the President, the freeze on the security assistance, and this
22 idea of expanding the G7.

23 Q Right. Ambassador Taylor's statement walks through what he
24 characterizes as this irregular channel. What is your view on how he
25 characterized that channel?

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1 A What I knew was that goes back to the meeting that the
2 President had on May 23rd, I think, in which it was clear that the
3 members of that inaugural delegation were empowered to pursue the
4 policy themes that I mentioned earlier. And, as a practical matter,
5 I concluded from looking at the names that, de facto Secretary Perry
6 was unlikely to be able to spend his full-time on this matter. The
7 Member of Congress, Senator Johnson, was unlikely to pursue this in
8 a constant way.

9 And so, as a practical matter, it would be Ambassador Volker and
10 Ambassador Sondland, presumably working with Ambassador Taylor, who
11 would be the ones really doing the continual effort here. That was
12 a supposition on my part; that's based on the information I had.

13 Q When he testified, and with his statement, you know, he
14 really went through what he viewed as this irregular channel. As you
15 look at this issue, did you have any issue with the irregular channel?

16 A I didn't have an issue with what I heard, based on the readout
17 from the President's meeting and guidance on May 23rd. I had no
18 problem with that. It was the President's decision, first of all.
19 Second, we had pros doing it. And the policy goals were totally in
20 line with our policy objectives.

21 Q When he testified here, did you get a chance to read his
22 statement?

23 A I read it at the time yeah.

24 Q And did his statement bring anything to your attention that
25 you wish you had learned of earlier?

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1 A Yes. I didn't know of these interactions. I didn't know
2 of Mayor Giuliani's involvement. I didn't know about these conditions
3 that had been discussed.

4 Q Okay. And were you disappointed that that wasn't brought
5 to your attention? Or were you glad that this was being handled at
6 Ambassador Taylor's level or DAS Kent's level?

7 A I was surprised to learn that this was happening, and I was
8 surprised that I was not involved or informed.

9 Q Okay. And why don't you think Ambassador Taylor brought any
10 of this to your attention prior to August 27th?

11 A I don't know.

12 Q Have you had any communications with Ambassador Reeker about
13 what was going on, now that you know about it?

14 A Well, again, once the stuff started to come out, I think -- I
15 mean, I'm speaking for myself. I felt that the discussions of these
16 matters would be a problem, perception problem, because we might be
17 accused later of trying to influence witnesses, so I steered away from
18 discussions of these particular matters, and maybe others were doing
19 that as well.

20 MR. CASTOR: There's about 10 minutes left. I want to make sure
21 if any of other members have questions that they get an opportunity.

22 MR. MEADOWS: Ambassador Hale, Mark Meadows, from North
23 Carolina. I want to thank you for your service. And you know,
24 everybody will read this transcript later and so, for the record, I
25 want to just say thank you for just calling balls and strikes and trying

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1 to do your best to just help the American people understand the truth
2 on all of this. And that's maybe not picked up in the nonverbals or
3 the interaction that we actually have here in this particular
4 deposition room.

5 I want to circle back, because it has long been my understanding
6 that aid to foreign countries has been a concern of this President;
7 specifically, of this administration, and so, at what point were you
8 asked to embark on a review of foreign aid broadly, in terms of that
9 reset that you were talking about earlier?

10 AMBASSADOR HALE: The President announced it at his speech at the
11 opening of the U.N. General Assembly in September of 2018. I had
12 attended a meeting earlier that year -- I really couldn't pin down what
13 it was. I didn't research this topic for today -- a large interagency
14 meeting, where I represented the State Department and, basically, we
15 were being briefed on the new direction, and we were being asked to
16 offer reactions to it.

17 Based on my experience in countries with large assistance
18 programs, Pakistan, Jordan, and Lebanon, I warmly welcomed the foreign
19 assistance review. I thought it was long overdue that we needed to
20 take that kind of approach, and pledged strong State Department
21 support.

22 I ask that we always bear in mind, though, the need for
23 case-by-case study of this, and not just impose it; look at the
24 circumstances of each country; study carefully what the pros and cons
25 are of what we are trying to accomplish.

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1 After I did that, it was then decided -- and after the announcement
2 by the President, it was decided that our policy planning office and
3 our foreign assistance office would take the lead on this matter.

4 So my role was minimized -- not minimized but I was no longer
5 representing the State Department and things were being cleared by my
6 office.

7 MR. MEADOWS: But as a career, a distinguished career foreign
8 service official, you embraced this, and felt like that it was a prudent
9 thing for the United States Government, on behalf of the American
10 taxpayer, to embark on, to make sure that every dollar that goes out
11 has a strategic or, at worst case, tactical advantage for the United
12 States. Is that correct?

13 AMBASSADOR HALE: Absolutely correct, sir, and long overdue.

14 MR. MEADOWS: And long overdue. And so would it surprise you at
15 all to learn that Ambassador Volker, in 2017, expressed real concerns
16 about the corruption within the Ukraine? Would that surprise you at
17 all.

18 AMBASSADOR HALE: No.

19 MR. MEADOWS: Would it surprise you at all that the President of
20 the United States, in 2017, shared that view, that Ukraine was corrupt?

21 AMBASSADOR HALE: It wouldn't surprise me. I was in Pakistan
22 then so I wasn't tracking it, but yes.

23 MR. MEADOWS: So as you start to look at your new role, and looking
24 at this from a 30,000 foot level in terms of trying to make sure that
25 the foreign assistance that we provide is properly and efficiently

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1 deployed, part of that review, obviously, will -- well, when will the
2 review be completed?

3 MR. HALE: I don't know. I asked that question just the other
4 day, and I was told that it's still pending. I don't know why.

5 MR. MEADOWS: And so if it's still pending, at this particular
6 point, reviewing that, because we have had other testimony in here that
7 would indicate, oh, well, we always review before foreign assistance
8 goes out about corruption and about some of the other concerns. I
9 characterize that more as a check-the-box kind of review.

10 Would you indicate that the -- or would your testimony be that
11 this foreign assistance review that you embarked on in 2018 would be
12 more comprehensive than perhaps the normal review that's associated
13 with foreign aid, currently?

14 AMBASSADOR HALE: Well, what we are expecting, what is pending
15 is the broad policy guidance and guidelines that have been developed
16 by the various players. And my hope is -- and I'm waiting for that
17 guidance -- is that we will then apply that on a case-by-case basis
18 to different countries.

19 In the meantime, we are trying to -- we understand the intent of
20 the President, and so we are doing our utmost to try to meet the intent
21 of the President; even in the absence of a finalized review.

22 MR. MEADOWS: Thank you, Ambassador.

23 MR. JORDAN: Ambassador, you mentioned earlier, that at the time,
24 on June 21, you learned that the hold was placed on Ukraine. There
25 was also a hold placed on Lebanon; is that right?

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1 AMBASSADOR HALE: Correct.

2 MR. JORDAN: Any other countries over the last several months,
3 or in the calendar year where there has been a hold on assistance?

4 AMBASSADOR HALE: The northern triangle countries of South
5 America.

6 MR. JORDAN: Honduras?

7 AMBASSADOR HALE: Yeah. Pakistan, this goes back to my tenure.
8 The President suspended the vast majority of our military assistance
9 to Pakistan because of their failure to conform to our concerns about
10 terrorism activity and the proxies that were operating in the border
11 area of Afghanistan.

12 I'm just trying to go across the globe and try to remember what
13 else.

14 MR. JORDAN: Several.

15 AMBASSADOR HALE: Several.

16 MR. JORDAN: Several. Thank you.

17 BY MR. CASTOR:

18 Q Just one last question before our time expires here in this
19 round. When did you first hear of specific investigations being
20 mentioned, such as those relating to specific companies like Burisma,
21 the Bidens, 2016 election?

22 A Investigations. I suppose the email from Ambassador
23 Yovanovitch that I mentioned was speculative, where she was speculating
24 on the motives of various actors who might or might not be behind the
25 smear campaign; Lutsenko and Giuliani were the ones she spoke of

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1 specifically. And she mentioned that the timing of the Mueller report
2 might be a factor.

3 She mentioned that Mayor Giuliani might have been motivated to
4 sully Vice President Biden's reputation by reminding the world of the
5 issue regarding his son's activities in Ukraine. Those were the two
6 things that were mentioned at that stage.

7 Q But during the pendency of the security assistance hold, from
8 July 18 through the date you got the cable from Ambassador Taylor, did
9 you hear the names Biden, Burisma?

10 A No. No, not in government channels. If it appeared in the
11 media, it was in the New York Times -- I won't say I don't read the
12 New York Times or whatever. But, yeah, it was not something that was
13 apparent to me.

14 Q So at no point during that time did the official chain of
15 command, from the field, articulate these concerns to you?

16 A No. No.

17 Q And, in fact, you didn't even hear the name Biden, Burisma?

18 A No. No. When the whistleblower reports and all that came
19 out of that, that's when I first saw this.

20 MR. CASTOR: Okay. My time has expired. Thank you.

21 THE CHAIRMAN: Okay. I would suggest we take an early lunch
22 break. That will give us a chance to handle the proceedings involving
23 the witnesses that have not shown up, as well as get a bite to eat.

24 So why don't we recess until, say, 12:15. We will take up the
25 matter of the witnesses who have not attended, and then at 12:30,

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1 Ambassador, you could prepare to resume at 12:30.

2 AMBASSADOR HALE: Okay.

3 THE CHAIRMAN: So we are in recess until 12:15.

4 [Recess.]

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1 [12:30 p.m.]

2 THE CHAIRMAN: Okay. Let's go back on the record. Ambassador,
3 I wanted to just follow up on some of the questions that my colleagues
4 in the minority asked during their period of questioning.

5 I think you were asked whether it was the view of the State
6 Department that issuing a statement of support for Ambassador
7 Yovanovitch might make things worse. And I think you indicated that
8 that was the view of the State Department. But I want to drill down
9 on that.

10 It was your view, in fact, that a statement should go out
11 supporting the Ambassador, wasn't it?

12 AMBASSADOR HALE: Yes. I have been advocating for a statement.

13 THE CHAIRMAN: And others who brought the issue to your attention
14 were also advocating for a statement in support of the Ambassador?

15 AMBASSADOR HALE: The general trend was, yeah, to -- I mean, we
16 were working on drafts. And, yes, the European Affairs Bureau, myself,
17 and the Ambassador, Ambassador Yovanovitch, were working on it, and
18 I had said early on that I supported that. And that was the spirit
19 of things.

20 THE CHAIRMAN: So, when my colleague asked you about the view of
21 the State Department being that as such a statement would make things
22 worse, what that really indicates is that it was the decision of the
23 Secretary of State not to do it, and the explanation was that it might
24 make matters worse. Is that right?

25 AMBASSADOR HALE: Yes. As I said earlier, I don't have a memory

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1 of being told at a specific time by a specific person that there would
2 be no statement other than the meeting I had with the Secretary on that
3 Monday when it was clear there wasn't going to be a statement that day,
4 that we were going to have a series of contacts, and then they would
5 be assessing it. So it's evident that, by the matter of number of days
6 passed, that I learned, in some fashion I can't specifically remember,
7 that there was an assessment that it might make matters worse.

8 THE CHAIRMAN: But that assessment was made by the Secretary,
9 correct?

10 AMBASSADOR HALE: I don't remember exactly, but I can't conclude
11 that anyone else would have made that assessment.

12 THE CHAIRMAN: You also, I think, testified, that the President
13 had lost confidence in the Ambassador, and I want to drill down on that
14 as well.

15 The term "lost confidence" is one that can be applied in a number
16 of different circumstances -- as a diplomatic euphemism. You
17 ultimately found no reason to credit the allegations against the
18 Ambassador, I think you have said, correct?

19 AMBASSADOR HALE: Correct.

20 THE CHAIRMAN: In fact, no one was able to find any merit to those
21 allegations in that smear campaign.

22 AMBASSADOR HALE: No one that I know.

23 THE CHAIRMAN: And so there was an effort to find out if there
24 was any basis, and as a result of those efforts, including efforts by
25 the Secretary, the conclusion was there was no substance to these

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1 attacks on her, correct?

2 AMBASSADOR HALE: That's right.

3 THE CHAIRMAN: So, when you say, or others say, that the President
4 lost confidence in the Ambassador, that was notwithstanding the
5 realization that the attacks on her had no basis, correct?

6 AMBASSADOR HALE: Well, it was the President who was taking the
7 position that he had lost confidence or had no confidence in the
8 Ambassador. I have no insight into what information or how that came
9 to be. I am just answering the questions about the interactions I had
10 with the Secretary of State on the allegations, in general, throughout
11 this period. And throughout that period, he said he wouldn't credit
12 them unless he was shown credible evidence, and that never happened.

13 THE CHAIRMAN: And so, the Secretary of State, to your knowledge,
14 never found credible evidence supporting these allegations against the
15 Ambassador, right?

16 AMBASSADOR HALE: As far as I know.

17 THE CHAIRMAN: And you didn't, and the other people who reported
18 to you didn't find any evidence to support that smear.

19 AMBASSADOR HALE: I never saw any.

20 THE CHAIRMAN: And so, if the President, nonetheless, to use the
21 parlance of lost confidence, it would have been on the basis of what,
22 what he was hearing from Rudy Giuliani or others?

23 AMBASSADOR HALE: I can't speculate.

24 THE CHAIRMAN: Or from his son on Twitter?

25 AMBASSADOR HALE: I couldn't speculate, Chairman.

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1 THE CHAIRMAN: But it wasn't from the Secretary or anyone else
2 at the Department, as far as you know.

3 AMBASSADOR HALE: As far as I know.

4 THE CHAIRMAN: Now, you mentioned a readout of the May 23rd
5 meeting that you received, correct?

6 AMBASSADOR HALE: Yes.

7 THE CHAIRMAN: Who prepared that readout?

8 AMBASSADOR HALE: A member of my staff.

9 THE CHAIRMAN: And was that member of your staff present during
10 the meeting at the White House?

11 AMBASSADOR HALE: No.

12 THE CHAIRMAN: So how did the member of the staff get the
13 information to prepare the readout for you?

14 AMBASSADOR HALE: I don't know, but those -- I didn't ask. Those
15 kinds of readouts are usually provided by someone who was in the
16 meeting, who then provides it -- if they're from the State Department
17 would probably read it out to a member of their staff, who, given my
18 interest in the topic, my staff would then get that information from
19 that individual staff. That would be one normal way for that to occur.

20 THE CHAIRMAN: So someone in the meeting would have prepared the
21 readout, and, eventually, it would have gotten to you?

22 AMBASSADOR HALE: That's right.

23 THE CHAIRMAN: Now, you mentioned what was in that readout, and
24 what was in that readout was kind of a more or less generic recitation
25 of U.S. policy toward Ukraine, correct?

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1 AMBASSADOR HALE: Yes.

2 THE CHAIRMAN: There was nothing striking, any notable departure
3 from U.S. policy in that readout.

4 AMBASSADOR HALE: No, the only departure from not so much policy
5 but the implementation of the policy was that the members of the
6 Presidential inauguration delegation were being entrusted with
7 carrying out, reaching the goals that were described in the meeting.

8 THE CHAIRMAN: But there was at least one very notable omission
9 from that readout, wasn't there?

10 AMBASSADOR HALE: I'm not sure what you're asking, sir.

11 THE CHAIRMAN: You have become aware, have you not, that the
12 President, during that meeting, instructed those present that they
13 needed to talk to Rudy Giuliani.

14 AMBASSADOR HALE: I have no independent knowledge of that. It
15 was not in the readout, sir. Yes.

16 THE CHAIRMAN: But you have become aware of that since, have you
17 not?

18 AMBASSADOR HALE: Based on the things that have become public
19 since the whistleblower report and everything else that the committee
20 has been doing and so forth.

21 THE CHAIRMAN: Why would the person creating the readout leave
22 out the President's instruction that those he was now charging with
23 Ukraine policy needed to talk to Rudy Giuliani?

24 AMBASSADOR HALE: I couldn't speculate on that, sir. I don't
25 know.

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1 THE CHAIRMAN: Well, here's someone, Rudy Giuliani, involved in
2 the smear campaign against Ambassador Yovanovith, and during this
3 meeting on Ukraine policy, the President is instructing the
4 participants to talk to Rudy Giuliani. Wouldn't that be a very
5 important piece of information for people to know about what took place
6 in that meeting?

7 AMBASSADOR HALE: All I know, Mr. Chairman, since I wasn't in the
8 meeting is that I read a readout of the meeting given to me by a member
9 of my staff. It seemed like a perfectly normal readout. And that is
10 all I knew.

11 THE CHAIRMAN: Wouldn't you have like to have known, though, that
12 one of the people involved in the smear campaign that ultimately
13 resulted in the recall of the Ambassador was mentioned during that
14 meeting, and the President had charged those present with working with
15 that person?

16 AMBASSADOR HALE: It's always good to get the fullest possible
17 readouts you can so you have a full understanding of what has happened
18 and what the President's intent is so we can try to meet that intent.
19 I had no reason to believe that I was not getting that.

20 THE CHAIRMAN: But you now have reason to believe you weren't
21 getting that, do you not?

22 AMBASSADOR HALE: Only because of what has been made public
23 indirectly through the work of this committee and the whistleblower.

24 THE CHAIRMAN: I want to ask you also about the meeting that Dr.
25 Kupperman chaired. That was a deputy principals meeting, was it?

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1 AMBASSADOR HALE: Yes. It was technically called a deputy small
2 group.

3 THE CHAIRMAN: And who's part of the deputy small group?

4 AMBASSADOR HALE: Well, it's composed of the Deputy Secretaries
5 for the most part, or whatever their title is, the deputies of each
6 of the agencies that has something at stake in foreign affairs. So
7 my recollection is that that particular -- and the participation will
8 vary, possibly depending on the topic. It's the NSC who does the
9 inviting. That's chaired, of course, by Deputy National Security
10 Adviser Kupperman. State Department was there, Treasury, OMB, JCS,
11 OSD, Energy, DHS. That's not a comprehensive list. Those are the ones
12 I remember. It was a large number of agencies, despite the title, small
13 group.

14 THE CHAIRMAN: And I think you mentioned that, as you went around
15 the room, everyone from the different policy areas advocated on behalf
16 of resumption of the Ukraine aid?

17 AMBASSADOR HALE: USAID was there as well. Yes, either they
18 endorsed the resumption of military aid, or they spoke of their own
19 aid programs and indicated they wanted their programs to continue as
20 well.

21 THE CHAIRMAN: And what did Dr. Kupperman -- what was his role
22 during this meeting, and what do you recall him saying?

23 AMBASSADOR HALE: My recollection is it was a fairly neutral
24 chairing of a meeting to gather the information from each agency and
25 what their position was on this matter.

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1 THE CHAIRMAN: And at some point, was it someone from OMB or
2 someone relating what they had heard from OMB that was the lone
3 objection?

4 AMBASSADOR HALE: The objection, the lone objection came from
5 the -- directly from the representative of OMB.

6 THE CHAIRMAN: And who was that?

7 AMBASSADOR HALE: I don't remember the name of the person. I
8 don't go to these meetings very often. Our Deputy Secretary normally
9 handles them.

10 THE CHAIRMAN: And all that representative of OMB said was the
11 President has instructed, through Mr. Mulvaney, that that be suspended,
12 the military aid be suspended?

13 AMBASSADOR HALE: Essentially, yes.

14 THE CHAIRMAN: Now, my colleagues in the minority asked you about
15 an overall review of foreign assistance, and I want to make sure that
16 we're not conflating the two here. It was an overall review of all
17 foreign assistance, correct?

18 AMBASSADOR HALE: That's right.

19 THE CHAIRMAN: But there was a very specific hold placed on this
20 assistance to Ukraine for inexplicable reasons, was there not?

21 AMBASSADOR HALE: That is correct. There was information that
22 came to me starting in late June that a hold had been placed on both
23 Ukraine assistance and Lebanon military assistance without any
24 explanation on those, about those holds; that's correct.

25 THE CHAIRMAN: And when you had that meeting chaired by Dr.

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1 Kupperman, it was clear that everyone was IN agreement that this aid
2 should be resumed.

3 AMBASSADOR HALE: With the exception of OMB.

4 THE CHAIRMAN: And, again, to distinguish between the overall
5 review of foreign assistance, I think you were asked by my colleagues
6 in the minority, well, aren't their circumstances where aid to a country
7 is withheld? Are you aware of circumstances in which aid to a country
8 other than Ukraine was withheld in order to secure political
9 investigations of a political opponent of the President?

10 AMBASSADOR HALE: No.

11 THE CHAIRMAN: So the Pakistan aid wasn't withheld so that a
12 political investigation of the Bidens could be done, was it?

13 AMBASSADOR HALE: That's correct, it was not.

14 THE CHAIRMAN: And the aid to the Northern Triangle wasn't
15 withheld because there was an effort to get political investigations
16 involving the Bidens, was there?

17 AMBASSADOR HALE: That's correct; it was not.

18 Mr. PERRY: Mr. Chairman, I want to object. I mean, you're
19 making some pretty loose assumptions there, based on -- it's fair that
20 that's your opinion. But you're asking the witness as if that were
21 the fact of the matter, and it is not established as the fact of the
22 matter.

23 THE CHAIRMAN: I appreciate that. And in your questions, you can
24 seek to flesh that out any further as you like. But it was the minority
25 counsel seeking to conflate a suspension in foreign assistance with

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1 what happened with Ukraine, and I think they are two very different
2 illustrations.

3 But I take it, the circumstances involving the suspension of aid
4 to Jordan did not involve a request for political investigations, did
5 it?

6 AMBASSADOR HALE: I think maybe you misspoke, Mr. Chairman, about
7 Jordan.

8 THE CHAIRMAN: I'm sorry; Lebanon.

9 AMBASSADOR HALE: I see. No, we didn't -- no one explained to
10 us in either case, Ukraine or Lebanon, the reasoning behind the hold,
11 or the freeze really.

12 THE CHAIRMAN: Mr. Goldman.

13 BY MR. GOLDMAN:

14 Q When was the Lebanon aid released?

15 A It's still not been released.

16 Q And has there been a reason provided?

17 A No. I mean, we -- it appears to be that there is a dispute
18 over the efficacy of the assistance to [REDACTED].

19 Q Does it relate to some of the concerns about [REDACTED] and
20 how the aid is being used [REDACTED], to
21 your knowledge?

22 A [REDACTED]

23 Q Was there -- if the aid has not been released at this point,
24 was there a reprogramming or rescission request made?

25 A On Lebanon?

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1 Q Yes.

2 A Not yet. It's still a pending matter before agencies.

3 Q Was it 2-year money or 1-year money?

4 A I don't know.

5 Q Okay. And so you still -- have you -- has the State
6 Department been provided with a reason why the hold has been withheld?

7 A Officially, no; formally, in no way, in no manner.

8 Q How about informally?

9 A Not even informally, no. We just understand there are
10 differences of opinion on this, or there had been. And the matter now
11 rests with OMB. I don't think that the differences currently exist
12 outside of OMB.

13 Q And was this congressionally authorized aid as well to
14 Lebanon?

15 A I'm pretty sure of it, yeah. Yes.

16 Q You think so?

17 A Yeah. I mean, I don't know the ins and outs of legislation
18 as well as others perhaps, but --

19 Q Okay. We will circle back to this issue in a bit. But I
20 want to go back to where we ended the first round.

21 Before I do that, though, you indicated that you were careful not
22 to speak to other potential witnesses prior to, once the whistleblower
23 complaint was made public and the call record from the July 25th call
24 was made public.

25 Did you have any conversations though with Secretary Pompeo about

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1 this investigation?

2 A We have had one conversation I can remember in which it was
3 just -- maybe two conversations, just a general comment he made
4 that -- and I made as well, that the State Department is going to have
5 to continue to stay focused on America's business and the conduct of
6 our foreign policy throughout this period, including our Ukraine
7 policy. That was one conversation we had.

8 The second conversation we had in which, again, we came back to
9 the point that we needed to make sure that we were continuing to focus
10 on our policy goals in Ukraine.

11 Q Did the Secretary make any comments to you about the
12 propriety of this investigation?

13 A We have not discussed anything other than what I just
14 described.

15 Q It was entirely -- both conversations were entirely about
16 Ukraine policy?

17 A That was the focus of the conversations. I can't swear that
18 I remember every word uttered in the meeting.

19 Q Did you have any discussion about whether the State
20 Department would cooperate with the investigation?

21 A We didn't, he and I did not discuss that. It is not my area.

22 Q After you were asked to come testify, did you have any
23 conversation with Secretary Pompeo about your own testimony?

24 A No.

25 Q Did you -- other than any formal correspondence through the

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1 legal adviser, did you have any conversations where anyone discouraged
2 you from testifying?

3 A No, the contrary.

4 Q Who encouraged you?

5 A Well, when I received the letter from the committee, I
6 notified, by email, the Secretary's office, and then directly notified,
7 by email, the Deputy Secretary, the under Secretary for management,
8 the legal adviser, and the head of legislative affairs to say I just
9 received this letter. I just want you to know.

10 I got no reaction to the email. And after -- I guess it was
11 yesterday I had a discussion with the Deputy Secretary, and he said -- I
12 just wanted to make sure that he knew I was coming. It was in the news.
13 I didn't think anyone didn't know. But I just wanted to make sure
14 people weren't surprised when I came. Our legal adviser knew it and
15 legislative affairs knew it because they were working on the
16 arrangements. But I just wanted to make certain that it registered.

17 And he said, by all means, and he said do what your lawyer and
18 your conscience tell you to do.

19 Q Did you receive any formal writing, formal correspondence
20 telling you not to appear?

21 A There was this form letter that my attorney received, which
22 I frankly, I glanced at it. I didn't read it.

23 Q What did that say?

24 A Well, everyone knows what it said. It basically says for
25 reasons -- it was sent to you.

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1 Mr. GLASSER: It's essentially an attachment -- it's just a form
2 letter stating the position of the Department about documents and
3 attaching the 10-page letter from the White House by Counsel Cippione
4 (ph), I think, something like that.

5 Mr. GOLDMAN: Okay. But you were -- it did not direct you not to
6 appear.

7 Mr. GLASSER: No, or if it did, we didn't follow it. I mean, I'd
8 have to go look for it. We did not -- it didn't matter.

9 THE CHAIRMAN: Ambassador, you mentioned -- and you gave the
10 title, but I don't know who you're referring to that you went to talk
11 to, to just alert them, to make sure they knew you were coming here
12 today. And who was that you spoke with?

13 AMBASSADOR HALE: Last night? The Deputy Secretary of State.

14 THE CHAIRMAN: Could you tell us his name?

15 AMBASSADOR HALE: John Sullivan.

16 THE CHAIRMAN: So you told John Sullivan, and he said: You know,
17 by all means, do what your conscience and your lawyer recommend?

18 AMBASSADOR HALE: That's right.

19 THE CHAIRMAN: Are you aware that Mr. Brechbuhl was also supposed
20 to testify today, but I believe he is on a plane out of the country
21 right now?

22 AMBASSADOR HALE: I had heard that he had been -- and I don't know
23 who told me, but I heard that he had been called up. It was in the
24 media that he was supposed to appear today. And it was in the course
25 of my lawyer and I were having a meeting to prepare for this, and I

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1 was informed in that meeting by my attorneys, I believe, that he
2 had -- was not going to be appearing.

3 Maybe you heard that from -- well, I don't want to put words in
4 your mouth.

5 THE CHAIRMAN: And do you know whether he was given a different
6 instruction than you were by the Deputy Secretary?

7 AMBASSADOR HALE: I have no idea.

8 THE CHAIRMAN: Okay. Thank you.

9 BY MR. GOLDMAN:

10 Q Going back to shortly after Ambassador Yovanovitch was
11 removed, and I want to address one issue that came up from the minority's
12 questioning. Is it fair to say that one of the reasons that the State
13 Department requested that Ambassador Yovanovitch extend her stay was
14 because Ukraine was going through elections?

15 A Yes. I mean, her testimony refreshed my memory of this
16 conversation, so, I don't know -- I read it when you released it. I
17 do remember also that the conversation partly was about the fact that
18 there was, I think, in October, Rada elections, and it made sense for
19 the Ambassador to see through that process. This was in early March
20 when I was in Ukraine and had been talking to her.

21 Q So, maybe you misspoke, but the fact of a foreign country
22 having elections is actually a reason to encourage continuity among
23 U.S. Ambassadors, not discourage continuity. Is that right?

24 A I think it is a case-by-case matter. You have to assess the
25 situation. Most of the time, actually, it would not be a factor at

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1 all. I mean, most of the time, we would rotate our Ambassadors on the
2 schedule of their assignments. Usually, that is the norm, but there
3 are a lot of times where it is deemed prudent to have an Ambassador
4 transition out at a different time than that.

5 Q But certainly, in this case, it was a factor in extending
6 her stay, the Ukrainian elections?

7 A Well, this was an idea that I had when I was with her, was
8 that I knew that a vacancy was going to be upon us when she left, and
9 it seemed to me, given her performance there, and the elections
10 schedule, that there was some logic to asking to see if she would be
11 willing to stay for some time longer. That is a conversation she and
12 I had. I had not checked with anyone on that. I think she knew that
13 I had not checked with anyone on that. And I don't think that the
14 process of extending her had gotten very far in the decisionmaking
15 stream.

16 Q Right. Well, 11 days after you left Ukraine, these articles
17 came out, right? And you have testified here, and no one disputes that
18 the ambassadors serve at the pleasure of the President. But if a
19 President believes that -- well, withdrawn.

20 The President did not remove Ambassador Yovanovitch at the
21 beginning of his term in early 2017, right?

22 A Yes.

23 Q I mean, she served almost her full 3 years in the end, right?

24 A That's right.

25 Q Notwithstanding the fact that the President felt the need

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1 to recall her just shy of her 3 years, correct?

2 A Correct.

3 Q After she left and was recalled, there was no Ambassador or
4 Charge in Ukraine until Ambassador Taylor got there in mid-June. Is
5 that right?

6 A That is not technically correct. Any time an Ambassador
7 leaves the country, whoever is next in the line of command automatically
8 Charge d'affaires unless there is some reason, unusual circumstance
9 where you want to make someone else that, take that role.

10 Q And the person underneath the Ambassador or Charge
11 d'affaires is commonly referred to as the DCM, the Deputy Chief of
12 Mission?

13 A Correct.

14 Q And were you aware that around this time the Deputy Chief
15 of Mission who had been in Ukraine also left?

16 A Yeah, that was part of the problem. I mean, it may have been
17 a factor in my thinking about having the Ambassador stay longer. I
18 don't really remember that. But those are the kinds of things, when
19 I said "case by case," why we evaluate the circumstances.

20 Q Right.

21 A What was clear was that we wanted a senior officer, a seasoned
22 senior officer, preferably at the Ambassador rank to be there.

23 Q Why?

24 A Because of the importance of Ukraine.

25 Q But there was clearly a void because the DCM had left, or

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1 was leaving; Ambassador Yovanovitch was recalled; and so no one with
2 much experience who was on the ground in Kyiv after Ambassador
3 Yovanovitch was recalled, correct?

4 A I don't remember exactly who played the charge role during
5 that relatively brief period. But we have, of course, a country team
6 and an extensive body of expertise and competence amongst our Foreign
7 Service officers and other agencies represented on the country team.

8 Q Do you recall a time in, around May 9th, when the public
9 became aware of a trip to Ukraine that Mayor Giuliani had planned that
10 was, that received some press attention? Do you recall that?

11 A I later recalled it. In researching for this deposition,
12 I saw the New York Times story about that.

13 Q But you do not recall seeing the New York Times story at the
14 time?

15 A I was surprised when I saw that it was forwarded to me at
16 that time, and I had not remembered it until I saw the email to prepare
17 for this moment.

18 Q But it was forwarded to you at the time?

19 A Yes.

20 Q And around this time, had you indicated to your staff and
21 others that you wanted to be a little bit more engaged with Ukraine
22 issues?

23 A I don't remember that, per se. I think that, since the fact
24 that I had gone to Ukraine and there were elections coming, it's a normal
25 thing for my staff to keep my informed.

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1 Q Well, you had just said that you, in relation to the May 23rd
2 readout, that you had a particular interest in Ukraine around that time.
3 Obviously, with everything going on with Ambassador Yovanovitch, was
4 it fair to say that you were more focused on Ukraine than you might
5 otherwise be around this time because of these issues?

6 A No. I tend to focus on where there is a current problem.

7 Q And there was a current problem with Ukraine, correct?

8 A What timeframe are you talking about?

9 Q I'm talking about the April-May timeframe.

10 A Well, the issue of the Ambassador had -- you know, the issue
11 of the campaign about the Ambassador had more or less ceased at the
12 end of March and early April, and then we faced another issue to focus
13 on when the President met with -- the issue was really the composition
14 of the Presidential inaugural delegation, its composition, and then
15 the guidance that the President was giving to it. That was the
16 substantive focus.

17 Q When you prepared for your testimony today, did you reread
18 that New York Times article?

19 A I did, yeah.

20 Q And so you saw in it where Mr. Giuliani states that he
21 intended to go to Ukraine to press the Ukrainian government to initiate
22 two investigations that would benefit the President, one related to
23 the Bidens and Burisma, and the other related to the 2016 election?

24 A Yes, that's in that New York Times article.

25 Q And at the time, that would have confirmed some of the

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1 information provided to you by Ambassador Yovanovitch in her email of
2 March 24th, correct?

3 A I didn't -- I don't remember, frankly, my reaction to the
4 New York Times article. I just want to emphasize, my focus was on the
5 policy pieces of this.

6 Ulrich Brechbuhl, the Counselor of the Department, was
7 focused -- was the point person on issues, as I mentioned, related to
8 the Ambassador and her status and the issues of this campaign.

9 Q We understand, Ambassador Hale. But as you can imagine,
10 there comes a point where official U.S. policy collides with unofficial
11 efforts to promote other policies. And so your knowledge and
12 understanding of what other efforts may have been is relevant to your
13 testimony here today.

14 So the real question -- we fully understand that your focus is
15 on policy, that you have a very broad portfolio. But the question
16 really is, do you recall, in mid-May, understanding that Mayor Giuliani
17 was pressing, or intended to press Ukrainian officials to conduct these
18 two investigations?

19 A As I said, I did not remember the New York Times article until
20 I was researching for this gathering. I see a lot of news reports.
21 I see a lot of things said, that people say.

22 I knew that Ulrich was handling these matters, or had been, in
23 any event, and nothing seemed to come of it. Usually, when you see
24 a report like that, if there is an issue to follow up, then people are
25 bringing to you more to follow up on. That didn't occur, to my

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1 knowledge. He didn't travel to Kyiv, and we focused instead -- I was
2 focused instead on the issue of the Presidential delegation, which,
3 came forth not long after that.

4 Q Although, are you aware that they did not announce the
5 inaugural date until about a week after this article?

6 A Yeah. I'm not saying that I was focused on the inauguration
7 on May 9, May 10. I'm just saying, in the sequence of things, the event
8 I was looking toward, and we were all preparing mentally for the fact
9 that there was going to be an inauguration, and how were we going to
10 use that moment? These are important for us because we can get senior
11 officials to attend those inaugurations to demonstrate our position
12 toward the country and to push forward certain policies.

13 Q The information that Mr. Giuliani is quoted as saying in that
14 article confirmed some of the email that Ambassador Yovanovitch wrote
15 to you that you referred to be speculative. Is that at least an
16 accurate reading right now, having reread it in preparation for this?

17 A If the New York Times article is accurate, it did seem to
18 touch on some of the same matters that Ambassador Yovanovitch
19 speculated on may have been part of why she was encountering a smear
20 campaign. But Ambassador Yovanovitch did not discuss any
21 investigations.

22 Q She just discussed -- what did she discuss?

23 A She just discussed -- the thrust of her email was to list
24 a number of things that might or might not have been
25 behind -- motivations behind Mayor Giuliani's involvement in these

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1 allegations against the Ambassador if he was, in fact, involved. There
2 was no evidence of that in that email.

3 And it included a reference to -- there was references to his
4 business interests in Ukraine, which was the body of the text. And
5 there was one reference to the fact that bringing up this issue
6 involving Vice President Biden's son might be attractive because it
7 would remind people of a problem that the Vice President has.

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1 [1:00 p.m.]

2 MR. GOLDMAN: And so, at that time, these were just allegations.
3 There was --

4 A Yeah.

5 Q -- no discussion of whether there would be investigations
6 into the allegations?

7 A There was nothing in her email, to my memory, that referred
8 to any kind of investigation.

9 Q And I want to go back to another George Kent email, whether
10 it was narratives or another description. Did you ever receive an
11 email from George Kent where he described four categories of
12 allegations that were included in those John Solomon articles in The
13 Hill?

14 A As I said earlier, I don't remember an email that outlined
15 four categories. I do know that there was quite a number of emails
16 about The Hill story. And as I said earlier, there were basically two
17 trends going on: One was press guidance basically, what would we do
18 in response to The Hill story; and other related theme was what would
19 we do -- what was behind the smear campaign, if that's what you call
20 it, and what were we going -- what were we thinking about that?

21 Q Within the State Department, as far as you were aware, did
22 anyone know whether there was any factual basis to the allegations
23 related to the Biden-Burisma allegations or the Ukrainian interference
24 in the 2016 election?

25 A Could you repeat the beginning of the question?

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1 Q Within the State Department, as far as you knew --

2 A Yeah.

3 Q -- was there -- were you informed or were you notified or
4 were you provided any factual basis to support the allegations related
5 to the Biden-Burisma allegations and the Ukrainian interference in the
6 2016 election?

7 A No. I never saw any evidence of that.

8 And I do want to emphasize that I did not focus on that aspect
9 of things. It did not seem to be relevant to what --

10 Q No. You have emphasized that. We understand. And we're
11 just trying to understand your vantage point here.

12 The -- when -- were you aware of any conversations within the
13 State Department in response to The New York Times article which
14 outlined Mr. Giuliani's intention to go to Ukraine to press for these
15 investigations?

16 A No. I have no recollection of any discussions related to
17 that.

18 Q The State Department did not try to intervene in any way as
19 far as you know?

20 A I have no information about what happened.

21 Q Would you have been concerned if a private citizen was going
22 over to press Ukrainian officials to do investigations that -- specific
23 investigations that would benefit the President?

24 A It wasn't clear to me at the time that that was, in fact,
25 happening.

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1 Q I understand.

2 A So you're asking me a hypothetical question, and I really
3 don't wish to speculate.

4 Q Were you aware that Mr. Giuliani told a Ukrainian journalist
5 on May 14th that Ambassador Yovanovitch was recalled because she was
6 part of the efforts against the President?

7 A That's the first time hearing that. To my recollection, I
8 have not seen that in my research to get ready, and I don't remember
9 that from the time.

10 Q But that was consistent with the allegations related to
11 Ambassador Yovanovitch in The Hill articles in March. Is that right?

12 A That's right.

13 Q Do you recall a meeting that you had with Fiona Hill and
14 Philip Reeker on May 16th?

15 A Yes.

16 Q What do you remember from that meeting?

17 A Very little. I really don't remember an intensive
18 discussion of Ukraine. The meeting notes that were prepared for my
19 meeting said that we were going to be discussing the composition of
20 the Presidential delegation for the inauguration.

21 I recall -- my memory of the meeting is more about Russia, frankly.
22 We were trying to think of ways in which we could renew more senior
23 and more sustained engagement of Russia. The relationship, of course,
24 has had its difficulties, and so there was -- there were proposals that
25 I go to restart a long, suspended political dialogue with my counterpart

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1 to discuss the issues around the world, that we would also resume
2 counterterrorist dialogues that we have held in the past and that the
3 Deputy Secretary would conduct, and we discussed also resuming arms
4 control discussions that Under Secretary for those matters, Andrea
5 Thompson (ph), would conduct, and all of those things actually did
6 unfold.

7 And my recollection is that that's the strongest memory I have
8 from that meeting, again, because it was operational for me.

9 Q And given that -- the issues with Russia as you've described
10 some of them, where does Ukraine fit in in U.S. policy in countering
11 concerns -- Russian concerns or Russian aggression?

12 A Well, it's a major, major dimension of why we have a strained
13 relationship with Russia, is because of their occupation of large parts
14 of Ukraine. That's why we have the sanctions in place, and it's a
15 continual topic of disagreement in all of our exchanges.

16 Q And so Ukraine is an important ally for the United States
17 in fighting Russia? "Fighting" may not be the right word.

18 A Yeah.

19 Q In combating Russia.

20 A I'm not sure I'd use the word "ally," but partner, certainly.
21 And because of what Russia's doing to target Ukraine, that's one of
22 the reasons we wanted to strengthen Ukraine's resilience to counter
23 that kind of pressure.

24 Q Do you remember the topic of Ambassador Sondland coming up
25 in that May 16th meeting with Dr. Hill?

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1 A I don't. Again, we were discussing the composition of the
2 Presidential delegation, so it's possible it came up.

3 Q Did you recall having any discussion about Ambassador
4 Sondland's irregular role in Ukraine at that meeting?

5 A Well, any time Ambassador Sondland came up, there is usually
6 a discussion of the fact that he was involving himself in matters that,
7 I think, went beyond the normal writ of an Ambassador to the European
8 Union.

9 Q That includes Ukraine, but as well as other countries?

10 A That's right.

11 Q Were you aware at that May 16th meeting that Ambassador
12 Sondland wanted to go to the inauguration as part of the U.S.
13 delegation?

14 A I don't remember that, but, again, I'm not surprised if it
15 was -- it would not surprise me that we discussed that at the time,
16 but I don't remember that.

17 Q Do you recall having any concerns whether -- at this point
18 or even after the May 23rd White House meeting where he was tasked by
19 the President to handle Ukraine policy, with the fact that Ambassador
20 Sondland was taking such an active role in Ukraine matters?

21 A Well, the State Department had not recommended that
22 Ambassador Sondland be on the delegation. We had sent a different set
23 of recommendations that the Vice President lead the delegation and that
24 officials who were in the normal line of authority for Ukraine policy,
25 including Ambassador Volker, be among those on the delegation.

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1 Ambassador Sondland's name was not among them.

2 Q Do you know how it got -- how he was ultimately invited?

3 A I don't know. It was confirmed only when I saw the
4 announcement of the delegation and the readout that came from meeting
5 that the Secretary -- excuse me -- the President had with the
6 delegation in which he affirmed not only -- well, it was clear who was
7 going to be on the delegation. And he affirmed that that group was
8 going to be responsible for pursuing the goals that he spelled out.

9 Q Were you aware of Ambassador Sondland's relationship with
10 President Trump?

11 A Only the things that Ambassador Sondland said about that
12 relationship.

13 Q What did he say to you?

14 A Well, I've only met him a few times. I went to Brussels and
15 he came to my office a couple times. It was hard to pin down. He
16 definitely wanted people to know that he had direct access to the
17 President, and he would often invoke the President's name for certain
18 things he wanted and he was pursuing. None of it struck me as
19 problematic. I mean --

20 Q He's a political appointee?

21 A Political appointee, exactly.

22 Q Do you know whether he had regular communication with the
23 chief of staff office or --

24 A I don't know.

25 Q -- the chief of staff?

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1 A I don't know.

2 Q And you don't know ultimately why the Vice President did not
3 go to the --

4 A I don't know.

5 Q -- to the inauguration?

6 Your meeting with Ambassador Taylor was after he met with
7 Secretary Pompeo, correct?

8 A I think so, yes.

9 Q You said you met on June 7th with Ambassador Taylor?

10 A That's correct. I met him on June 7th.

11 Q You testified earlier that you had a July 2nd communication
12 with Kurt Volker. Is that right?

13 A My notes said -- and maybe I misspoke earlier -- but on
14 July 2nd, Ambassador Taylor emailed me to just draw my attention to
15 the fact that the Secretary was reported to be saying that the President
16 had invited Zelensky to Washington, and he was just reminding me of
17 that and reminding me that it was important that we nail that down.

18 Q Okay. Were you aware that Kurt Volker met with the President
19 of Ukraine on July 2nd in Toronto?

20 A Yes. I was aware that that meeting was coming. At one
21 point, it was suggested that I might attend the meeting. It was not
22 possible, because of my schedule, for me to go, so we -- I didn't
23 remember, but it would not be a surprise that we sent Ambassador Volker,
24 given his direct responsibilities for this, to that meeting, with a
25 number of countries attending.

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1 Q And to the extent -- go ahead.

2 A Well, it was a group meeting with Zelensky, and then he may
3 have had his own meeting with him. In fact, I know he had his own
4 meeting. The Embassy in Ottawa reported on that meeting.

5 Q What did they report?

6 A Well, I reread the cable again to prepare for today. It was,
7 again, just a straightforward account discussing what President
8 Zelensky's plans were on all the agenda items that we had and that I've
9 mentioned earlier. And it also noted that Ambassador Volker was
10 encouraging President Zelensky to make a call to President Trump.

11 Q Did it include anything about a reference to investigations
12 that Ambassador Volker discussed with President Zelensky?

13 A I don't believe so, no.

14 Q That would be something outside of the normal official
15 policy. Is that right?

16 A Well, it wasn't presented in anything I'd ever seen about
17 what it is that we were trying to achieve.

18 Q I understand you don't want to speculate. We understand
19 that you don't have firsthand knowledge of any of this activity related
20 to these investigations, but you are very familiar with official State
21 Department policy and procedures and readouts and cables.

22 And the real question, I guess, to you is that these readouts and
23 these cables are official State Department documents. Is that right?

24 A Correct.

25 Q And so they are created with some degree of care and

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1 precision with an eye towards being official documents, right?

2 A Certainly cables and memos are. I think people are
3 sloppier, to be honest, about email.

4 Q So, if, let's say -- and it's a hypothetical -- but it
5 wouldn't surprise you if Ambassador Volker had a conversation with
6 President Zelensky about urging him to conduct specific
7 investigations, that that wouldn't be in an official cable if that
8 occurred?

9 A Well, I think all of us have been in a situation where we
10 have a sensitive topic to raise, and we might do that in a one-on-one
11 in which the notetaker's not present and we may choose to report that
12 back to whoever we believe needs to hear about it orally. That happens
13 with some frequency.

14 Q Are you familiar with a July 10th meeting at the White House?
15 Did you want to jump in, Mr. Chairman?

16 THE CHAIRMAN: Yeah, before we go to that.

17 I take it that Ambassador Volker never discussed with you, along
18 the lines you mentioned, a more private oral conversation, never
19 discussed with you any conversations he may have had with President
20 Zelensky or members of President Zelensky's team about investigations
21 that President Zelensky should either raise with the President or be
22 aware that the President would want conducted?

23 AMBASSADOR HALE: About investigations?

24 THE CHAIRMAN: Yes.

25 AMBASSADOR HALE: That's correct. I never heard that. And, in

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1 fact, I only heard -- only had an exchange verbal or written with
2 Ambassador Volker when I first met him in the fall of 2018, the first
3 and last meeting with Ambassador Volker, to my memory.

4 THE CHAIRMAN: So, initially, it was thought you might go to the
5 meeting, but then it was decided that Ambassador Volker could cover
6 the meeting. But if Ambassador Volker had those conversations, they
7 didn't appear in the readout and he never relayed it to you orally?

8 AMBASSADOR HALE: That's correct.

9 BY MR. GOLDEN:

10 Q And to your knowledge, you never got any reports from the
11 Acting Assistant Secretary or DAS Kent related to any of those
12 investigations that -- any discussions related to an investigation?

13 A I have no recollection of hearing about that.

14 Q And so what was the reporting structure -- what were the
15 reporting requirements of Ambassador Volker and Ambassador Sondland
16 if they were tasked with pursuing this Ukraine policy by the President
17 on May 23rd?

18 A I don't know what -- all I know from that meeting was the
19 readout I shared with you earlier. There was nothing in the readout
20 I received that offered information on that.

21 As I said earlier, I was confident -- Ambassador Volker reports
22 to the Secretary of State, and I was confident that on the delegation,
23 we had someone with great expertise and who was a great professional,
24 so I had no reason to be suspicious or worried about anything.

25 Q And would you have expected Ambassador Sondland to report

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1 up the chain ultimately to you through proper channels?

2 A I would expect that, yes.

3 Q And were you aware -- have you seen the text messages that
4 have been now published?

5 A I may not have seen all of them, but I've -- yes, I've --

6 Q And did you --

7 A -- seen the ones that got the most of the media attention.

8 Q Right. You saw the text message from Ambassador Volker to
9 Andrey Yermak, a senior official, Ukrainian official, advising him that
10 if President Zelensky emphasizes the investigations and getting to the
11 bottom of what happened in the election, that a White House meeting
12 would follow?

13 A The question was whether I knew about --

14 Q Whether you read --

15 A I did not. Oh, I read the emails, yes.

16 Q Yeah. But that was not official State Department U.S.
17 policy?

18 MR. GLASSER: Can we get straight on the timeline?

19 AMBASSADOR HALE: Yeah. I read those when they became public
20 knowledge.

21 BY MR. GOLDEN:

22 Q Right. I understand you were not privy to them --

23 A Yeah.

24 Q -- and you were not present.

25 A Yeah.

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1 Q But as you read them and reacted to them as the
2 policy -- overseeing all policy for the State Department, would you
3 assess that that type of statement was not a part of official U.S. policy
4 towards Ukraine?

5 A I was surprised when I saw them, and it was not consistent
6 with anything that I had seen in terms of policy guidance.

7 MR. GOLDMAN: I believe our time is up, so we'll yield to the
8 minority.

9 THE CHAIRMAN: Forty-five minutes for the minority.

10 Ambassador, if you need a break at any time, let us know. It
11 doesn't have to be when we break.

12 AMBASSADOR HALE: Thank you.

13 BY MR. CASTOR:

14 Q You spoke this morning about the sub-PCC and small group
15 meeting and some of the official meetings that the National Security
16 Council convenes over the security assistance. Do you know if that
17 type of process is also in effect for loan guaranties?

18 A Related to Ukraine?

19 Q Yeah.

20 A This is the first time I've heard the question arise, so I'm
21 not -- no one's brought my attention to that.

22 Q Okay. So the funds at issue were the FMF, or foreign
23 military?

24 A That's right.

25 Q And the State Department controls that money?

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1 A It's a State Department account, yes.

2 Q And then the Ukrainian Security Assistance Initiative?

3 A That's right.

4 Q That's a DOD account?

5 A That's right.

6 Q And do you know any other pots of money or forms of assistance
7 that go through that process, the sub-PCC and so forth?

8 A Yeah. I mean, my guess -- I didn't get a detailed readout
9 on other aspects of it. It was the freeze of the security assistance
10 that was the big issue, but that group will discuss all assistance to
11 Ukraine. And as I said, when we had the Deputies Committee small group
12 meeting, and when they went around the room, although it was clear that
13 the agenda for the National Security was the frozen security
14 assistance, many agencies felt that it was a moment for them to also
15 advocate for continuation of their own security assistance.

16 I focused my comments on what I thought was the germane issue at
17 the time, which was the security assistance.

18 Q Okay. But you're not aware of how the loan guaranty programs
19 are -- some of the IMF-sponsored programs and so forth?

20 A I've not been briefed up on that. I'm not aware of that -- of
21 there -- of there being an issue there. It certainly does not involve
22 me, anyway.

23 Q Are you aware of Vice President Biden's role in Ukrainian
24 policy?

25 A I was in Pakistan. I was in Lebanon and Pakistan for the

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1 entire second term of the Obama administration. I just was not focused
2 on Ukraine.

3 Q Okay. Were you aware that he had an interest in Ukraine?

4 A Not at the time. I am now, with all the news that's come
5 out.

6 Q Okay. And would that be considered a regular channel to have
7 the Vice President manage Ukraine policy?

8 A I don't know that he did. It's a hypothetical question.
9 But the Vice President in many different administrations have been
10 given or take responsibility for certain discrete relationships.

11 I remember Vice President Gore had a very intense and structured
12 dialogue with the Russians, with his Russian counterpart.

13 Q Okay. Are you aware of the instance when Vice President
14 Biden talked about his effort to secure the firing of Prosecutor General
15 Shokin?

16 A Only when I've seen these TV and other reports about that.

17 Q He talked about, you know, being in Ukraine 12 or 13 times,
18 and there was another, you know, \$1 billion loan guaranty that was in
19 the balance and that he used that to secure the firing of a prosecutor
20 general.

21 And the question is, is that something that a Vice President can
22 do that cleanly, or is there a more structured front-end process that
23 the State Department would have had to go through before something like
24 that would actually happen?

25 A Again, you're asking me questions about matters of which I

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1 have absolutely no specific knowledge because I was far removed at the
2 time.

3 Q I mean, you're --

4 A What you're asking me is sort of a generic question about
5 how we conduct our business, and it would really be case by case. I
6 mean, Vice Presidents can be very effective in advocating for policies
7 of the President of our Nation on trips or in other ways.

8 Q Just given your experience as a senior State Department
9 person, there would likely be a relatively complete record of events
10 of that?

11 A I would hope so.

12 Q Okay. At various points today, we talked about the
13 allegation that the Ukrainian Government or certain Ukrainians may have
14 interfered or tried to interfere in the 2016 election. Do you have
15 any information related to that?

16 A I do not.

17 Q Were you aware that there were some distinct efforts of some
18 certain Ukrainians?

19 A I have no knowledge of that.

20 Q Have you read news accounts?

21 A I have seen the news reports, yes.

22 Q Okay. Like, were you aware that the Ambassador had written
23 an op-ed against candidate Trump?

24 A Which ambassador?

25 Q The Ukrainian Ambassador to the United States.

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1 A I'm not aware of that until you said that said so.

2 Q Okay.

3 THE CHAIRMAN: I think it was -- Counsel, it was an op-ed against
4 the President's statements about Crimea. I don't know that it was
5 against the President per se.

6 MR. CASTOR: At the time, the title of the op-ed is "Ukraine's
7 Ambassador: Trump's comments send wrong message to world?"

8 MR. GOLDMAN: Do you have a copy of it?

9 MR. CASTOR: Yeah.

10 MR. MEADOWS: Mr. Goldman, are you suggesting this is the first
11 time you've heard about this or would read this?

12 MR. GOLDMAN: Well, Mr. Meadows, the witness just said he had
13 never heard about it, so I want to make sure he's --

14 MR. MEADOWS: I'm asking about -- I'm asking about you,
15 Mr. Goldman.

16 MR. GOLDMAN: I am -- I'm very familiar with it.

17 MR. MEADOWS: I'm assuming by your smile that this is not the
18 first time you've heard of that.

19 MR. CASTOR: This is exhibit 1?

20 MR. GOLDMAN: Yes.

21 [Minority Exhibit No. 1
22 was marked for identification.]

23 BY MR. CASTOR:

24 Q This is just a marked copy. The other one you can use to
25 write on if you need to.

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1 Just -- the question I had about this is, do you think the
2 Ukrainian Ambassador to the United States would be able to draft an
3 op-ed and have it placed without the okay of his government back in
4 Ukraine?

5 A I don't know what Ukrainian Government procedures are. I
6 know what American -- our government's procedures are. We would
7 not -- an American Ambassador would not place an op-ed item without
8 it being thoroughly cleared and vetted.

9 Q Okay. I mean, in your experience, do you know Ambassador
10 Chaly, the former Ambassador? Have you ever met him?

11 A I met the Ukrainian Ambassador who has been in office until
12 the election. I don't really remember if it's the same guy or not,
13 to be honest with you.

14 Q Okay. But you would think that if he was going to place that
15 op-ed, he would have had the authority of President Poroshenko?

16 A That's a speculative thing. And as of this time, I had
17 nothing to do with Ukraine. I can't answer the question.

18 Q Okay. Are you aware of the effort to -- of some Ukrainians
19 to publish the role of Paul Manafort in his consulting work?

20 A I have no direct knowledge of that.

21 Q But you've heard of it being reported?

22 A I've heard various media reports about Paul Manafort, and
23 I've certainly watched the trials and so forth.

24 Q There was a Ukrainian investigative journalist who went on
25 to become a member of the Rada, Serhiy Leshchenko. Does that name

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1 ring a bell?

2 A Leshchenko?

3 Q Yeah.

4 A Yes.

5 Q What do you know about him?

6 A Isn't that the name of the prosecutor general?

7 Q Oh. That's Lutsenko.

8 A Lutsenko. Sorry. I'm not an expert on Ukraine --

9 Q Fair enough.

10 A -- as I've just proven.

11 Q So you don't have any knowledge of this

12 investigative-journalist-and-turned-parliamentarian Leshchenko and
13 his role in publicizing information about Paul Manafort?

14 A I mean, the name rings a bell, and I obviously was following,
15 as every -- all Americans interested in the news were following the
16 events related to Mr. Manafort. And I wasn't -- had no intense focus
17 in the way in which I had something to do about it, so --

18 Q But were you aware there was a Ukrainian -- a current
19 Ukrainian nexus during the 2016 time period?

20 A I didn't know that myself, no.

21 Q Are you familiar with a Ukraine Minister of Internal Affairs,
22 Avakov?

23 A Again, I've seen the name, yes.

24 Q And are you aware that he had some negative comments about
25 then-candidate Trump on social media outlets during the 2016 election?

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1 A I wasn't aware of that till --

2 Q And -- but have you become aware of it since?

3 A Again, I can't say I didn't see a piece of paper from the
4 media that had that. I had not focused on it until you mentioned it
5 now.

6 Q Okay. But, collectively, though, you're aware of these
7 various pieces of, you know, information that give rise to the question
8 of whether Ukrainians tried to exert some influence on the 2016
9 election?

10 A I know there's been lots of things in the media about it.
11 Again, it's not an area where I've been ever asked to focus on or --

12 Q Did you ever know whether or not the President had a genuine
13 belief that certain Ukrainians were advocating against him?

14 A I don't know that.

15 Q Okay. You indicated that, turning your attention back to
16 Ambassador Yovanovitch, that she emailed you on March 24th. I think,
17 in the email, if I'm not mistaken, she asserted that she could no longer
18 function in her role?

19 A She said that -- I'm paraphrasing because I don't have the
20 email in front of me, but the basic thrust of it was that things had
21 reached a point where, unless there was a strong State Department
22 support, public support of her, that it was becoming increasingly
23 untenable for her to continue to function.

24 Q Okay. And you had requested that she put together an email
25 or cable to you?

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1 A Yeah.

2 Q And I think you said that when you received that information,
3 it wasn't what you were expecting or what you had asked for?

4 A Well, I, of course, didn't really know what she had to say,
5 and we didn't want to talk on an open line about it, so I said, "Why
6 don't you send me information on what's happening to you by classified
7 email in the morning, and I -- you know, the next morning, and I'll
8 deal with it," because I was very confused by all this stuff.

9 And what I got was not so much data about what was happening but
10 informed speculation about the possible motivations, what they may or
11 may not be, of people behind the -- these allegations and the -- that's
12 what I received.

13 Q Okay. And I forget if you had mentioned to us here today
14 whether you circled back with her to get additional information or maybe
15 something more along the lines of what you were expecting or looking
16 for?

17 A No. It was clear that was what she had.

18 Q Okay.

19 A And so it's on that basis I briefed -- and this is also -- you
20 know, she -- given the time change, she had sent it earlier in the day
21 on Monday. This is now Monday. Her -- my conversation with her was
22 on a Sunday.

23 Overnight, I get this email. My meeting with the Secretary is
24 at 7:15, so I don't have a great amount of time to have a back-and-forth,
25 so I took it to the Secretary, said: This is what Ambassador

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1 Yovanovitch is saying, and she believes a statement is needed.

2 Q Okay. Turning your attention to Ambassador McKinley's
3 resignation. Did that catch you by surprise?

4 A It did.

5 Q He had no involvement in the discussion of Ambassador
6 Yovanovitch from the time period that she was brought home until the
7 July 25th call transcript is made public, correct?

8 A Yeah. I don't remember him being -- being involved in that.

9 Q And then there were -- the transcript was made public.
10 George Kent, I believe, had gotten to Ambassador McKinley about his
11 concerns. And then Ambassador McKinley, on the heels of that,
12 requested a statement of support for Yovanovitch? Does that
13 accurately --

14 A There were -- partially. There were two separate events,
15 if I can use that word, for emails. One was that, on September 28th,
16 Mike McKinley sent an email to several of our colleagues, including
17 myself, proposing a very strong statement supporting Ambassador
18 Yovanovitch. I believe he was reacting to the release of the
19 transcript of the phone call and the -- what came out in public.

20 And then -- and then, separately, and I think it may have been
21 the next week -- no, it was at the end of that week. On October 3rd,
22 George Kent wrote the memo -- and Mike circulated it -- and said that
23 he was very concerned about this treatment of one of our officers by
24 the lawyer.

25 Q Okay. And McKinley, he was in a little bit of an ombudsman

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1 type of role, is that a fair characterization, for the Foreign Service
2 Corps?

3 A Well, people look -- there were only two foreign service
4 officers in what we call the seventh floor in these jobs, and that was
5 Mike and myself.

6 Q But the Secretary relied on him to provide feedback from the
7 corps, right?

8 A Sure. Yes.

9 Q And so it seems that the actions that he took with regard
10 to this matter, you know, there were two, that -- two email instances,
11 and then he resigned.

12 Was there anything else that occurred or conversations that
13 happened that you subsequently learned as to what was -- that seems
14 abrupt, does it not?

15 A Yes. It was abrupt to me. I was quite surprised that he
16 was resigning. I had no inkling of it.

17 And he came to tell me that one morning during that week, I don't
18 remember which day it was. I think it was toward the latter half of
19 the week. That's what I know.

20 Q I mean, he's served the State Department for upwards of close
21 to 40 years, right, in a number of challenging posts.

22 A Yes.

23 Q He's dealt with diplomatic challenges for his entire career.

24 A Yes. He's a very distinguished Foreign Service officer.

25 Q And, you know, he's faced with what could be an internal set

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1 of diplomatic challenges here. And he had the platform. He was -- you
2 know, the Secretary invited him into the inner circle. I think the
3 Secretary has related publicly that his office was next door and he
4 could freely come and go.

5 Just trying to understand a little bit more why he, you know, sent
6 the two emails and then left.

7 A That's a very good question. I don't know the answer.

8 Q Okay. So you never had any talks with him about --

9 A Well, as I said, he previewed the fact that he had some -- he
10 didn't preview. He told me in the course of a conversation that he,
11 in fact, had submitted his resignation, which surprised me. And then,
12 when he was ready to go, he came down to my office to say goodbye.

13 Q When he told you he submitted his resignation, did you ask
14 him why, or has it really gotten to that point, should we talk about
15 this a little bit more, should we get Counselor Brechbuhl involved?

16 A He made clear that the decision was not something he really
17 wanted to talk about. He was unhappy, clearly. I can only speculate
18 further. He said it was -- at the time, he didn't really make very
19 clear why he was resigning, to be perfectly honest with you. He was
20 just very unhappy about things.

21 Q Okay. Now, is this consistent -- is this, like, State
22 Department culture where, you know, you just write a couple emails,
23 and then, if your concerns aren't allayed, you just go away, or --

24 A Well, I don't have the impression that he resigned as a result
25 of these emails --

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1 Q Okay.

2 A -- per se. In fact, the 10/3, 10/4 email came out long after
3 he told me he had submitted his resignation.

4 Q Okay.

5 A Not long, but, I mean, after that point.

6 I really just don't know really why. I wouldn't say it's normal
7 to -- I don't know what the normal way to resign is, but most people
8 plan it in advance.

9 Q Okay. So, at the time that he submitted his resignation,
10 he had only put forth the email about the statement of support regarding
11 the Ambassador?

12 A I guess. I don't know exactly when he submitted his
13 resignation to the Secretary, and I'm not sure he told me that.

14 Q Okay. Did you ever have any communications with Deputy
15 Secretary Sullivan or Ambassador Reeker or other key players in the
16 senior leadership structure about Ambassador McKinley?

17 A About Mike? I had a conversation with the Secretary of State
18 about it, and I mentioned to him that Mike seemed to me to be worked
19 into a very negative state of mind, based on one of the meetings I had
20 and the one in which he said that he had submitted his resignation.
21 And I said that it could be creating a problem --

22 Q Okay.

23 A -- for the morale of everyone -- you know, all those around
24 him.

25 Q Okay. And do you remember what the Secretary said in

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1 response to that?

2 A He didn't really react to it.

3 Q Okay. Turning back to Ambassador Taylor's statement, he
4 says in his statement about his -- the prospect that he would, in fact,
5 resign as well.

6 Did that catch you by surprise, that things had gotten so bad for
7 Ambassador Taylor during the pendency of the aid freeze that he wanted
8 to resign?

9 A Yes, I suppose. I mean, again, I only saw it based on the
10 revelations to the media that occurred.

11 I will say that he -- and I mentioned that he had emailed me at
12 the end of August. I was trying to find the notes here in which -- on
13 August 27, he had sent me an email, and he had said that if there was
14 a change of policy, it was subjunctive, that he wanted to remind me
15 that he had told the Secretary of State when they met that he
16 would -- there would be no real reason for him to be there, was the
17 way he put it.

18 And I was -- had a minor reaction to the fact that I was not in
19 the meeting with the Secretary, so I had not actually known that before,
20 but on August 27, that's what he emailed me about.

21 And he focused on three specific things that concerned him about
22 why there might be a shift in policy. He pointed to the President's
23 public comments about the possibility of inviting Russia back into the
24 G7-G8 process. He talked about the fact that there had been the
25 suspension or freeze of the military assistance. And he cited the fact

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1 that the President's meeting with President Zelensky had not yet
2 occurred.

3 Q And did you think it was a drastic move for Ambassador Taylor
4 to want to resign over those issues without having an opportunity to
5 work with the senior leadership in the Department to get a resolution
6 to some of his concerns?

7 A I didn't react so much to this message from him, because I
8 felt these things were going to be resolved. I mean, I didn't take -- I
9 thought, as I said, the State Department was not working on any plan
10 that involved Russia coming into the G7, so I didn't -- that didn't
11 strike me as an immediate thing that would prompt anyone to do anything.

12 And we were still working on a Zelensky-President meeting. And
13 the reason it had not occurred, as far as I knew, was based on what
14 the White House had said, which was the hurricane that hit the Carolinas
15 compelled the President to stay home and send the Vice President
16 instead.

17 And the third issue on security assistance was a serious issue,
18 but we were working on it.

19 Q Right. Okay. Did George Kent ever bring to your attention
20 the concerns that Ambassador Taylor had were so serious that he was
21 contemplating resigning?

22 A Not that I remember.

23 Q How about Reeker? Did he?

24 A Not that I remember.

25 Q Okay. So the prospect of him resigning is something that

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1 you just found out about once the statement was put forward?

2 A That's correct.

3 Q Okay.

4 A Other than this phrase, that "there would be no reason for
5 me to be here," which is a little bit ambiguous.

6 Q Okay. But you never zeroed in on that as a problem that you
7 had to go to work on?

8 A I didn't sense there was some imminent thing that was going
9 to prompt him to present his resignation.

10 Q Did you instruct any of your deputies, the folks that work
11 for you, whether it be Kent or Reeker, to go work on Taylor and find
12 out what his concerns are and see if there's anything that needs to
13 be done to keep him?

14 A No. I mean, he -- I didn't sense that there was an imminent
15 problem, to be honest with you. He emailed me. He may have copied
16 others on the email. I don't know.

17 As I said, two of these three -- one of the issues struck me as
18 something that was not -- you know, something we were working on, so
19 I didn't understand why he was concerned about it, and the other two,
20 there were strategies to try to make them happen.

21 So I was focused on dealing with the substantive problems, less
22 on his frame of mind.

23 Q Okay. So, if he was actually going to resign and there was
24 an imminent threat, that would be something that you would get more
25 involved with?

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1 A Probably.

2 Q Okay.

3 MR. MEADOWS: Can I follow up?

4 MR. CASTOR: Mr. Meadows.

5 MR. MEADOWS: So, Ambassador, indeed, the U.S. Ukraine policy has
6 not changed?

7 AMBASSADOR HALE: That's correct.

8 MR. MEADOWS: And our policy towards Ukraine in terms of aid to
9 Ukraine has actually become more robust over time. Is that correct?

10 AMBASSADOR HALE: I don't know that I've watched it long enough
11 to say it's been more robust, but it's certainly very robust.

12 MR. MEADOWS: Okay. So, if Ambassador Taylor was alleging that
13 he wanted to resign and suggesting that he would resign if
14 Ukrainian -- U.S.-Ukrainian policy shifted, and it was with those three
15 points, I think it's -- would it be correct to assume that, one, the
16 policy hasn't changed, and, two, the issues that he raised there were
17 really not issues that would warrant his resignation? Is that correct?

18 AMBASSADOR HALE: That's correct.

19 BY MR. CASTOR:

20 Q You identified a couple emails that -- from George Kent that
21 had made their way to you, either through Ambassador McKinley or through
22 Ambassador Reeker. How many -- were there just two from George Kent?

23 A Well, there was just -- the one from Ambassador McKinley is
24 just the one email in his record on this unfortunate exchange with the
25 lawyer from the legal department.

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1 Q Okay.

2 A In the late March timeframe, there are a large number of
3 emails related to the press guidance and the allegations about the
4 Ambassador. Some of them were being forwarded to me. It was a real
5 mess of -- mass of information coming to me at that time on something
6 I, frankly, had a hard time fully comprehending, again, which is why
7 I reached out to Ambassador Yovanovitch when she did email me, to try
8 and get a senior office officer on the ground's explanation to me, best
9 explanation as to what was happening.

10 Q When George Kent was before us, he recounted a number of
11 instances where he prepared memos to file over various things that he
12 said concerned him.

13 Did any of those memos to file, or whether they took the form of
14 email, make their way to you?

15 A I really don't remember that. I remember the memo for the
16 file on the issue of the meeting with the lawyer. And during the period
17 of late March, there were a number of emails that he did express some
18 views on -- speculated on what was happening, I think I've already
19 discussed that, in terms of these two journalists. I remember that
20 email well. And he had some ideas on how to counter the allegations.
21 That's what I remember.

22 Q And have you known George Kent?

23 A No. I didn't know him until I assumed this position.

24 Q Okay.

25 MR. MEADOWS: Ambassador, did I mishear? I think maybe in the

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1 first hour earlier today when we were talking about that particular
2 timeframe, and that timeframe being, I guess, that May timeframe where
3 all of this was going on, and there was a concern and wanting a statement
4 that was put out, did I hear you correctly that there were some Ukrainian
5 initiatives that the Embassy put forth in terms of confidence in the
6 ambassador in Ukraine? Was it -- did you say that earlier?

7 AMBASSADOR HALE: This would have been in late March --

8 MR. MEADOWS: Late March. I apologize.

9 AMBASSADOR HALE: -- when this thing was cresting.

10 MR. MEADOWS: Yeah.

11 AMBASSADOR HALE: And we did put out a statement that used the
12 word "outright fabrication" to make clear that we had no -- there was
13 nothing behind this story that we had put a "do not prosecute" list
14 in front of the Ukrainian judicial authorities.

15 MR. MEADOWS: And that seemed, I think -- according to your
16 testimony earlier today, that kind of softened everything, at least
17 in the Ukraine. Is that correct?

18 AMBASSADOR HALE: In the Ukraine. Ambassador Yovanovitch said
19 that that statement had put them on stable ground inside Ukraine. The
20 problem was what was happening in the media in the United States.

21 MR. MEADOWS: But I guess what was happening here in the United
22 States and the impact on Ukraine largely are disconnected, are they
23 not? I mean, they may be important to us as Americans, but I don't
24 know Ukrainians are up watching Fox News.

25 AMBASSADOR HALE: Well, the interpretation I put on it at the

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1 time, which may or may not have been correct, was that she said that
2 the statement helped deal with her issues in Ukraine --

3 MR. MEADOWS: Right.

4 AMBASSADOR HALE: -- but the social media and other stories back
5 here also seeped into Ukraine.

6 MR. MEADOWS: Okay.

7 AMBASSADOR HALE: I mean, it was not as if there was a hermetic
8 seal here.

9 MR. MEADOWS: Okay.

10 AMBASSADOR HALE: And that needed to be addressed, and she
11 couldn't do it herself, you see. It was all back here.

12 MR. MEADOWS: So what tangible thing was being impacted in
13 Ukraine in terms of her ability to be a diplomat? Did she -- I mean,
14 other than reputation, I mean, was there something she was trying to
15 negotiate that she couldn't negotiate?

16 AMBASSADOR HALE: She didn't elaborate.

17 MR. MEADOWS: So you're not aware of anything in terms of a
18 concrete problem other than a perceived problem that was being
19 identified?

20 AMBASSADOR HALE: A reputational problem.

21 MR. MEADOWS: So this was more about Ambassador Yovanovitch's
22 reputation than it was actually a deployment of diplomatic duties. Is
23 that correct?

24 AMBASSADOR HALE: Yes, so it may be hard to distinguish
25 than -- and as a practical matter when you're in the field. I mean,

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1 an ambassador has a great deal of authority. An ambassador needs to
2 be able to -- everyone knows is speaking for the authority of the
3 President and has the confidence of the President. That's why a loss
4 of confidence is so damaging to an ambassador, and there's no point
5 in trying to resist that.

6 So the reputation does matter, I guess is what I'm trying to say,
7 to your functionality.

8 MR. MEADOWS: So, based on all of this that was going back and
9 forth and the decision to extend -- and I understand that, earlier,
10 you were talking about there was no one to replace her. Is that
11 correct?

12 AMBASSADOR HALE: There was no one lined up and confirmed.

13 MR. MEADOWS: And so the decision to extend her stay was more one
14 of just logistics until she could be replaced? Is that correct?

15 AMBASSADOR HALE: Yeah. I thought she was doing a good job, an
16 excellent job. And we had a gap, which was not desirable, particularly
17 given all of the complexities of Ukraine and all of the uncertainties.
18 At that time, Presidential elections had not even occurred. So I'm
19 a cautious person. I want to try to make sure that we're as staffed
20 as we can be to deal with anything unexpected or even expected, so I
21 suggested the idea to her. I had not cleared it with anybody.

22 And I hesitate to even call it a decision because I don't recollect
23 that it ever really --

24 MR. MEADOWS: It was a recommendation?

25 AMBASSADOR HALE: Yeah. It was just an idea that --

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1 MR. MEADOWS: Yeah. "I've got this idea that we may -- you know,
2 since you're coming back, we" --

3 AMBASSADOR HALE: Yeah.

4 MR. MEADOWS: -- "we may ask you to stay on. Would you be willing
5 to do that?" Is that --

6 AMBASSADOR HALE: That's correct.

7 MR. MEADOWS: -- how you would characterize it?

8 AMBASSADOR HALE: That's right. And I have to be cognizant that,
9 when I say things like that and because of my position, they can take
10 on a certain momentum. And I want --

11 MR. MEADOWS: Because you're on the seventh floor?

12 AMBASSADOR HALE: Yeah. And I wanted that. I mean, I thought
13 that was a good idea. So I said -- when she came back and said, "Yes,"
14 I turned it over to our European bureau to work with the personnel
15 section to see if it would fly, and I expected it to come back up the
16 system.

17 MR. MEADOWS: Yeah. But you don't believe today that she was
18 under the impression that she might be there for another year?

19 AMBASSADOR HALE: No. I talked about through the parliamentary
20 elections in October.

21 MR. MEADOWS: Okay.

22 BY MR. CASTOR:

23 Q Was there a time when you were getting these emails from
24 George Kent in the March-April timeframe that you related to Reeker,
25 who advised Kent, to keep his head down?

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1 A Begin the question again. I'm sorry. I missed the
2 beginning.

3 Q We've been discussing the various emails that George Kent
4 was --

5 A Right.

6 Q -- sending up.

7 A Yeah.

8 Q I think you said massive amount? Was that --

9 A No, not from George. I said there was a mass of information.

10 Q Oh, massive information. Okay.

11 A A mass, a large body of information coming to me.

12 Q Okay. Was there ever a time when you told Reeker to have
13 Kent keep his head down?

14 A Yes. I was concerned that -- George himself was the target
15 of some of these allegations, and we were already dealing with all these
16 problems for our Ambassador. I did not want another officer to
17 encounter this kind of turbulence. So I did suggest to Phil that he
18 talk to George about keeping his head down.

19 Q Okay. And what would that entail? Just not having as many
20 meetings with Ukrainians or --

21 A Yeah. That would -- might be one of them. This is just a
22 time, I think, to be careful, to have everything considered carefully
23 and not solo, that there be, you know, up the chain, there be an
24 evaluation of what would be smart and what -- make sure nothing would
25 be misinterpreted. That was my intent.

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1 Q So was it encouraging Kent to -- if there were decisions that
2 would ordinarily be made at the DAS level, to perhaps raise them to
3 the Assistant Secretary level?

4 A I wasn't very specific. I just wanted them to know that this
5 was a time to be extra cautious and careful.

6 Q Okay.

7 A There were a lot of allegations flying around, and I did not
8 want another officer to suffer what our ambassador was suffering.

9 Q Okay. And at the time, Kent was in D.C., right?

10 A He traveled a fair amount, but he was assigned in D.C., yes.

11 Q Okay. And do you remember what the allegations were
12 regarding him?

13 A Well, again, these details are hard to grasp, but he was DCM
14 the previous year, so I think that the allegations related to -- went
15 back to the "do not prosecute" list and that he'd somehow played a role
16 in that.

17 Q Okay. Fair enough.

18 We talked about one meeting that you had with Fiona Hill. Any
19 other meetings that you had or communications with the NSC regarding
20 the facts here?

21 A I had two meetings with Fiona Hill. I'll just have to take
22 a moment to cover my notes. There was the one that we discussed on
23 May 10, and then I met her again -- well, actually, the May 10,
24 I -- according to my notes, and this is a reconstruction of research
25 based on documents, I received a briefing note for a meeting I was

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1 scheduled to have with Fiona Hill on May 10, but in fact what happened
2 was a secure call with Fiona Hill.

3 I really don't remember what the content of the call was. Again,
4 I was focused more on Russia.

5 And then, as was discussed in the earlier session, on May 16, I
6 met with Fiona Hill, and on the agenda was the Presidential
7 delegation -- it wasn't a formal agenda, but the note from my staff
8 said this is a good question to ask about the status of the Presidential
9 delegation. And then we had -- I believe we had a discussion on Russia
10 that I've already outlined.

11 Q Okay. Any other meetings with NSC officials relating to
12 these events?

13 A No. Not until the July 25 visit meeting of the small group.

14 Q Right. How about discussions with Tim Morrison,
15 her successor?

16 A July 26 meeting.

17 I didn't meet Tim Morrison until Mr. Kupperman invited me to lunch
18 with himself at the NSC sometime in September, because he and I had
19 not had a chance to have a discussion. I, frankly, thought it was going
20 to be a one-on-one lunch, but Tim Morrison and John Erath, another
21 officer in the European Affairs part of the NSC, attended that lunch.

22 Q Okay.

23 A We talked about -- the reason for the meeting, a "get to know
24 you" partly, but also I was going to Belarus, and they wanted to just
25 discuss that and make sure that we were coordinated.

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1 Q Okay. At that lunch, did they raise any concerns about the
2 Ukraine matters?

3 A No.

4 Q Was it even brought up?

5 A I have no recollection of the topic of Ukraine coming up.
6 It could have, but I don't believe it did. Certainly none of these
7 things that are the focus of this committee.

8 We discussed my trip. I had taken a trip to Moldova. We
9 discussed that. Next to Ukraine, I don't know, there may have been
10 a discussion.

11 There was actually -- I will -- my memory's just -- on the issue
12 of Belarus, they informed me that Ambassador Bolton had a strong
13 interest in trying to promote three-way energy cooperation between
14 Ukraine, Poland, and Belarus. I was not -- I was aware of that issue,
15 but I was not aware that Ambassador Bolton had a strong desire to see
16 us promote that, and I did raise it, as the NSC had hoped I would, in
17 Belarus.

18 Q Okay. Any meetings with Ambassador Bolton?

19 A No. Ambassador Bolton and I rarely would -- you know, he's
20 above me in the rank order, so we didn't have very many exchanges. And
21 I don't remember anything that summer on this topic.

22 Q Any other discussions with Dr. Kupperman?

23 A No.

24 Q Do you think all the focus that this investigation has
25 brought on the U.S.-Ukraine relationship is a good thing or a bad thing?

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1 A Well, I believe that our policy toward Ukraine is sound. And
2 I believe that we are continuing to pursue that policy. And I believe
3 that the bases of our relationship, bilateral relationship continue
4 to be strong.

5 Q The intense focus that this investigation has brought to the
6 Ukrainian relationship, does that present some challenges?

7 A I think it's too early to say, frankly, what impact it is
8 having.

9 Q Are you surprised, in the wake of the July 25th call, that
10 this has all ensued?

11 A Was I surprised?

12 Q Yes.

13 A I'm sorry. Can you repeat the whole question?

14 Q In the wake of the July 25th call transcript --

15 A Yes.

16 Q -- and what happened on the call, are you surprised that all
17 of this has ensued?

18 A Well, it's -- yes. I mean, during that period, it wasn't
19 just the phone call, but then the information that was revealed about
20 the conduct, what people were pursuing, were allegedly pursuing with
21 Ukrainian officials, it did surprise me. I didn't know any of that
22 was happening.

23 MR. CASTOR: Mr. Perry.

24 MR. PERRY: Mr. Ambassador, Scott Perry from Pennsylvania.

25 First of all, thanks for your longstanding service and sacrifices on

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1 behalf of our country. Being away from home a lot is hard on anybody.

2 I want to go back to something we talked about in the last round.
3 You're generally aware that the President has some -- I'm going to
4 describe it as an aversion, but I don't want to put words in your
5 mouth -- to foreign aid, or at least he has concerns about foreign aid,
6 the amounts of foreign aid. I mean, is that a general statement you
7 could agree with?

8 AMBASSADOR HALE: Yes.

9 MR. PERRY: And in light of that, you're aware that the last three
10 White House budgets made significant changes to foreign aid amounts?

11 AMBASSADOR HALE: [Nonverbal response.]

12 MR. PERRY: Right? So that kind of proves that -- that out?

13 Are you also aware that the President's looking to unveil an
14 overhaul of how we should distribute foreign aid.

15 AMBASSADOR HALE: Yes. The Foreign Assistance Review is
16 pending, and I have been involved somewhat in that.

17 MR. PERRY: Are you familiar with the U.N. General Assembly quote
18 where the President said, "Moving forward, we are only going to give
19 foreign aid to those who respect us and, frankly, are our friends,"
20 unquote? Have you heard that before?

21 AMBASSADOR HALE: Yes. I attended that speech.

22 MR. PERRY: And are you familiar that there's a general theme
23 about the importance of countries eventually graduating off of U.S.
24 foreign assistance completely that would be envisioned in the
25 President's new strategy or policy, foreign policy?

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1 AMBASSADOR HALE: Yes. That's been discussed in our agency as
2 part of that.

3 MR. PERRY: Okay. And an OMB, Office of Management and Budget,
4 spokesperson described themselves as having an obligation to ensure
5 American taxpayer money is being used widely.

6 I mean, would you dispute that description of one of their roles?

7 AMBASSADOR HALE: I would not dispute it.

8 MR. PERRY: Yes. You referred to the fact that the OMB asked
9 agencies for a balance sheet of foreign aid projects early on in the
10 last round. If I can --

11 AMBASSADOR HALE: I don't know that myself. That doesn't
12 surprise me. That would be a normal give and take, given the review.

13 MR. PERRY: If that were, maybe this helps, I don't know, are you
14 aware that the request included eight areas that cover a variety of
15 assistance: international organizations; peacekeeping operations
16 and activities; international narcotics control and law enforcement;
17 development and aid; assistance for Europe, Asia and Central Asia;
18 economic support funding; foreign military financing programs; and
19 global health programs?

20 Are you familiar with any of that, or does any of that sound like
21 it would be out of the realm of what the review would include?

22 AMBASSADOR HALE: The review, yes, that -- those are among the
23 topics, the headlines of how we sort of organize the aid in order to
24 understand it.

25 MR. PERRY: Okay.

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1 AMBASSADOR HALE: Yes, sir.

2 MR. PERRY: Are you aware that, last year, the OMB asked the State
3 Department and USAID to provide similar balance sheets of unobligated
4 projects just 6 weeks before the end of the budget year?

5 AMBASSADOR HALE: I'm not the budget guy. I don't get involved
6 in this level of detail, but, again, that sounds normal; particularly
7 as you reach the end of the fiscal year, then you want to deal with
8 your unobligated --

9 MR. PERRY: Six weeks, if you're looking at 6 weeks prior to the
10 end of the fiscal year, that's kind of almost in line with what occurred
11 this year, but that happened actually in 2018, you know, the review
12 that I brought up there.

13 Are you familiar that, on August 3rd, the budget office sent a
14 letter to the State Department and the AID agency ordering them to
15 freeze spending on all funds in the 10 broad foreign aid accounts that
16 I previously mentioned? That was August 3rd. So that's the -- of
17 this year -- you're familiar with that?

18 AMBASSADOR HALE: I remember hearing something about it, yes.

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1 [2:00 p.m.]

2 MR. PERRY: So that kind of falls in line with that. And are you
3 familiar with -- you might not be familiar with this, but I will just
4 ask if you are familiar with a New York Times article that reported
5 that the President who often talks about cutting spending ultimately
6 decided the fight over \$4 billion was not worth it because of the
7 pressure campaign from Mr. Pompeo and a barrage of calls from his allies
8 on Capitol Hill.

9 Maybe you are not familiar with the article or the statement, but
10 does that sound plausible?

11 AMBASSADOR HALE: Well, I know that I don't have any information
12 on conversations between the Secretary of State and the President on
13 this topic, to be honest with you.

14 MR. PERRY: Okay. Fair enough. Let me ask you this: Do you
15 know of any other Federal agency known to have received a similar letter
16 from OMB directing it to freeze spending while the accounting was made?

17 AMBASSADOR HALE: I don't know, and I don't think it's unusual
18 for me not to know about other agencies, so --

19 MR. PERRY: Okay. Thank you.

20 AMBASSADOR HALE: Thank you.

21 THE CHAIRMAN: Ambassador, I think we have about 20 or 30 minutes
22 more left. I don't know if the minority contemplates much more after
23 that.

24 MR. CASTOR: No.

25 THE CHAIRMAN: Do you want to just power through it, or do you

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1 want to break?

2 AMBASSADOR HALE: I'm here to go.

3 THE CHAIRMAN: Okay. Why don't we continue then. Let me just
4 pick up where my colleague in the minority left off.

5 In terms of the chronology, are you aware, Ambassador, that prior
6 to lifting the hold on the military assistance for Ukraine, the White
7 House was informed of the existence of the whistleblower complaint and
8 that Congress was doing an investigation into these issues?

9 AMBASSADOR HALE: I didn't know that.

10 THE CHAIRMAN: Had the -- I think you testified that, although
11 it was conveyed by the representative of OMB that the President ordered
12 this aid suspended, no reason was given for the suspension, correct?

13 AMBASSADOR HALE: That is correct.

14 THE CHAIRMAN: And had that suspension persisted, that would have
15 been a fundamental change in Ukraine policy, would it not?

16 AMBASSADOR HALE: Yes, it was contrary to our policy to not be
17 able to continue to support the Ukrainian military as they dealt with
18 Russia.

19 THE CHAIRMAN: And, in fact, because the President delayed the
20 Ukraine aid as long as he did, it was necessary for an act of Congress
21 to step in so that Ukraine could get the assistance that the clock would
22 have otherwise prohibited. Isn't that right?

23 AMBASSADOR HALE: I'm not expert on the ins and outs of
24 legislation. All my focus was on trying to break through this freeze.
25 And I attended this deputies meeting. I informed the Secretary of

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1 State, and then we waited, and we waited.

2 THE CHAIRMAN: But are you familiar with the fact that Congress
3 actually had to pass a law to effectuate this aid because it was withheld
4 as long as it was?

5 AMBASSADOR HALE: I'm sorry, sir, to interrupt. I think I saw
6 something in the news about that.

7 THE CHAIRMAN: And that even though -- after Congress took that
8 act, there was still in excess, I believe, of \$10 million that could
9 not be allocated to Ukraine for its defense because the aid was withheld
10 as long as it was by the President?

11 AMBASSADOR HALE: I'm not familiar with that level of detail.

12 THE CHAIRMAN: You mentioned that Ambassador McKinley didn't
13 discuss with you at any length the reasons for his resignation. Is
14 that right?

15 AMBASSADOR HALE: Yes.

16 THE CHAIRMAN: Would it surprise you that Ambassador McKinley was
17 concerned about the lack of support from Ambassador Yovanovitch and
18 what that might do to morale in the Department?

19 AMBASSADOR HALE: Oh, he was very concerned about that, and that
20 had been the subject of the email, of course, that he sent to me on
21 the 28th of May -- of September.

22 THE CHAIRMAN: And if he raised this concern repeatedly with
23 either Mr. Brechbuhl or with the Secretary himself, he would not have
24 necessarily included you in those conversations, right?

25 AMBASSADOR HALE: No, I was not included.

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1 THE CHAIRMAN: And if he found that the relief that he was seeking
2 was unavailing from the Secretary, he wouldn't necessarily have shared
3 that with you, would he?

4 AMBASSADOR HALE: No, I mean, in the conversation he had, in which
5 he finally told me he was resigning -- it came at the end of the
6 conversation -- it was clear he was very concerned about the fact that
7 the State Department had not issued a statement of support for
8 Ambassador Yovanovitch.

9 THE CHAIRMAN: You made a comment a few minutes ago about what
10 our ambassador was suffering, I think were your words.

11 Tell me a little bit about your appreciation for what Ambassador
12 Yovanovitch went through.

13 AMBASSADOR HALE: Well, she was dealing with a series of
14 allegations to which we basically said: Unless we at the State
15 Department -- unless there is evidence to back this up, we don't credit
16 these allegations.

17 But the allegations continued to be made, creating an extremely
18 difficult situation, and any of us can put ourselves in that position
19 to know how difficult that would be.

20 THE CHAIRMAN: On that point, Ambassador, did it occur to you that
21 this might have happened to you as an ambassador, there would be a smear
22 campaign against you somewhere when you were serving at a post overseas
23 and the State Department wouldn't provide support?

24 Did it occur to you that that could have happened to you?

25 AMBASSADOR HALE: Well, I was advocating for a strong statement

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1 of support.

2 THE CHAIRMAN: So you could relate to the Ambassador's position?

3 AMBASSADOR HALE: Of course, yes.

4 THE CHAIRMAN: And did it occur to you as well that ambassadors
5 around the world who saw how Ambassador Yovanovitch was treated and
6 the lack of support she got ultimately from the seventh floor might
7 suffer morale problems wondering whether they might be similarly
8 treated or thrown under the bus.

9 Did that concern you?

10 AMBASSADOR HALE: I was focused really on trying to get a
11 statement of support for Ambassador Yovanovitch so she could stay there
12 and continue to do the good work that she was doing. I'm certainly
13 aware that, in the absence of such a statement, that people might draw
14 various conclusions.

15 THE CHAIRMAN: Well, Ambassador McKinley was concerned about
16 what that might do for the morale of the Department. Didn't that
17 concern you as well?

18 AMBASSADOR HALE: Yes, of course.

19 THE CHAIRMAN: And, indeed, in terms of the other personnel at
20 the mission in the Embassy in Ukraine, did it concern you what it would
21 do to the morale of people in the diplomatic corps in Ukraine, our
22 employees seeing how she was treated?

23 AMBASSADOR HALE: I had many concerns, which is why I was
24 advocating for a strong statement of support for her. I wanted to be
25 sure that she could continue to be as an effective ambassador as she

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1 could be. I was also concerned about the effect that it would have
2 on the moral of our people wherever they may be.

3 THE CHAIRMAN: One of the other concerns that Ambassador McKinley
4 had was over what you would come to later learn about, that is, efforts
5 to get the State Department involved in domestic American politics.

6 Did that concern you as well?

7 AMBASSADOR HALE: We all know, those of us who have served long
8 enough in the State Department, to know that there is a separation
9 between domestic political activities and the conduct of our foreign
10 policy.

11 THE CHAIRMAN: At least there should be, right?

12 AMBASSADOR HALE: That there should be.

13 THE CHAIRMAN: And if these were the two bases on which
14 Mr. McKinley decided that he could no longer serve in the State
15 Department, that wouldn't surprise you, would it?

16 AMBASSADOR HALE: I don't -- again, I don't know specifically why
17 he resigned. I know that he was very upset about what was happening.
18 I don't want to speculate.

19 THE CHAIRMAN: Ambassador Taylor sent a cable, I think, at the
20 suggestion of Mr. Bolton, to the Secretary of State in the first person.
21 That's unusual, isn't it, to send a first-person cable?

22 AMBASSADOR HALE: It does happen. It's something ambassadors,
23 good ambassadors, would think carefully about doing. You don't want
24 to overuse that channel. But I've done it. I know it happens. It
25 is a sign that an ambassador wants to make sure -- there's an issue

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1 that is concerning him in some way that he wants to make sure it gets
2 attention.

3 THE CHAIRMAN: Now, that cable is one of the many documents that
4 the State Department has refused to provide to the committee. What
5 can you tell us about that cable in an unclassified setting?

6 AMBASSADOR HALE: Yes. Although I, again, reread it to
7 familiarize myself with it to prepare for today, and it struck me as
8 an extremely professional and well-argued case for continuing our
9 security assistance for Ukraine, laying out all of the pros and all
10 of the cons if we were not to do that.

11 THE CHAIRMAN: And what else did it cover in the cable?

12 AMBASSADOR HALE: That was the subject of the cable.

13 THE CHAIRMAN: Were the concerns about why it was being withheld
14 expressed in the cable?

15 AMBASSADOR HALE: No, not that I recall.

16 THE CHAIRMAN: And there were reports that the Secretary of State
17 carried that cable with him into the White House. Do you know anything
18 about that?

19 AMBASSADOR HALE: I don't.

20 THE CHAIRMAN: Nick.

21 BY MR. MITCHELL:

22 Q You were asked some questions earlier from my colleagues in
23 the minority about a meeting between Secretary Pompeo and President
24 Trump at the beginning of September. Do you recall that?

25 A They meet -- I don't recall a specific meeting. They

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1 meet -- they have regular meetings all the time.

2 Q Do you know whether Secretary Pompeo met with President Trump
3 about this cable?

4 A I don't.

5 Q Do you know whether they met at the beginning of September
6 regarding security assistance?

7 A I don't. But, again, I would go back to the note that I sent
8 to the Secretary's staff for the Secretary after the small deputies
9 meeting with my advice, or at least my assessment -- I should put it
10 that way -- that because we were unable to resolve it at the deputies
11 level, that this would have to be elevated to the principals level,
12 meaning the Cabinet Secretaries level, and because of OMB's position
13 as described, being directed by the President, that it was unlikely
14 to be resolved at the principals level, and therefore, ultimately,
15 those immediately involved -- probably including Secretary
16 Pompeo -- would have to take this to the President.

17 That was my assessment if we were going to get this resolved. So,
18 if the thrust of your questioning is, did the Secretary go back to the
19 President on this, I don't know that for a fact, but it does not surprise
20 me that he did so.

21 Q Are you familiar with a meeting on or about August 16 at
22 Bedminster in which the principals gathered and discussed Ukraine
23 security assistance?

24 A Now that you mention, I do remember that there was a meeting
25 up there. I don't remember that Ukraine assistance was on the agenda,

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1 but, again, I am not surprised. It was a pending issue for discussion.

2 Q But you didn't talk to anybody who attended that meeting
3 about what was discussed?

4 A I don't remember getting a readout on it.

5 Q Do you recall preparing Secretary Pompeo for the Bedminster
6 meeting?

7 A No.

8 Q Did you see any materials that were provided to Secretary
9 Pompeo in advance of that meeting for his preparation?

10 A I may have. I can't remember it. Can you remind me of the
11 date?

12 Q Mid-August. On or about August 16?

13 A I just -- August 16, okay. I just wanted to mention I had
14 some foreign travel in that time period. I was in the U.S. on the 16th.

15 Q Switching gears a little bit, when was the first time that
16 you became aware that Ambassador Volker was in communication with Rudy
17 Giuliani in or about the middle of July of last year -- of this year?

18 A I found out about it when all of this emerged from the
19 whistleblower and the subsequent stuff that went into the media out
20 of the investigation and whatnot.

21 Q Okay. And when did you first learn that Ambassador Volker
22 had introduced Rudy Giuliani to Mr. Yermak?

23 A Again, when this all came out in the media.

24 Q Are you aware of an August 22, 2019, State Department
25 spokesperson statement regarding Mr. Giuliani and his communications

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1 with Ambassador Volker and introduction to Mr. Yermak?

2 A No, I'm not familiar with that.

3 MR. MITCHELL: I'm going to hand you what we will mark as
4 exhibit 2.

5 [Majority Exhibit No. 2
6 was marked for identification.]

7 BY MR. MITCHELL:

8 Q Let me know when you have had a chance to read that document.

9 A Yeah, I have -- I don't remember seeing it at the time, and
10 I did not -- this was not something I looked at in preparation for today.
11 I will say that I was traveling in Uzbekistan and Kazakhstan from
12 August 18 to 24. It's not unusual. It's very hard to get -- I can't
13 account for why I didn't see it, but it's perhaps related to that.

14 Q But this spokesperson's statement says that Ambassador
15 Volker has confirmed that at Presidential Adviser Andriy Yermak's
16 request, Volker put Yermak in direct contact with Mr. Giuliani. Do
17 you see that?

18 A Yes, I do see that.

19 Q Okay. But you're saying that you did not know that that
20 occurred at the time?

21 A That's right.

22 Q And you also say that you did not know at the time of the
23 May 23rd debrief meeting with the Presidential delegation that the
24 President directed Ambassador Volker, Ambassador Sondland, and others
25 to talk to Rudy about these Ukraine matters?

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1 A I did not know that. The only information I had about that
2 meeting was what my staff provided to me. It is a readout that I
3 summarized for you earlier today, and it did not include that point.

4 Q When did you first become aware that Ambassador Volker was
5 in communication with Andriy Yermak immediately before President
6 Trump's July 25th call with President Zelensky?

7 A Well, I've been following the information that's come out
8 into the media about all of this. I wasn't necessarily tracking each
9 data point in it. So, if it came out in that context, I must have seen
10 it.

11 Q And when you say all of the information that's come out within
12 the media, do you mean within the last couple of weeks?

13 A Yeah. The stuff since the whistleblower's action.

14 Q And the investigation that's being conducted --

15 A That's right.

16 Q -- by these committees?

17 A That's correct.

18 Q And when did you first learn that Andriy Yermak met with Rudy
19 Giuliani at the beginning of August in Madrid?

20 A Again, I didn't know it at the time. This information about
21 these various meetings has come out during the investigation. Again,
22 I've not, you know, I'm not investigating, so I'm not keeping track
23 of each data point about his actions, so --

24 Q Did you know on or about August 9th and 13th that Ambassador
25 Volker, Sondland, and Yermak were discussing a statement by -- or a

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1 potential statement by President Zelensky or perhaps even the
2 prosecutor general about conducting investigations into Ukrainian
3 interference in the 2016 elections as well as Burisma?

4 A Again, I learned about this as the information became public
5 as a result of this investigation.

6 Q But at the time that Ambassador Volker and Ambassador
7 Sondland were engaging with Mr. Yermak and Rudy Giuliani, it was your
8 understanding that these individuals were taking point on
9 Ukraine-related matters at the direction of the President, correct?

10 A That the members of that -- that composed that delegation
11 had been tasked to lead the effort on the goals the President outlined
12 or endorsed.

13 Q And I think you testified earlier a couple of times that
14 Ambassador Volker you considered to be a professional and you,
15 therefore, trusted his ability to carry out these policies that had
16 been dictated by the President?

17 A Correct.

18 Q Now, you know sitting here today that Ambassador Volker was
19 in contact with Rudy Giuliani, put him in contact with Mr. Yermak, that
20 they were working on this statement to have investigations conducted
21 in the 2016 elections in Burisma and Biden.

22 Do these efforts by Ambassador Volker and Ambassador Sondland
23 reflect any of these three policy goals that you saw at the readout
24 of the May 23rd meeting?

25 A I don't think I have enough direct information to really

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1 comment on that. All I've seen is these testimony transcripts that
2 have been released. I haven't even been able to read all of them. The
3 ones that came out yesterday were so extensive.

4 I'm reluctant to comment on that. I can restate what our policy
5 goals are, obviously, which is that we want to build -- help Ukraine
6 become a resilient democracy so that it can counter the intimidation
7 and military assault from Russia. And part of being a resilient state,
8 of course, means that they are aggressively combatting the corruption
9 that is endemic in their country, and the oligarchic control over the
10 economy, that they are on a strong reform agenda, and that they are
11 able to benefit from U.S. investment, including in their energy sector.

12 THE CHAIRMAN: If I could develop on that, but you do distinguish,
13 don't you, Ambassador, between all of those laudable U.S. policy goals
14 in Ukraine and trying to get Ukraine to be involved in U.S. domestic
15 politics? You do distinguish between those two, don't you?

16 AMBASSADOR HALE: Yes.

17 THE CHAIRMAN: While they are conferring, let me just ask another
18 question.

19 In the call record -- which I take it you weren't aware of until
20 it was made public, correct?

21 AMBASSADOR HALE: Correct.

22 THE CHAIRMAN: -- the President, referring to Ambassador
23 Yovanovitch says, quote: She's going to go through some things, end
24 quote. What did you think when you read that for the first time?

25 AMBASSADOR HALE: It concerned me. I was not aware that there

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1 was anything that was happening in consequence of that, again, bearing
2 in mind that there's a passage of time from when that call occurred
3 to when it was made public.

4 And during that period of time, and I realize reflecting back on
5 it, nothing was -- that was not an operational comment that had been
6 operationalized in any way.

7 THE CHAIRMAN: Well, it hadn't been operationalized in terms of
8 anything through the State Department, correct?

9 AMBASSADOR HALE: Right.

10 THE CHAIRMAN: I take it, though, you didn't know what things she
11 was going to go through, according to the President?

12 AMBASSADOR HALE: No, I could not interpret that.

13 THE CHAIRMAN: Had the President said that Ambassador Hale is
14 going to go through some things, I take it that would have alarmed you?

15 AMBASSADOR HALE: Of course.

16 BY MR. MITCHELL:

17 Q You testified earlier that you had met Ambassador Sondland
18 in Brussels?

19 A Yes.

20 Q And when was that?

21 A I was in France, Morocco, and Belgium April 2nd to
22 April 11th, so it would have been on that trip.

23 Q Do you recall discussing any Ukraine-related matters with
24 Ambassador Sondland on that trip?

25 A No.

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1 Q What about any time thereafter?

2 A I couldn't make a categorical statement. I would not be able
3 to make a categorical statement that we had never discussed Ukraine.
4 But it -- in my recollection of my discussions with him, nothing out
5 of the ordinary stuck is what I can say.

6 Q All right. So Ambassador Sondland didn't tell you about any
7 of these activities that I was asking questions about earlier with
8 Mr. Yermak or Mr. Volker in the middle of July.

9 A I have no -- yes, I do not remember, and I do not believe
10 that I heard any of that.

11 Q Or anything that Ambassador Sondland would have done in
12 August regarding this statement about investigations, he also did not
13 keep you apprised of that?

14 A That's right. I had had no contact with Ambassador Sondland
15 after the meeting in July that I mentioned.

16 Q Okay. Changing gears a little bit to security assistance.
17 You testified earlier about some reviews that were being conducted.
18 Are you aware of any specific reviews regarding the Ukraine security
19 assistance that were being conducted in or about August of this year?

20 A No.

21 Q What about in September?

22 A No.

23 Q So the reviews that you discussed earlier, those were larger
24 policy reviews, not reviews specific to any given country?

25 A Right. There had been a process underway from roughly when

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1 I started this job which would have been August 30, 2018, so early
2 September of 2018, as I mentioned earlier, I was -- I represented the
3 State Department at a large interagency meeting where the NSC briefed
4 us on the concept behind the foreign affairs review. And the President
5 announced that the review was occurring, as was quoted, during the
6 General Assembly speech later in September.

7 As I said earlier, at the State Department, it was decided to
8 assign this task really to our Policy Planning Office with the support
9 of our Foreign Assistance Office, so I stepped back from it -- although,
10 obviously, I wanted to follow.

11 But to answer your question, this is about setting forth the
12 principles that in the future we will use to assess the prioritization
13 of our assistance and decisions made to the best management of our
14 money.

15 That has not yet been finalized or unveiled. Meantime, as I
16 mentioned earlier, all of us who work for the State Department anyway,
17 are doing our utmost to abide by the President's intent, which we know
18 is to take a very rigorous look at all of the assistance and to make
19 sure that it is truly in America's and our foreign policy interests.

20 And that -- I mentioned these things earlier, that there is
21 appropriate burden sharing, and that these are not, sort of, forever
22 programs in which States never graduate from them and that such things
23 as using counter -- violent extremism is not used as a rubric to
24 covering a wide range of assistance. It is not really specifically
25 focused on -- in a tried and true fashion on the task.

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1 I don't believe though that it would be correct to leave the
2 impression that the foreign assistance review has been applied on a
3 case-by-case basis to any countries.

4 Q Okay. And you indicated earlier that in the interagency
5 meetings, it was your assessment and the uniform assessment, with the
6 exception of OMB, that the hold should be lifted with regard to Ukraine
7 security assistance. Is that correct?

8 A Correct.

9 Q And is that because it was in the national security interest
10 of not just the United States but also of Ukraine that this aid be
11 released?

12 A From my perspective, it was because it was in the United
13 States' interest.

14 Q Can you explain -- without getting into any classified
15 material -- why the security assistance to Ukraine would be in the U.S.
16 national interest?

17 A It is very important that we be seen to be providing tangible
18 support, not just rhetorical support, for Ukraine as it faced Russian
19 intimidation and aggression, military aggression and intimidation in
20 all kinds of ways, including interference in their elections, in their
21 media, and so forth. And one of the most tangible ways the United
22 States can demonstrate that support for any country in that situation
23 is military assistance.

24 Q And this military assistance that we are talking about,
25 again, is two different programs. It's DOD, USAI, as well as State

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1 FMF?

2 A That's what I understand.

3 Q And back in September of 2018 was when Congress enacted the
4 Department of Defense spending bill that included the \$250 million for
5 USAI, correct?

6 A I don't doubt that. I didn't, you know, study that kind of
7 detail. I was, again, focused on making clear what the policy goals
8 were.

9 Q And is it your understanding that the President would have
10 signed that bill into law after Congress had enacted it?

11 A I'm having trouble following that.

12 Q Sure. So, after Congress enacted the DOD spending bill,
13 that would have been signed into law by the President. Correct?

14 A I guess. Again, I just -- I have been 35 years in the State
15 Department. I don't mean to give you a nonanswer. I don't really deal
16 with those kinds of legislative details. We have a whole office to
17 do it. I don't -- my experience in my career, I have never had to really
18 get into all of the nuts and bolts, so I just -- I don't know the
19 sequencing, but, yeah, why would that not be true? Yeah.

20 Q And are you aware that, in May, the Department of Defense
21 issued a certification saying that Ukraine had met all of the
22 requirements necessary in order to receive USAI funding?

23 A Again, it doesn't surprise me. That's part of the process.
24 I had also signed a report to Congress about their -- Ukraine's record
25 on corruption, anticorruption, and that the situation was improving.

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1 Q 2019, correct? Such that --

2 THE CHAIRMAN: When was it that you made that certification?

3 AMBASSADOR HALE: I'll have to look it up. It's a matter
4 of -- it's a public document. Yeah, on May 8th, I signed a report,
5 as I do many reports for Congress that's required by Congress just to
6 say that Ukraine had made progress on corruption was the thrust of the
7 report.

8 BY MR. MITCHELL:

9 Q And, in fact, funds were being obligated with regard to USAI
10 as early as June and July of 2019, were they not?

11 A I don't know that level of detail, sir.

12 Q But you learned on, I think you said June 21st, about the
13 freeze?

14 A Yes. Again, in researching the records for this meeting
15 today, it was evident that I knew from my staff -- I think it was from
16 my staff -- that OMB had stopped the aid, or at least we were getting
17 inklings of that, that that was happening, and that the FMF-11 was also
18 held.

19 Q And with regard to the aid for Ukraine, was it your
20 understanding that that freeze on or about June 21st related to both
21 FMF and USAI?

22 A I don't know if that distinction was apparent to me at that
23 time. May not have been until I was getting prepared for the D.C.
24 meeting when I would focus on that particular issue.

25 Q Okay. And what was your understanding of where the

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1 instruction to place a hold on the aid came from on or about June 21st?

2 A Well, we weren't sure. And I actually -- there were several
3 emails that came to me after there was what we call a PCC meeting, which
4 is a lower level interagency meeting on July 23rd, and I was being told
5 that the aid -- that there's a Presidential directive. And I have the
6 emails that show.

7 I reacted to that and said: Who is saying this? That a lower
8 level aid cannot just stop assistance based on say-so. PCC doesn't
9 have that authority.

10 And I didn't want -- I was not satisfied that someone just saying
11 there was a Presidential directive actually even meant that the
12 President had done this. I wanted clarity.

13 I wanted a name of a named person who was saying: This is the
14 President's wish.

15 I never got that response until we were into the small group
16 meeting, the deputies small group meeting on July 25 in which OMB stated
17 on the record that it was the President through Chief of Staff Mulvaney.

18 Q At that deputies meeting, do you recall a discussion about
19 the legality of the hold?

20 A No.

21 Q Do you recall having any discussions at any point with anyone
22 about the legality of the hold?

23 A I did not, no. It may have been in some of the papers I was
24 given. I don't know. Again, I was focused on the policy.

25 Q You testified earlier about a soft earmark. What did you

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1 mean by that?

2 A Well, it was based on the information that had been provided
3 to me to enable me to participate in the meeting that there was what
4 we call a soft earmark and that that meant -- the interpretation of
5 that meant that the money would have -- even if aid to the military
6 was frozen, the money would have -- money would have to be found to
7 go, that amount, and be spent in Ukraine.

8 Q All right. Going back to the beginning of September before
9 the hold was lifted, do you recall any conversations that you had with
10 anyone about security assistance?

11 A There's nothing that I remember other than the small group
12 meeting and my note to the Secretary. I may have -- we meet often.
13 I may have reminded him at some point that this was still pending and
14 a problem. I don't have any record of that, and I don't -- I can't
15 remember a specific instance.

16 And there may have been cases where people were reminding me that
17 the assistance was still pending and that it was a problem. We
18 certainly got the cable from the Ambassador, and the next day -- and
19 I believe it was the cable that prompted it -- but the next day the
20 European Bureau, Phil Reeker, wrote a memo which I would have seen at
21 the time that, quote, "the clock is ticking" on the time needed in order
22 to provide the assistance, and, again, asking for -- I think that the
23 intention was to remind people that we needed to try to get this done.

24 Q And did you do anything to follow up on that email?

25 A No, I knew it was in front of the Secretary already. I may

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1 have mentioned it to him at the time. I don't remember. But I knew
2 he was fully versed on the matter.

3 Q Do you recall seeing a Washington Post editorial board
4 opinion on or about September 5th reporting that Trump was withholding
5 security assistance as part of an effort to pressure Ukraine to
6 investigate the Bidens?

7 A I don't remember that.

8 Q You don't recall having any discussions with anybody at the
9 beginning of September about that?

10 A No, I don't remember that.

11 Q And what about just generally about these allegations that
12 security assistance was being used as leverage?

13 A My memory is that I first saw that when the whistleblower
14 stuff, which was coming out almost at the same time. I don't know
15 exactly when that occurred. But that was when I saw that there were
16 these -- there was this -- people were saying that there had been a
17 connection made.

18 Q And you had no discussions with Secretary Pompeo about this?

19 A I don't remember having them.

20 Q Okay.

21 THE CHAIRMAN: I think we are finished. Do you have any further
22 questions on your side?

23 MR. CASTOR: Just one or two. Mr. Meadows?

24 MR. MEADOWS: No, go ahead.

25 BY MR. CASTOR:

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1 Q You mentioned in the Ambassador Taylor cable, he went through
2 the pros and the cons of the withholding of the aid?

3 A Well, the pros of going forth with the aid, and the cons about
4 consequences if we did not go forth with the aid.

5 Q Okay. That's fine. Sorry. And then the -- foreign aid,
6 for a variety of reasons, is subject to holds. Is that not a true
7 statement?

8 A That's true.

9 Q And the holds come from a variety of places. Sometimes they
10 are generated from the Hill; sometimes not. But as a general matter,
11 aid is often held?

12 A It happens. As I said, it was happening on Lebanon as well.
13 As I said earlier, there was speculation in an email between Assistant
14 Secretary -- well, the Assistant Secretary got back to me and said that
15 he and his OSD counterpart had been speculating on the Lebanon aid and
16 the fact that this was having on Ukraine, whether this was a new normal
17 in terms of -- I think the context was, is this the way we are going
18 forth with our foreign assistance review? But we didn't know.

19 Q And oftentimes the holds or the freezes, whatever you want
20 to call it, gets resolved?

21 A Right. Correct.

22 Q And in this particular instance, were you hopeful or
23 confident that the hold would be resolved?

24 A I very much hoped so. I believed that because of what we
25 learned from OMB during that meeting, that the only thing that could

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1 be done about it was to convince the President. And I was
2 hoping -- very hopeful that the Secretary of State would be persuasive
3 and convince the President that this was the right thing to do, to
4 release the money.

5 Q And ultimately it was?

6 A It was.

7 Q And to your knowledge, there was no strings attached to that
8 aid?

9 A Right. I never knew that.

10 Q But, ultimately, you're not aware of any conditions being
11 attached to the aid?

12 A As I said, all I saw is what was exposed to the media of these
13 various things that people were saying about it, but, no, if you're
14 asking in the conduct of my job, no.

15 Q Okay.

16 MR. MEADOWS: And so I want to follow up there, Mr. Ambassador,
17 because the majority, you know, they want to document The New York
18 Times, Washington Post, and have us look backwards to have you opine
19 on all of these nefarious motivations as it relates to the aid.

20 And from your testimony, I think it's been very clear. You're
21 actually one of the few people that work on the seventh floor at the
22 State Department. Is that correct?

23 AMBASSADOR HALE: As a principal, correct.

24 MR. MEADOWS: As a principal. And so Ambassador Hale, your
25 testimony here today is that you were aware of no connection of the

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1 aid being held up in exchange for investigations into anything. Is
2 that correct?

3 AMBASSADOR HALE: That's correct. I had no knowledge of that.

4 MR. MEADOWS: And to your knowledge, you're not aware of
5 Secretary Pompeo having any direct knowledge of a connection between
6 investigations and the aid being held up. Is that correct?

7 AMBASSADOR HALE: He never discussed it with me.

8 MR. MEADOWS: All right. And so, as a person who would know at
9 the seventh floor, no matter how informed The Washington Post Editorial
10 Board may or may not be -- and I would put the emphasis on the "may
11 not be" -- as a person who should know, you're saying your sworn
12 testimony today is that you were not aware of connections to withhold
13 foreign aid to Ukraine. Is that correct?

14 AMBASSADOR HALE: Not aware of any what?

15 MR. MEADOWS: Any nefarious motivations to withhold aid to
16 Ukraine.

17 AMBASSADOR HALE: That's correct. I did not know that. We did
18 not know why this had occurred. It was not explained to us. The
19 context, of course, as we knew, A, the President was skeptical of
20 assistance, generally, and, B, he was skeptical of the corruption
21 environment in Ukraine.

22 MR. MEADOWS: And so, as we look back through all of this, it was
23 your belief, I believe you testified not once, but several times today,
24 that it was your belief that the aid would ultimately get unsuspended
25 and released, and that the Ukrainian aid that you deemed as very

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1 necessary would ultimately arrive at its destination and be deployed
2 efficiently and effectively. Is that correct?

3 AMBASSADOR HALE: I believe in our system, sometimes it is very
4 convoluted; sometimes there are delays. It is normal to have delays
5 and differences of opinion as that process is unfolded, but I had
6 confidence that the argument in favor of this assistance was so strong
7 that, in the end, it would prevail and we would be able to resume the
8 assistance.

9 MR. MEADOWS: And, lastly, as we look at all of this, are you
10 aware, you know, we talk about the check off -- and I think Mr. Mitchell
11 was talking about a check off that happened in May that you go through
12 this process where they check off so that the aid can actually flow
13 through.

14 If, indeed, a check off happened, which we have from other
15 witnesses suggested that they checked off and said that the Ukrainian
16 Government was making efforts on corruption, would it be reasonable
17 to put a pause on something if you had a Presidential election with
18 a new government coming in at that particular time to evaluate that,
19 because the timeframe that Mr. Mitchell put forth was May of 2019.
20 What other significant events were happening in the Ukraine at that
21 time?

22 AMBASSADOR HALE: Well, it's true that there was a Presidential
23 transition underway, as we all know and have discussed, and there were
24 parliamentary elections coming which were also very important to see
25 how strong the forces of reform would be in the country. Those were

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1 all factors in play at the moment. I can't put myself in the
2 President's mind as to why he took the position he took, but these are
3 factors that were occurring simultaneously.

4 MR. MEADOWS: And so I will close with this: Again, thank you
5 for your service. Thank you for your willingness to answer questions
6 from both the majority and the minority in a direct and succinct way.

7 And thank you for helping our Nation as it relates to foreign
8 policy. It's the dedicated public servants, folks like you, that
9 actually make a real difference, where we don't have to address those
10 on Main Street here in the United States because we have you doing it
11 in places abroad. So I want to thank you. And I'll yield back.

12 AMBASSADOR HALE: If I may just respond, thank you very much for
13 that comment, and I will take that back to my colleagues.

14 MR. MEADOWS: Please do.

15 THE CHAIRMAN: I have a few more followup questions based on my
16 colleague's questions.

17 You probably have seen now the text mail communications as well
18 as some of the testimony of other witnesses that there was an effort
19 to get President Zelensky to commit to doing two investigations -- one
20 involving Burisma and the Bidens, and another involving this conspiracy
21 about 2016 -- in order to get a meeting with the President. I take
22 it you were out of the loop on that?

23 AMBASSADOR HALE: Correct.

24 THE CHAIRMAN: So those that were involved in trying to arrange
25 that, Ambassador Volker, Ambassador Sondland, or others, they did not

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1 inform you that they were trying to get President Zelensky to commit
2 to these two investigations?

3 AMBASSADOR HALE: Correct.

4 THE CHAIRMAN: You were not on the text messages between these
5 parties discussing what needed to go into that public statement to get
6 the meeting. I take it you were out of the loop on that?

7 AMBASSADOR HALE: Correct.

8 THE CHAIRMAN: Ambassador Sondland's discussions with
9 Mr. Yermak in Warsaw about the conditioning of the military aid to
10 the -- to Ukraine's commitment to do these investigations, you were
11 out of the loop open that?

12 AMBASSADOR HALE: Correct.

13 THE CHAIRMAN: Ambassador Sondland didn't brief you about the
14 discussions he was having with his Ukraine counterparts to either
15 condition the White House meeting or the aid on these investigations,
16 you were out of the loop on that?

17 AMBASSADOR HALE: Correct.

18 THE CHAIRMAN: When Mr. Mulvaney acknowledged from the White
19 House in a press conference that, indeed, he had discussed with the
20 President doing this investigation into 2016 and that was part of the
21 reason they held up the aid, I take it you were out of the loop on his
22 conversations with the President, were you not?

23 AMBASSADOR HALE: Correct.

24 THE CHAIRMAN: You just knew that Mulvaney had placed a hold on
25 the aid, but you were not aware of his discussions with the President?

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1 AMBASSADOR HALE: Correct. Just to expand on that, what the OMB
2 deputy said was that this was a directive of the President and of Acting
3 Chief of Staff Mulvaney.

4 THE CHAIRMAN: And I take it the conversations that Ambassador
5 Sondland had with the President on the holdup of Ukraine military
6 assistance and that there would be a stalemate as long as Zelensky
7 didn't do what the President felt he should do, you were out of the
8 loop on that as well?

9 AMBASSADOR HALE: Correct.

10 THE CHAIRMAN: I have nothing further.

11 MR. MEADOWS: Let me go ahead and have a followup against
12 Mr. Chairman's cross.

13 Are you aware of anything that the Ukrainian Government has done
14 other than fighting corruption and passing bills to fight corruption
15 as it relates to the aid?

16 I mean, was there a leverage? I mean, was there a deliverable?
17 Are you aware of any deliverable the Ukrainians gave the United States
18 Government other than passing anticorruption bills that happened in
19 late August of 2019?

20 AMBASSADOR HALE: I don't know of anything that the Ukrainians
21 have done in order of that nature, no.

22 MR. MEADOWS: All right, I will close. Thank you.

23 THE CHAIRMAN: Okay. That concludes the deposition of
24 Ambassador Hale. I want to thank you for your testimony today, and
25 we are adjourned.

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1 [Whereupon, at 2:44 p.m., the deposition was concluded.]

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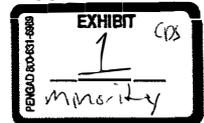
Ukraine's ambassador: Trump's comments send wrong message to world

BY AMB. VALERIY CHALY, CONTRIBUTOR - 08/04/16 01:30 PM EDT 29



The U.S. presidential race has captured attention of the world, sometimes posing serious challenges for foreign diplomats when they find their country in the campaign's spotlight. Ukraine, which came to the world's attention two years with its Revolution of Dignity and then worked to remain on the world's radar after Russian aggression, has found itself in the spotlight once again.

Recent comments by Republican nominee Donald Trump about the Ukrainian peninsula of Crimea — occupied by Russia since March 2014 — have raised serious concerns in Kyiv and beyond Ukraine. Many in Ukraine are unsure what to think, since Trump's comments stand in sharp contrast to the Republican party platform. Since the Russian aggression, there has been bipartisan support



storage facilities and has already deployed the means for carrying the weapons, including warships and combat aircrafts.

Russia did enter Ukraine in 2014 and would undoubtedly keep on invading should the position of the most important global actors be favorable or neutral, or one of appeasement, and should Ukraine not continue enhancing its defense potential. Right now, Russia is flexing its muscles, building military capacity and testing state-of-the-art weapons in the Ukrainian Donbas. In numbers, Russia's presence in Ukraine means on average 400 shells a week.

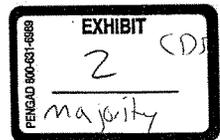
Last week, Ukraine's Ministry of Defense identified and reported 22 flights of unmanned aerial vehicles (UAV) operated by Russia-backed militants. Russia continues to pour its weapons and military equipment to Donbas: For instance, from July 22 to July 28, nearly 6,000 tons of fuel, 80 tons of ammunition and 120 tons of military cargo (including repair parts for military vehicles) were delivered through an uncontrolled part of the Ukrainian-Russian border. The Organization for Security and Cooperation in Europe's monitoring mission has reported that Russian-backed militants have used a wide array of heavy weapons, including mortars, high-caliber artillery and tanks.

This bloody war, which has already taken more than 10,000 Ukrainian lives and internally displaced almost 2 million, is a fight of a young democracy for independence and its choice to be part of the West and embrace Western values. Neglecting or trading the cause of a nation inspired by those values — cemented by Americans in their fight for independence and civil rights — would send a wrong message to the people of Ukraine and many others in the world who look to the U.S. as to a beacon of freedom and democracy.

Chaly is Ukraine's ambassador to the United States.

STATE DEPARTMENT SPOKESPERSON STATEMENT
AUGUST 22, 2019

- The United States strongly supports Ukraine as it deepens its democracy, fights corruption, pursues economic reform, and improves its ability to defend itself against Russia's ongoing aggression.
- President Trump has invited President Zelenskyy to visit him at the White House, and both sides are working on the scheduling of such a meeting.
- We understand that the Ukrainian government taking shape under President Zelenskyy is committed to fighting corruption and other illegal activities and that investigations into such matters would be consistent within that overall approach.
- Ambassador Volker has confirmed that, at Presidential Advisor Andriy Yermak's request, Volker put Yermak in direct contact with Mr. Giuliani.
- Mr. Giuliani is a private citizen and acts in a personal capacity as a lawyer for President Trump. He does not speak on behalf of the U.S. Government. We would refer you to Mr. Giuliani for information about the content of Mr. Giuliani's conversations with Ukrainian officials.



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5 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

6 joint with the

7 COMMITTEE ON OVERSIGHT AND REFORM

8 and the

9 COMMITTEE ON FOREIGN AFFAIRS,

10 U.S. HOUSE OF REPRESENTATIVES,

11 WASHINGTON, D.C.

12

13

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15 DEPOSITION OF: MICHAEL DUFFEY

16

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20 Tuesday, November 5, 2019

21 Washington, D.C.

22

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24 The deposition in the above matter was held in Room HVC-304,

25 Capitol Visitor Center, commencing at 2:02 p.m.

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1 Present: Representatives Schiff and Quigley.

2 Also Present: Representatives Raskin, Maloney, and Meadows.

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

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2 THE CHAIRMAN: The committee will come to order. We'll begin
3 today's proceeding.

4 This is a deposition of Associate Director Michael Duffey
5 conducted by the House Permanent Select Committee on Intelligence, in
6 coordination with the Committees on Foreign Affairs and Oversight and
7 Reform, pursuant to the impeachment inquiry announced by the Speaker
8 of the House on September 24, 2019, and affirmed by House Resolution
9 660 on October 31, 2019.

10 On October 11, 2019, the committees sent a letter to Mr. Duffey
11 requesting that he voluntarily appear for a deposition on October 23,
12 2019.

13 On October 21, 2019, the Office of Management and Budget informed
14 the committees that Mr. Duffey would not voluntarily appear at a
15 deposition per the White House counsel's October 8, 2019, letter.

16 As a result, on October 25, 2019, the committees issued a subpoena
17 compelling Mr. Duffey's mandatory appearance at a deposition today.

18 Yesterday, OMB reasserted its position that, quote, "as directed
19 by the White House counsel's October 8, 2019, letter, OMB will not
20 participate in this partisan, unfair impeachment inquiry," unquote.
21 OMB argues that the impeachment inquiry lacks basic due-process
22 protections and relies on an Office of Legal Counsel opinion that the
23 committee cannot lawfully bar agency counsel from depositions.

24 This new and shifting rationale from the White House, like the
25 others it has used to attempt to block witnesses from appearing to

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1 provide testimony about the President's misconduct, has no basis in
2 law or the Constitution and is a serious affront to decades of precedent
3 in which Republicans and Democrats have used exactly the same
4 procedures to depose executive branch officials without agency counsel
5 present, including some of the most senior aides to multiple previous
6 Presidents.

7 I would note for my Republican colleagues that this rule was
8 supported by Acting White House Chief of Staff Mick Mulvaney when he
9 served as a member of the Oversight Committee and by Secretary of State
10 Mike Pompeo when he served as a member of the Benghazi Select Committee.

11 In fact, some of the same Members and staff currently conducting
12 depositions as part of the present impeachment inquiry participated
13 directly in depositions without agency counsel during the Clinton,
14 Bush, and Obama administrations.

15 The basis for this process is straightforward. It ensures that
16 the committees are able to depose witnesses in furtherance of our
17 investigation without having representatives of the agency or office
18 under investigation in the room to interfere or improperly learn
19 details about the investigation.

20 The rule nevertheless protects the rights of witnesses by
21 allowing them to be accompanied in the deposition by personal counsel,
22 which was offered to Mr. Duffey.

23 Other than the White House counsel's objection to longstanding
24 congressional practice, the committees are aware of no other valid
25 constitutional privilege asserted by the White House to direct

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1 Mr. Duffey to defy this subpoena.

2 To the extent the White House believes that an issue could be
3 raised at the deposition that may implicate a valid privilege, the
4 White House may seek to assert that privilege with the committee in
5 advance of the deposition. To date, as has been the case in every other
6 deposition as part of this inquiry, the White House has not done so.

7 I am entering into the record for the impeachment inquiry the
8 following documents.

9 Exhibit 1 is the committee's letter dated October 11 requesting
10 that Mr. Duffey voluntarily appear for a deposition.

11 Exhibit 2 is the committee's cover letter to the subpoena dated
12 October 25.

13 Exhibit 3 is the Intelligence Committee's subpoena to
14 Mr. Duffey, which was served on October 25.

15 Exhibit 4 is OMB's letter to the committees dated November 4
16 stating that the White House instructed him not to appear.

17 [Majority Exhibit No. 1
18 was marked for identification.]

19 [Majority Exhibit No. 2
20 was marked for identification.]

21 [Majority Exhibit No. 3
22 was marked for identification.]

23 [Majority Exhibit No. 4
24 was marked for identification.]

25 THE CHAIRMAN: Mr. Duffey has neither presented a valid

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1 constitutional reason to defy a duly authorized subpoena nor have the
2 committees received a court order relieving him of his obligation to
3 appear today.

4 Despite his legal obligations to appear, Mr. Duffey is not
5 present here today and has therefore defied a duly authorized
6 congressional subpoena. The committees may consider Mr. Duffey's
7 defiance of his subpoena as evidence in a future contempt proceeding.

8 This subpoena remains in full force.

9 The committees reserve all of their rights, including the right
10 to raise this matter at a future Intelligence Committee proceeding at
11 the discretion of the chair of the committee.

12 This effort by the President to attempt to block Mr. Duffey from
13 appearing can only be interpreted as a further effort by the President
14 and the White House to obstruct the impeachment inquiry and Congress's
15 lawful and constitutional functions.

16 Moreover, the obstruction does not exist in a vacuum. Over the
17 past several weeks, we have gathered extensive evidence of the
18 President's abuse of power related to pressuring Ukraine to initiate
19 investigations that would benefit the President personally and
20 politically and sacrifice the national interest in attempting to do
21 so.

22 Some of that evidence has revealed that Mr. Duffey was a
23 percipient witness to misconduct, which may include the President's
24 misconduct, including President Trump's decision to place a hold on
25 Ukraine security assistance and concerns about the legality of the

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1 hold.

2 We can only infer, therefore, that the White House's efforts to
3 block Mr. Duffey from testifying is to prevent the committees from
4 learning additional evidence of Presidential misconduct and that
5 Mr. Duffey's testimony would corroborate and confirm other witnesses'
6 accounts of such misconduct, including Mr. Mulvaney's admission from
7 the White House Briefing Room that the Ukraine military aid was frozen
8 by the President in order to pressure Ukraine into initiating
9 investigations into the Bidens and the 2016 election.

10 With that, I'm happy to yield to Mr. Meadows.

11 Minority counsel?

12 MR. CASTOR: I just want to note for the record that some of these
13 witnesses that have not had the ability to hire personal counsel may
14 have been able to participate if they were accompanied by agency
15 counsel.

16 If there's a concern about them being represented by agency
17 counsel from their own agency, there are workarounds that we've done
18 in the past, where they get a government lawyer from DOJ to join them.
19 And that might be an opportunity -- you know, a lawyer not connected
20 with the investigation, not connected with the agency under
21 investigation. That may be a way to get some of these witnesses in
22 the door and get additional facts for the investigation but not
23 compromise some of the issues you mentioned.

24 So thank you.

25 THE CHAIRMAN: I appreciate that, counsel. I would just say for

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1 the record that, to my knowledge, this witness has indicated no issue
2 in terms of finding counsel. Their objection is merely the one
3 transmitted by the White House.

4 And, with that, the proceedings are concluded and we are
5 adjourned.

6 [Whereupon, at 2:08 p.m., the deposition was concluded.]

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Congress of the United States
Washington, DC 20515

October 11, 2019

Mr. Michael Duffey
Associate Director for National Security Programs
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

Dear Mr. Duffey:

Pursuant to the House of Representatives' impeachment inquiry, we write to request your appearance at a deposition on **October 23, 2019, at 9:30 a.m. at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

The Committees are investigating the extent to which President Trump jeopardized U.S. national security by pressing Ukraine to interfere with our 2020 election and by withholding a White House meeting with the President of Ukraine and military assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

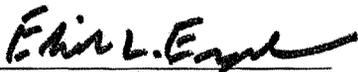
Based upon public reporting and evidence gathered as part of the impeachment inquiry, we believe you may have information relevant to these matters.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.



Mr. Michael Duffey
Page 2

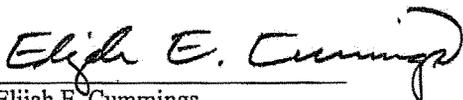
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Elijah E. Cummings
Chairman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

Congress of the United States
Washington, DC 20515

October 25, 2019

Mr. Michael Duffey
Associate Director for National Security Programs
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

Dear Mr. Duffey:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to appear at a deposition on **November 5, 2019, at 9:30 a.m., at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

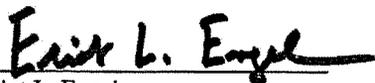
On October 11, 2019, the Committees sent a letter to you requesting that you voluntarily appear for a deposition on October 23, 2019. On October 21, 2019, the Office of Management and Budget informed the Committees that you would not voluntarily appear at a deposition per the White House Counsel's October 8, 2019 letter. The Committees therefore have no choice but to issue a subpoena compelling your mandatory appearance.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.



Mr. Michael Duffey
Page 2

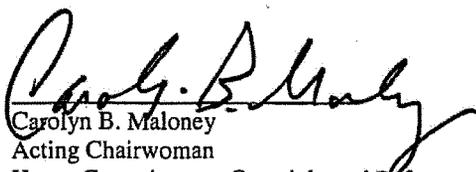
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To MICHAEL DUFFEY

You are hereby commanded to be and appear before the Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production:
Date:
Time:

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol
Date: November 5, 2019
Time: 9:30 a.m.

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:
Date:
Time:

To The U.S. Marshals Service, or any authorized Member or congressional staff to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 24th day of October, 2019.

[Signature]
Chairman or Authorized Member

Attest: Robert F. Reems, Deputy Clerk
Clerk



PROOF OF SERVICE

Subpoena for

MICHAEL DUFFEY

Address _____

before the Permanent Select Committee on Intelligence

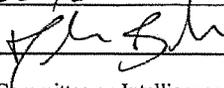
*U.S. House of Representatives
116th Congress*

Served by (print name) Mahe Bitar

Title General Counsel

Manner of service Electronic Mail

Date 10/25/2019

Signature of Server 

Address Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 4, 2019

The Honorable Adam Schiff
Chairman
House Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Schiff:

This letter is in response to your October 25, 2019, subpoenas to Acting Director Russell Vought and Associate Director Michael Duffey and your November 1, 2019, subpoena to Associate Director Brian McCormack compelling their appearances for depositions. The Office of Management and Budget (OMB) reasserts its position that, as directed by the White House Counsel's October 8, 2019, letter, OMB will not participate in this partisan and unfair impeachment inquiry.¹ Thursday's resolution only formalized a process that lacks basic due process protections and the ability to protect executive privilege. For example, as set forth in your rules² and your Committee's communications with Mr. Vought, Mr. Duffey, and Mr. McCormack, the Committee is denying agency counsel from participating in these depositions. The Office of Legal Counsel has advised that the Committee cannot lawfully bar agency counsel from these depositions. Therefore, Mr. Vought, Mr. Duffey, and Mr. McCormack will not appear at their respective depositions without being permitted to bring agency counsel.

Sincerely,

Jason A. Yaworske
Associate Director
for Legislative Affairs

cc: The Honorable Devin Nunes

¹ Letter from Jason Yaworske, Assoc. Dir. for Leg. Affairs, Off. of Management and Budget to Hon. Adam B. Schiff, Chairman, H. Permanent Select Comm. on Intelligence (Oct. 15, 2019).

² Regulation for the Use of Deposition Authority, 116th Cong. H1216 (Jan. 25, 2019).

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6 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

7 joint with the

8 COMMITTEE ON OVERSIGHT AND REFORM

9 and the

10 COMMITTEE ON FOREIGN AFFAIRS,

11 U.S. HOUSE OF REPRESENTATIVES,

12 WASHINGTON, D.C.

13

14

15

16 DEPOSITION OF: PRESTON WELLS GRIFFITH

17

18

19

20

21 Tuesday, November 5, 2019

22 Washington, D.C.

23

24

25 The deposition in the above matter was held in Room HVC-304,

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- 1 Capitol Visitor Center, commencing at 9:05 a.m.
- 2 Present: Representatives Schiff and Quigley.
- 3 Also Present: Representatives Raskin, Maloney, and Meadows.

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

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2 MR. GOLDMAN: We're on the record. This is the deposition of
3 Preston Wells Griffith.

4 It is after 9 o'clock in the morning. The subpoena for the
5 witness was to appear at 9 o'clock. The witness is not here. At the
6 request of the chairman, we are going to recess until 11:30 this
7 morning.

8 Thank you.

9 [Recess.]

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1 [11:31 a.m.]

2 THE CHAIRMAN: Okay. Let's go on the record. We'll now begin
3 today's proceeding.

4 This is a deposition of Preston Wells Griffith, Senior Director
5 for International Energy and Environment at the National Security
6 Council, conducted by the House Permanent Select Committee on
7 Intelligence, in coordination with the Committees on Foreign Affairs
8 and Oversight and Reform, pursuant to the impeachment inquiry announced
9 by the Speaker of the House on September 24, 2019, and affirmed by House
10 Resolution 660 on October 31, 2019.

11 On October 24, 2019, the committees sent a letter to Mr. Griffith
12 requesting that he voluntarily appear for a deposition as part of this
13 inquiry. Through his counsel, on November 3, 2019, Mr. Griffith
14 indicated that he had received guidance from the White House counsel
15 and, on the basis of that guidance, Mr. Griffith would not appear for
16 a deposition, even under subpoena.

17 On November 4, Mr. Griffith's counsel sent a letter to the
18 committees reiterating that Mr. Griffith would not appear for a
19 deposition, quote, "based upon the direction of White House counsel
20 that he not appear due to agency counsel not being permitted."

21 Later that day, the Intelligence Committee served, through
22 Mr. Griffith's counsel, a duly authorized subpoena compelling
23 Mr. Griffith's appearance for a deposition today.

24 Although the committees requested a copy of any written direction
25 from the White House, Mr. Griffith's counsel has not provided any such

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1 documentation to the committees.

2 The White House's newly invented rationale for obstructing the
3 impeachment inquiry appears based on a legal opinion that was issued
4 by the Department of Justice Office of Legal Counsel just last Friday,
5 November 1.

6 It is noteworthy and telling that OLC issued this opinion after
7 multiple current and former White House, State Department, and
8 Department of Defense officials testified before the committees, both
9 voluntarily and pursuant to subpoena, all without agency counsel
10 present.

11 The White House's invocation of this self-serving OLC opinion
12 should therefore be seen for what it is: a desperate attempt to staunch
13 the flow of incriminating testimony from the executive branch officials
14 about the President's abuse of power.

15 The White House's newly invented rationale, like the others it
16 has used to attempt to block witnesses from appearing for depositions
17 in this impeachment inquiry, has no basis in law or the Constitution.
18 It is also a serious affront to decades of precedent in which
19 Republicans and Democrats have used exactly the same procedures to
20 depose executive branch officials without agency counsel present,
21 including some of the most senior aides to multiple previous
22 Presidents.

23 I would note for my Republican colleagues that this rule was
24 supported by Acting White House Counsel Chief of Staff Mick Mulvaney
25 when he served as a member of the Oversight Committee and by Secretary

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1 of State Mike Pompeo when he served as a member of the Benghazi Select
2 Committee.

3 In fact, some of the same Members and staff currently conducting
4 depositions as part of the present impeachment inquiry participated
5 directly in depositions without agency counsel during the Clinton,
6 Bush, and Obama administrations.

7 The basis for this process is straightforward and ensures that
8 the committees are able to depose witnesses in furtherance of our
9 investigation without having representatives of the agency or office
10 under investigation in the room to interfere or improperly learn
11 details about the investigation.

12 The rule nevertheless protects the rights of witnesses by
13 allowing them to be accompanied in the deposition by personal counsel,
14 which was offered to Mr. Griffith, who has personal counsel.

15 Other than the White House's objection to longstanding
16 congressional practice, the committees are aware of no other valid
17 constitutional privilege asserted by the White House to direct
18 Mr. Griffith to defy the subpoena.

19 To the extent the White House believes that an issue could be
20 raised at a deposition that may implicate a valid claim of privilege,
21 the White House may seek to assert that privilege with the committee
22 in advance of the deposition. To date, as has been the case in every
23 other deposition as part of the inquiry, the White House has not done
24 so.

25 Yesterday, on November 4, 2019, the Intelligence Committee

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1 issued a subpoena for Mr. Griffith's appearance this morning, and
2 Mr. Griffith remained obligated to appear.

3 The cover letter to the subpoena outlines in some detail the
4 numerous times the Republican- and Democratic-controlled committees
5 conducted depositions of executive branch officials, including senior
6 White House officials, without agency counsel present.

7 I am therefore entering into the record for the impeachment
8 inquiry the following exhibits.

9 Exhibit 1 is the committee's letter dated October 24 requesting
10 Mr. Griffith's voluntary deposition.

11 Exhibit 2 is the letter received from Mr. Griffith's counsel on
12 November 4 stating that the White House has instructed him not to
13 appear.

14 Exhibit 3 is the committee's letter dated November 4 to
15 Mr. Griffith's counsel transmitting a subpoena.

16 And exhibit 4 is the subpoena issued by the Intelligence
17 Committee to Mr. Griffith and served on his counsel on November 4 that
18 commanded his appearance here today.

19 [Majority Exhibit No. 1
20 was marked for identification.]

21 [Majority Exhibit No. 2
22 was marked for identification.]

23 [Majority Exhibit No. 3
24 was marked for identification.]

25 [Majority Exhibit No. 4

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1 inquiry and Congress's lawful and constitutional functions.

2 Moreover, the obstruction does not exist in a vacuum. Over the
3 past several weeks, we have gathered extensive evidence of the
4 President's abuse of power related to pressuring Ukraine to initiate
5 investigations that would benefit the President personally and
6 politically and sacrifice the national interest in attempting to do
7 so.

8 Some of that evidence has revealed that Mr. Griffith was a
9 percipient witness to misconduct, including potentially that of the
10 President, including his participation in the July 10 meeting at the
11 White House where it was communicated to Ukrainian Government
12 officials that a coveted meeting at the White House for President
13 Zelensky was conditioned upon the Ukrainians pursuing the political
14 investigations being pushed by President Trump and Mr. Giuliani.

15 We can only infer, therefore, that the White House's efforts to
16 block Mr. Griffith from testifying is to prevent the committees from
17 learning additional evidence of Presidential misconduct and that
18 Mr. Griffith's testimony would corroborate and confirm other
19 witnesses' accounts of such misconduct.

20 At this point, I'm happy to yield to the ranking member of
21 Intelligence or, in his absence, any Republican Member.

22 MS. GREEN: Mr. Chairman, I would just ask that you provide us
23 copies of the four exhibits.

24 THE CHAIRMAN: Yes. Happy to do so.

25 MS. GREEN: Thank you.

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1 THE CHAIRMAN: Mr. Meadows, anything? Okay.
2 That will conclude today's proceeding, and we are adjourned.
3 [Whereupon, at 11:38 a.m., the deposition was concluded.]

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Congress of the United States
Washington, DC 20515

October 24, 2019

Preston Wells Griffith
Senior Director for International Energy & Environment
National Security Council
Eisenhower Executive Office Building
Washington, DC 20504

Dear Mr. Griffith:

Pursuant to the House of Representatives' impeachment inquiry, we write to request your appearance at a deposition on **November 5, 2019, at 9:30 a.m. at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

The Committees are investigating the extent to which President Trump jeopardized U.S. national security by pressing Ukraine to interfere with our 2020 election and by withholding a White House meeting with the President of Ukraine and military assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

Based upon public reporting and evidence gathered as part of the impeachment inquiry, we believe you may have information relevant to these matters.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.



Mr. Preston Wells Griffith
Page 2

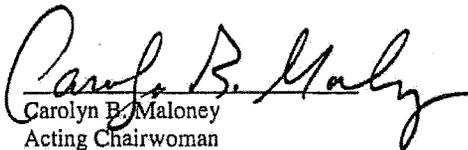
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform



November 4, 2019

Karen D. Williams

Direct Phone 202-304- [REDACTED]

Direct Fax 202-540- [REDACTED]

VIA E-MAIL

The Honorable Eliot L. Engel
Chairman
House Committee on Foreign Affairs
Washington, D.C. 20515

The Honorable Adam B. Schiff
Chairman
House Permanent Select Committee on
Intelligence
Washington, D.C. 20515

The Honorable Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform
Washington, D.C. 20515

Re: Preston Wells Griffith

Dear Chairman Schiff, Chairman Engel, and Acting Chairwoman Maloney:

As discussed with Committee counsel, Mr. Griffith respectfully declines to appear for a deposition before the joint Committees conducting the impeachment inquiry, based upon the direction of White House Counsel that he not appear due to agency counsel not being permitted. As of this writing, Mr. Griffith has not been subpoenaed to testify. Mr. Griffith has been put in a paramount dilemma between two equal branches of government: If he appears—either voluntarily or under subpoena—under the House rules, he could be held in contempt if he refuses to answer questions that implicate privilege. If he does not appear, as is the direction from the White House Counsel, he could also be held in contempt.

In the absence of agreement between the Executive branch and Congress, there are pending lawsuits relevant to the disputes between the Executive branch and Congress regarding the testimony of witnesses being sought in this inquiry. Mr. Griffith will abide by whatever final decision the federal judiciary reaches regarding privilege and the validity of a subpoena issued by the Committees. Alternatively, if Congress and the Executive branch reach resolution as to the conflicting issues facing witnesses, Mr. Griffith is prepared to perform his legal duties once the conflicting directives are resolved.

Should the Committees choose to issue a subpoena to Mr. Griffith, I will accept service on his behalf.

Sincerely,

COZEN O'CONNOR

By: Karen D. Williams

Congress of the United States
Washington, DC 20515

November 4, 2019

Karen Williams, Esq.
 Cozen O'Connor
 1200 19th Street, NW
 Washington, DC 20036

Dear Ms. Williams:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels your client, Preston Wells Griffith, to appear at a deposition on **Tuesday, November 5, 2019, at 9:00 a.m. at The Capitol, HVC-304.**

This subpoena is being issued by the Permanent Select Committee on Intelligence under the Rules of the House of Representatives in exercise of its oversight and legislative jurisdiction and after consultation with the Committee on Foreign Affairs and the Committee on Oversight and Reform. The deposition transcript shall be collected as part of the House's impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.¹ Mr. Griffith's failure or refusal to comply with the subpoena, including at the direction or behest of the President or the White House, shall constitute further evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against Mr. Griffith and the President. Moreover, Mr. Griffith's failure to appear shall constitute evidence that may be used against him in a contempt proceeding.

Baseless White House Order to Block Witness Testimony

On October 24, 2019, the Committees sent a letter requesting that Mr. Griffith appear voluntarily for a deposition, as we have with many other witnesses.² Earlier today, you sent us a letter stating that Mr. Griffith would not appear because the White House now takes issue with agency counsel being excluded from congressional depositions—a procedure that is enshrined in House Rules and has been used by both Republicans and Democrats for decades. You wrote: "Mr. Griffith respectfully declines to appear for a deposition . . . based upon the direction of White House Counsel that he not appear due to agency counsel not being permitted."³

¹ See Letter from Chairman Jerrold Nadler, House Committee on the Judiciary, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence; Chairwoman Maxine Waters, House Committee on Financial Services; Chairman Elijah E. Cummings, House Committee on Oversight and Reform; and Chairman Eliot L. Engel, House Committee on Foreign Affairs (Aug. 22, 2019) (online at <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/FiveChairsLetter&22.pdf>).

² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Preston Wells Griffith, Senior Director for International Energy & Environment, National Security Council (Oct. 24, 2019).

³ Letter from Karen D. Williams, Counsel for Preston Wells Griffith, to Chairman Eliot L. Engel, House



Ms. Karen Williams, Esq.
Page 2

Committee staff requested that you provide any written correspondence from the White House or the Department of Justice, but you have not done so.

The White House's position has no merit. Instead, it is the latest in a long line of baseless procedural challenges to the House of Representatives' authority to fulfill one of its most solemn responsibilities under the Constitution. The deposition rule that excludes agency counsel is intended for exactly these types of circumstances—to prevent agency officials who are directly implicated in the abuses we are investigating from trying to prevent their own employees from coming forward to tell the truth to Congress. This rationale applies with the same force to the Executive Office of the President as it does to any other Executive Branch agency.

The White House's frivolous challenge to the House deposition rules contradicts decades of precedent in which Republicans and Democrats have used exactly the same procedures to depose Executive Branch officials without agency counsel present, including some of the most senior aides to multiple previous Presidents.

These are the same deposition procedures that were supported by Acting White House Chief of Staff Mick Mulvaney when he served as a Member of the Oversight Committee and by Secretary of State Mike Pompeo when he served as a Member of the Benghazi Select Committee. In fact, some of the same Members and staff currently conducting depositions as part of the present impeachment inquiry participated directly in depositions without agency counsel during the Clinton, Bush, and Obama Administrations. There should not be a different standard now because Donald Trump is in the White House.

Chairman Dan Burton

When Republican Rep. Dan Burton served as Chairman of the Committee on Government Reform, the Committee deposed 141 Clinton Administration officials without agency counsel present—including the following top advisors to President Bill Clinton:

- White House Chief of Staff Mack McLarty;
- White House Chief of Staff Erskine Bowles;
- White House Counsel Bernard Nussbaum;
- White House Counsel Jack Quinn;
- Deputy White House Counsel Bruce Lindsey;
- Deputy White House Counsel Cheryl Mills;
- Deputy White House Chief of Staff Harold Ickes;
- Chief of Staff to the Vice President Roy Neel; and
- Chief of Staff to the First Lady Margaret Williams.⁴

Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform (Nov. 4, 2019).

⁴ Committee on Government Reform, Democratic Staff, *Congressional Oversight of the Clinton Administration* (Jan. 17, 2006) (online at <https://wayback.archive-it.org/4949/20141031200116/http://oversight-archive.waxman.house.gov/documents/20060117103516-91336.pdf>).

Ms. Karen Williams, Esq.
Page 3

Chairman Henry Waxman

When Democratic Rep. Henry Waxman became Chairman, the Committee on Oversight and Government Reform continued conducting depositions without agency counsel during the George W. Bush Administration. For example, the Committee deposed five White House officials, including the White House Political Director, during investigations of the White House Office of Political Affairs and the use of private email accounts;⁵ eight State Department officials, including a U.S. Ambassador, during investigations of misconduct by the Inspector General and others;⁶ two Justice Department Officials during investigations into lobbying contacts by Jack Abramoff;⁷ and an EPA official during an investigation of EPA's decision to deny California's request to regulate greenhouse gases.⁸

Chairman Darrell Issa

When Rep. Darrell Issa became Chairman, the Oversight Committee continued conducting depositions without agency counsel present during the Obama Administration. For example, during the investigation of the attacks in Benghazi, the Committee conducted depositions of Ambassador Thomas Pickering and a diplomatic security agent, both of which were personally attended by Rep. Jim Jordan.⁹ The Committee also conducted a deposition of John C. Beale, a former senior official at the Office of Air and Radiation at the EPA.¹⁰

⁵ House Committee on Oversight and Government Reform, Deposition of Matthew Aaron Schlapp (Aug. 27, 2007); House Committee on Oversight and Government Reform, Deposition of Sara Taylor (July 27, 2007); House Committee on Oversight and Government Reform, Deposition of Mindy McLaughlin (Apr. 3, 2008); House Committee on Oversight and Government Reform, Deposition of Monica V. Kladakis (Apr. 14, 2008); House Committee on Oversight and Government Reform, Deposition of Jennifer Farley (Jan. 9, 2008).

⁶ House Committee on Oversight and Government Reform, Deposition of Mark Duda, Assistant Inspector General for Audits, Department of State (Sept. 26, 2007); House Committee on Oversight and Government Reform, Deposition of Erich Hart (Oct. 3, 2007); House Committee on Oversight and Government Reform, Deposition of Gail Voshell (Oct. 5, 2007); House Committee on Oversight and Government Reform, Deposition of Tery Heide, Director of Congressional and Public Affairs for the Office of the Inspector General, Department of State (Nov. 8, 2007); House Committee on Oversight and Government Reform, Deposition of Robert Peterson, Assistant Inspector General, Department of State (Sept. 27, 2007); House Committee on Oversight and Government Reform, Deposition of William Edward Todd, Deputy Inspector General, Department of State (Oct. 12, 2007); House Committee on Oversight and Government Reform, Deposition of Elizabeth Koniuszkow, Department of State (Nov. 2, 2007); House Committee on Oversight and Government Reform, Deposition of Ambassador John L. Withers, Department of State (Aug. 20, 2008).

⁷ House Committee on Oversight and Government Reform, Deposition of Susan Johnson (Oct. 4, 2007); House Committee on Oversight and Government Reform, Deposition of Tracy Henke (June 20, 2007).

⁸ House Committee on Oversight and Government Reform, Deposition of Jason Burnett, Associate Deputy Administrator, Environmental Protection Agency (May 15, 2008).

⁹ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering, Department of State (June 4, 2013); House Committee on Oversight and Government Reform, Deposition of Diplomatic Security Agent #3, Department of State (Oct. 8, 2013).

¹⁰ House Committee on Oversight and Government Reform, Deposition of John Beale (Dec. 19, 2013).

Ms. Karen Williams, Esq.
Page 4

Chairman Jason Chaffetz

When Rep. Jason Chaffetz became Chairman, the Oversight Committee continued conducting depositions during the Obama Administration without agency counsel present. For example, the Committee conducted a deposition of Dr. William Thompson, a senior scientist at the Centers for Disease Control and Prevention, during an investigation of the safety of vaccines,¹¹ as well as a deposition of Stephen Siebert, a program manager at the State Department, during an investigation of embassy construction and security.¹²

Chairman Trey Gowdy

When Rep. Trey Gowdy became Chairman, the Oversight Committee continued conducting depositions without agency counsel present during the Obama Administration. For example, the Committee conducted a deposition of Joseph Maher, the Principal Deputy General Counsel for the Department of Homeland Security, during an investigation of the Department's policies for addressing whistleblower investigations by the Office of Special Counsel.¹³

Benghazi Select Committee

House Republicans felt so strongly during the Obama Administration about conducting depositions of Executive Branch officials without agency counsel present that they extended this authority to the Benghazi Select Committee, which was also chaired by Rep. Gowdy. On May 8, 2014, the House passed a resolution establishing the Benghazi Select Committee, and the accompanying regulations issued by the Rules Committee provided: "No one may be present at depositions except members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend."¹⁴

Expansion of Deposition Authority to Other Committees

The following year, also during the Obama Administration, House Republicans expanded this deposition authority to additional committees. In January 2015, the House voted to approve H. Res. 5, which, along with the accompanying regulations from the Committee on Rules, authorized the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Science, Space, and Technology to

¹¹ House Committee on Oversight and Government Reform, Deposition of William W. Thompson, Centers for Disease Control and Prevention, Department of Health and Human Services (Nov. 22, 2016).

¹² House Committee on Oversight and Government Reform, Deposition of Stephen W. Siebert, Department of State (May 26, 2016).

¹³ House Committee on Oversight and Government Reform, Deposition of Joseph P. Maher, Department of Homeland Security (Sept. 25, 2018).

¹⁴ Deposition Procedures for the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, Congressional Record, H4056 (May 9, 2014) (online at www.congress.gov/113/crec/2014/05/09/CREC-2014-05-09-pt1-PgH4056.pdf).

Ms. Karen Williams, Esq.
Page 5

conduct depositions without agency counsel present.¹⁵

Pursuant to this authority, under Chairman Kevin Brady, the Committee on Ways and Means conducted a deposition of David Fisher, the Chief Risk Officer of the Internal Revenue Service, without allowing agency counsel to attend.¹⁶ The Committee later reported: “The answers this witness provided in a compelled deposition—without Treasury counsel present—provided more insight into the Administration’s decision-making process than did any other individual.”¹⁷

Similarly, under Chairman Jeb Hensarling, the Committee on Financial Services conducted depositions of 12 witnesses from the Consumer Financial Protection Bureau without agency counsel present.¹⁸

Authority for Deposition Rule

The Constitution authorizes Congress to “determine the Rules of its Proceedings.”¹⁹ The regulations that govern House depositions state:

Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, Committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness’s counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.²⁰

¹⁵ H. Res. 5, 114th Cong. (online at www.congress.gov/bill/114th-congress/house-resolution/5).

¹⁶ House Committee on Ways and Means, Deposition of David Fisher, Internal Revenue Service (May 11, 2016).

¹⁷ House Committee on Energy and Commerce and House Committee on Ways and Means, *Joint Investigative Report Into the Source of Funding for the ACA’s Cost Sharing Reduction Program* (July 2016) (online at https://gop-waysandmeans.house.gov/wp-content/uploads/2016/07/20160707Joint_Congressional_Investigative_Report-2.pdf).

¹⁸ House Committee on Financial Services, Deposition of James Keegan, Consumer Financial Protection Bureau (May 31, 2017); House Committee on Financial Services, Deposition of Melissa Heist, Consumer Financial Protection Bureau (June 6, 2017); House Committee on Financial Services, Deposition of J. Anthony Ogden, Consumer Financial Protection Bureau (June 14, 2017); House Committee on Financial Services, Deposition of Brian Patrick O’Brien, Consumer Financial Protection Bureau (June 27-28, 2017); House Committee on Financial Services, Deposition of Jacqueline Becker, Consumer Financial Protection Bureau (July 11, 2017); House Committee on Financial Services, Deposition of Julia Lynn Szybala, Consumer Financial Protection Bureau (July 17-18, 2017 and Oct. 11, 2017); House Committee on Financial Services, Deposition of Greg Evans, Consumer Financial Protection Bureau (July 21, 2017); House Committee on Financial Services, Deposition of Anne Harden Tindall, Consumer Financial Protection Bureau (July 27-28, 2017); House Committee on Financial Services, Deposition of Catherine D. Galicia, Consumer Financial Protection Bureau (July 31, 2017); House Committee on Financial Services, Deposition of Mary E. McLeod, Consumer Financial Protection Bureau (Aug. 3, 2017 and Oct. 18, 2017); House Committee on Financial Services, Deposition of Stephen Bressler, Consumer Financial Protection Bureau (Oct. 23, 2017 and Oct. 25, 2017); House Committee on Financial Services, Deposition of Stephen Bressler, Consumer Financial Protection Bureau (Nov. 6, 2017 and Nov. 7, 2017).

¹⁹ U.S. Const., Art. I, sec. 5, cl. 2.

²⁰ 116th Congress Regulations for Use of Deposition Authority, Congressional Record, H1216 (Jan. 25,

Ms. Karen Williams, Esq.
Page 6

The basis for this process is straightforward: it ensures that the Committees are able to depose witnesses in furtherance of our investigation without having in the room representatives of the agency or office under investigation. The rule nevertheless protects the rights of witnesses by allowing them to be accompanied in the deposition by personal counsel, and you will be permitted to accompany Mr. Griffith in his deposition on Tuesday.

You have not indicated that the President has asserted any valid constitutional privilege to direct Mr. Griffith to defy this subpoena. To the extent the White House believes that an issue could be raised at the deposition that may implicate a valid privilege, the White House may seek to assert that privilege with the Committee. To date, the White House has not done so.

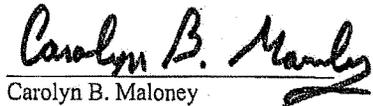
Instead, you assert only that Mr. Griffith plans to comply with the White House's order not to participate in the deposition, despite the failure of the President to assert any valid privilege. This is not a valid basis to defy the Committee's subpoena.

For all of the reasons set forth above, the enclosed subpoena compels Mr. Griffith to appear tomorrow for his deposition. Please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690 with any questions.

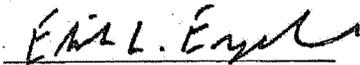
Sincerely,



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform



Eliot L. Engel
Chairman
House Committee on Foreign Affairs

Enclosure

Ms. Karen Williams, Esq.

Page 7

cc: The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Preston Wells Griffith

You are hereby commanded to be and appear before the
Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: _____
 Date: _____ Time: _____

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: HPSCI, HVC-304, The Capitol
 Date: November 5, 2019 Time: 9:00 a.m.

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____
 Date: _____ Time: _____

To The U.S. Marshals Service, or any authorized Member or congressional staff to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 4th day of November, 2019.

[Signature]
Chairman or Authorized Member

Attest
[Signature]
Clerk



PROOF OF SERVICE

Subpoena for Preston Wells Griffith

Address C/o Karen Williams, Esq., Cozen O'Connor, 1200 19th Street NW, Washington, D.C.

20036

before the Permanent Select Committee on Intelligence

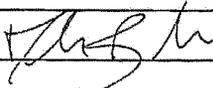
*U.S. House of Representatives
116th Congress*

Served by (print name) Maheer Bitar

Title General Counsel

Manner of service Electronic Mail

Date November 4, 2019

Signature of Server 

Address Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: ROBERT BLAIR

Monday, November 4, 2019
Washington, D.C.

The deposition in the above matter was held in Room HVC-304,

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Capitol Visitor Center, commencing at 9:06 a.m.

Present: Representatives Schiff and Demings.

Also Present: Representatives Raskin, Jordan, and Meadows.

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

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For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

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MR. GOLDMAN: This is the deposition of Robert Blair.

At the request of the chair, we are going to recess this until 11:30 this morning, when we can record his nonappearance. We're recessed.

[Recess.]

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[11:31 a.m.]

THE CHAIRMAN: All right. The committee will come to order. We will now continue with the proceeding we began earlier this morning.

This is a deposition of Robert Blair, Assistant to the President and Senior Advisor to the Chief of Staff, conducted by the House Permanent Select Committee on Intelligence in coordination with the Committees on Foreign Affairs and Oversight and Reform, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24, 2019, and affirmed by House Resolution 660 on October 31, 2019.

On October 24, 2019, the committee sent a letter to Mr. Blair requesting that he voluntarily appear for a deposition as part of this inquiry.

Through his counsel, on November 2, 2019, Mr. Blair indicated he would not only not appear for a voluntary deposition at the direction of the White House but that he also would not appear for a deposition pursuant to a duly authorized subpoena, quote, "based on Department of Justice's advice that the committees may not validly require an executive branch witness to appear at such a deposition without the assistance of agency counsel," unquote.

Although the committees requested a copy of the correspondence from the White House and Department of Justice, Mr. Blair's counsel did not provide it to the committees.

This new and shifting rationale from the White House, like the others it has used to attempt to block witnesses from appearing to

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provide testimony about the President's misconduct, has no basis in law or the Constitution and is a serious affront to decades of precedent in which Republicans and Democrats have used exactly the same procedures to depose executive branch officials without agency counsel present, including some of the most senior aides to multiple previous Presidents.

I would note for my Republican colleagues that this rule was supported by Mr. Blair's boss, Acting White House Chief of Staff Mick Mulvaney, when he served as a member of the Oversight Committee and by Secretary of State Mike Pompeo when he served as a member of the Benghazi Select Committee.

In fact, some of the same Members and staff currently conducting depositions as part of the present impeachment inquiry participated directly in depositions without agency counsel during the Clinton, Bush, and Obama administrations. I believe Mr. Jordan also participated in the Benghazi investigation and depositions of administration officials without agency counsel present.

The basis for this process is straightforward. It ensures that the committees are able to depose witnesses in furtherance of our investigation without having representatives of the agency or office under investigation in the room to interfere or improperly learn details about the investigation.

The rule nevertheless protects the rights of witnesses by allowing them to be accompanied in the deposition by personal counsel, which was offered to Mr. Blair, who has personal counsel.

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Other than the White House's objection to longstanding congressional practice, the committees are aware of no other valid constitutional privilege asserted by the White House to direct Mr. Blair to defy the subpoena. To the extent the White House believes that an issue could be raised at a deposition that may implicate a valid privilege, the White House may seek to assert that privilege with the committee in advance of the deposition. To date, as has been the case in every other deposition as part of this inquiry, the White House has not done so.

Yesterday, on November 3, 2019, the Intelligence Committee issued a subpoena for Mr. Blair's appearance this morning, and Mr. Blair remained obligated to appear. The cover letter to the subpoena outlines in some detail the numerous times the Republican- and Democratic-controlled committees conducted depositions of executive branch officials, including senior White House officials, without agency counsel present.

I am therefore entering into the record for the impeachment inquiry the following documents: Exhibit 1 is Mr. Blair's counsel's letter dated November 2; exhibit 2 is the committee's cover letter to the subpoena dated November 3; and exhibit 3 is the Intelligence Committee's subpoena to Mr. Blair, which was served on Mr. Blair's counsel on November 3.

[Majority Exhibit No. 1
was marked for identification.]

[Majority Exhibit No. 2

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was marked for identification.]

[Majority Exhibit No. 3

was marked for identification.]

THE CHAIRMAN: Mr. Blair has neither presented a valid constitutional reason to defy a duly authorized subpoena nor have the committees received a court order relieving him of his obligation to appear today.

Despite his legal obligations to appear, Mr. Blair is not present here today and has therefore defied a duly authorized congressional subpoena. As his counsel was informed in both the October 24 request for testimony and the November 3 letter, the committees may therefore consider Mr. Blair's defiance of a subpoena as evidence in a future contempt proceeding.

The subpoena remains in full force.

The committees reserve all of their rights, including the right to raise this matter at a future Intelligence Committee proceeding, at the direction of the chair of the committee.

One final note. The White House's latest rationale for directing a White House official not to appear, even though two current White House officials and one former White House official have already testified in this inquiry, may be a newly created rationale to block additional witnesses from testifying.

Mr. Blair is not absolved of responsibility here, as he is willfully abiding by this clearly deficient basis to defy a duly authorized subpoena. This is particularly disappointing coming from

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someone who provided lengthy service on the Appropriations Committee of this body.

Nevertheless, this effort by the President to attempt to block Mr. Blair from appearing can only be interpreted as a further effort by the President and the White House to obstruct the impeachment inquiry and Congress's lawful and constitutional functions.

Moreover, the obstruction does not exist in a vacuum. Over the past several weeks, we have gathered extensive evidence of the President's abuse of power related to pressuring Ukraine to initiate investigations that would benefit the President personally and politically and sacrifice the national interest in attempting to do so.

Some of that evidence has revealed that Mr. Blair was a perceptive witness to the President's misconduct. We can only infer, therefore, that the White House's effort to block Mr. Blair from testifying is to prevent the committees from learning additional evidence of Presidential misconduct and that Mr. Blair's testimony would corroborate and confirm other witnesses' accounts of such misconduct, including Mr. Mulvaney's admission from the White House Briefing Room that the Ukraine military aid was frozen by the President in order to pressure Ukraine into initiating investigations into the Bidens and the 2016 election.

At this point, I am happy to yield to the minority staff.

██████████: We're good.

THE CHAIRMAN: I'm sorry?

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██████████: We're good. Nothing.

THE CHAIRMAN: Okay.

In that case, this will conclude the deposition proceeding involving Mr. Blair, and we will now turn to the deposition proceeding involving John Eisenberg.

[Whereupon, at 11:37 a.m., the deposition was concluded.]

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: JOHN EISENBERG

Monday, November 4, 2019

Washington, D.C.

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The deposition in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 9:06 a.m.

Present: Representatives Schiff and Demings.

Also Present: Representatives Raskin, Jordan, and Meadows.

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

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For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

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MR. GOLDMAN: Let's go on the record. This will begin the proceeding, the deposition of John Eisenberg.

At the request of the chair, we are going to recess this until 11:30 this morning, when we can record Mr. Eisenberg's nonappearance. So we are recessed until 11:30.

[Recess.]

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[11:37 a.m.]

THE CHAIRMAN: This is a deposition of John Eisenberg, continued from earlier this morning, Deputy Counsel to the President for National Security Affairs and Legal Advisor to the National Security Council.

The deposition is conducted by the House Permanent Select Committee on Intelligence, in coordination with the Committees on Foreign Affairs and Oversight and Reform, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24, 2019, and affirmed by House Resolution 660 on October 31, 2019.

On Wednesday, October 30, 2019, the committees sent a letter to Mr. Eisenberg requesting that he voluntarily appear for a deposition today, Monday, November 4, as part of this inquiry. Mr. Eisenberg never acknowledged receipt or otherwise responded to the committees' deposition request, nor did any official at the White House.

Because the committees never received any response, the Permanent Select Committee on Intelligence issued on November 1 a duly authorized subpoena on Mr. Eisenberg commanding his appearance today.

Despite his legal obligations to comply, Mr. Eisenberg is not present here today and has therefore defied a duly authorized congressional subpoena.

This morning, in an email received at 9:00 a.m., when the deposition was supposed to commence, Mr. Eisenberg's personal attorney sent a letter to the committee stating that President Trump had, quote, "instructed Mr. Eisenberg not to appear at the deposition," unquote.

The attorney attached correspondence from White House counsel

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Pat Cipollone and a letter from the Office of Legal Counsel at Department of Justice. The OLC letter informs the White House that Mr. Eisenberg is purportedly, quote, "absolutely immune from compelled congressional testimony in his capacity as a senior advisor to the President," unquote.

Mr. Eisenberg's attorney concludes this letter by tying Mr. Eisenberg's posture to that of former Deputy National Security Advisor Charles Kupperman, who filed a nonjusticiable complaint in Federal court after receiving a subpoena to testify as part of the impeachment inquiry.

Dr. Kupperman's lawsuit is improper and legally deficient, as would any similar lawsuit filed by a witness to avoid compliance with a congressional subpoena. Such a lawsuit is therefore not a valid legal mechanism to challenge or defy a duly authorized congressional subpoena, particularly one issued pursuant to an impeachment inquiry.

Moreover, neither Congress nor the courts recognize a blanket, quote, "absolute immunity," unquote, as a basis to defy a congressional subpoena.

Mr. Eisenberg and the White House, therefore, have no basis for evading a lawful subpoena. As such, the President's direction to Mr. Eisenberg to defy a lawful compulsory process can only be construed as an effort to delay testimony and obstruct the inquiry, consistent with the White House counsel's letter dated October 8, 2019.

As Mr. Eisenberg was informed, the committees may consider his noncompliance with the subpoena as evidence in a future contempt

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proceeding. His failure or refusal to appear, moreover, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

The subpoena remains in full force.

The committees reserve all of their rights, including the right to raise this matter at a future Intelligence Committee proceeding, at the discretion of the chair of the committee.

Mr. Eisenberg's nonappearance today adds to a growing body of evidence of the White House seeking to obstruct the White House's impeachment inquiry.

To the extent the White House believes that an issue could be raised at the deposition that may implicate a valid claim of privilege, the White House may seek to assert that privilege with the committee in advance of the deposition. To date, as has been the case in every other deposition as part of the inquiry, the White House has not done so.

Mr. Eisenberg's failure to appear today also flies in the face of historical precedent. Even absent impeachment proceedings, congressional committees have deposed senior White House officials, including White House counsels and senior White House lawyers.

I am therefore entering into the record for the impeachment inquiry the following documents.

Exhibit 1 is the committee's October 30, 2019, letter to Mr. Eisenberg requesting his voluntary appearance at the deposition.

Exhibit 2 is the committee's cover letter to the subpoena dated

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November 1, 2019.

Exhibit 3 is the Intelligence Committee's subpoena to Mr. Eisenberg, which was served on Mr. Eisenberg on November 1 and also sent to the White House Counsel's Office on November 3.

Exhibit 4 is the correspondence received from Mr. Eisenberg's attorney; his attorney's November 4, 2019, letter to the chairs of the committees; a November 3, 2019, letter from the White House counsel Cipollone to Mr. Eisenberg's attorney; and a November 3, 2019, letter from Assistant Attorney General Steven Engel to Mr. Cipollone regarding OLC's opinion.

[Majority Exhibit No. 1
was marked for identification.]
[Majority Exhibit No. 2
was marked for identification.]
[Majority Exhibit No. 3
was marked for identification.]
[Majority Exhibit No. 4
was marked for identification.]

THE CHAIRMAN: Mr. Eisenberg's role in facilitating the White House's obstruction of the impeachment inquiry does not occur in a vacuum. Over the past several weeks, we have gathered extensive evidence of the President's abuse of power related to pressuring Ukraine to initiate investigations that would benefit the President personally and politically and sacrifice the national interest in attempting to do so.

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Some of that evidence has revealed that Mr. Eisenberg was a percipient witness to certain misconduct and may have had a role in certain actions under investigation, including particular efforts to withhold or conceal from Congress evidence of the President's conduct.

We can only infer, therefore, that Mr. Eisenberg's refusal to testify is intended to prevent the committees from learning additional evidence of Presidential misconduct and that Mr. Eisenberg's testimony would corroborate and confirm other witnesses' accounts of such misconduct.

At this point, I'm happy to yield to minority counsel.

██████████: Thank you, Mr. Chairman. Given the room is pretty much empty except us lawyers, I will yield back.

THE CHAIRMAN: Okay. I thank you.

That concludes the deposition proceedings for these two witnesses this morning.

Anything further, counsel?

Okay. Then we are adjourned.

[Whereupon, at 11:43 a.m., the deposition was concluded.]

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Congress of the United States
Washington, DC 20515

October 30, 2019

Mr. John Eisenberg, Esq.
Deputy Counsel to the President for National Security Affairs and
Legal Advisor to the National Security Council
Eisenhower Executive Office Building
Washington, D.C. 20504

Dear Mr. Eisenberg:

Pursuant to the House of Representatives' impeachment inquiry, we write to request your appearance at a deposition on **November 4, 2019, at 9:30 a.m. at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

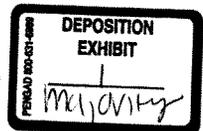
The Committees are investigating the extent to which President Trump jeopardized U.S. national security by pressing Ukraine to interfere with our 2020 election and by withholding a White House meeting with the President of Ukraine and military assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

Based upon public reporting and evidence gathered as part of the impeachment inquiry, we believe you have information relevant to these matters.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

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Mr. John Eisenberg, Esq.
Page 2

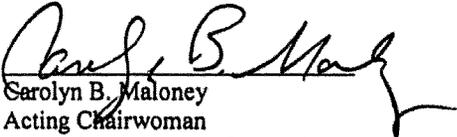
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

Congress of the United States
Washington, DC 20515

November 1, 2019

Mr. John Eisenberg, Esq.
Deputy Counsel to the President for National Security Affairs and
Legal Advisor to the National Security Council
Eisenhower Executive Office Building
Washington, D.C. 20504

Dear Mr. Eisenberg:

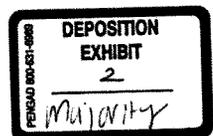
Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to appear at a deposition on **November 4, 2019, at 9:00 a.m. at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

On October 30, 2019, the Committees sent a letter to you requesting that you voluntarily appear for a deposition on November 4, 2019. We did not receive any response. The Committees, therefore, have no choice but to issue a subpoena compelling your mandatory appearance.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

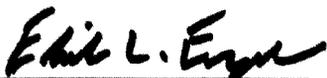
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Mr. John Eisenberg, Esq.
Page 2

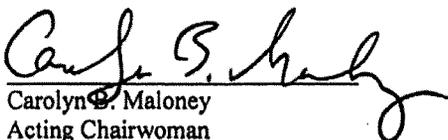
Sincerely,



Eliot L. Engel
Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To JOHN EISENBERG

You are hereby commanded to be and appear before the Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production:

Date:

Time:

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol

Date: NOVEMBER 4, 2019

Time: 9:00 AM

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:

Date:

Time:

To The U.S. Marshals Service, or any authorized Member or congressional staff

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 1st day of November 2019.

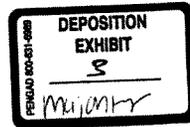
[Signature]

Chairman or Authorized Member

Attest

[Signature] Deputy Clerk

Clerk



KMI

PROOF OF SERVICE

Subpoena for JOHN EISENBERG, ESQ.

Address NATIONAL SECURITY COUNCIL, EISENHOWER EXECUTIVE OFFICE BLDG., WASHINGTON D.C. 20504

before the Permanent Select Committee on Intelligence

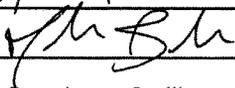
*U.S. House of Representatives
116th Congress*

Served by (print name) Mahe Bitar

Title General Counsel

Manner of service Electronic Mail

Date 11/01/2019

Signature of Server 

Address Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol

quinn emanuel trial lawyers | washington, dc

1300 I Street NW, Suite 900, Washington, District of Columbia 20005-3314 | TEL (202) 538-8000 FAX (202) 538-8100

WRITER'S DIRECT DIAL NO.
(202) 538- [REDACTED]

WRITER'S EMAIL ADDRESS
[REDACTED]

November 4, 2019

VIA EMAIL

The Honorable Eliot L. Engel
The Honorable Adam B. Schiff
The Honorable Carolyn B. Maloney
United States House of Representatives
Washington DC, USA

Re: Subpoena for Deposition of John A. Eisenberg

Dear Chairmen Engel and Schiff and Acting Chairwoman Maloney,

This firm represents John A. Eisenberg. As you are aware, Mr. Eisenberg is Assistant to the President, Deputy Counsel for National Security Affairs, and Legal Advisor to the National Security Council. In those roles, he serves as a senior advisor to the President.

We are in receipt of the subpoena from the United States House of Representatives commanding that Mr. Eisenberg appear for testimony by deposition this morning at 9:00 AM EST. The subpoena was first emailed to Mr. Eisenberg on Friday evening, November 1, 2019, giving him not even a single business day to prepare for testimony. This is insufficient and unreasonable notice and imposes an undue burden on Mr. Eisenberg, especially in light of his legal and national security responsibilities in the White House.

Even if Mr. Eisenberg had been afforded a reasonable amount of time to prepare, the President has instructed Mr. Eisenberg not to appear at the deposition. Enclosed with this letter is the President's instruction as relayed by Pat A. Cipollone, Counsel to the President, in a letter dated November 3, 2019. We also enclose a letter, also dated November 3, 2019, from Steven A. Engel, Assistant Attorney General for the Office of Legal Counsel at the Department of Justice, to Mr. Cipollone advising that Mr. Eisenberg is "absolutely immune from compelled congressional testimony in his capacity as a senior advisor to the President." Under these circumstances, Mr. Eisenberg has no other option that is consistent with his legal and ethical obligations except to follow the direction of his client and employer, the President of the United States. Accordingly, Mr. Eisenberg will not be appearing for a deposition at this time.

In closing, we note that the relevant legal and constitutional questions underlying the congressional demand for Mr. Eisenberg's testimony are currently pending in the United States District Court for the District of Columbia in *Charles M. Kupperman v. United States House of*



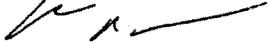
quinn emanuel urquhart & sullivan, llp

LOS ANGELES | NEW YORK | SAN FRANCISCO | SILICON VALLEY | CHICAGO | WASHINGTON, DC | HOUSTON | SEATTLE | BOSTON
LONDON | TOKYO | MANNHEIM | HAMBURG | PARIS | MUNICH | SYDNEY | HONG KONG | BRUSSELS | ZURICH | SHANGHAI | PERTH | STUTTGART

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Representatives et al., Civil Action No. 19-3224 (J. Leon). Mr. Eisenberg, as a lawyer and officer of the court, will abide by whatever final decision the federal judiciary reaches on the dispute between the Executive and Congress.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. A. Burck', with a long horizontal flourish extending to the right.

William A. Burck

cc: Derek Shaffer (Quinn Emanuel Urquhart & Sullivan LLP, counsel to Mr. Eisenberg)

THE WHITE HOUSE
WASHINGTON

November 3, 2019

Bill Burck, Esq.
Quinn Emanuel Urquhart & Sullivan, LLP
1300 I Street, N.W., Suite 900
Washington, D.C. 20005

Dear Mr. Burck:

I write in response to your request regarding the subpoena issued to your client, John A. Eisenberg, by the Permanent Select Committee on Intelligence of the United States House of Representatives (the "Committee") on November 1, 2019. The subpoena directs Mr. Eisenberg to appear to testify at a deposition at 9:00 a.m. on Monday, November 4, 2019.

The Department of Justice (the "Department") has advised me that Mr. Eisenberg is absolutely immune from compelled congressional testimony with respect to matters related to his service as a senior adviser to the President. See Letter to Pat A. Cipollone, Counsel to the President, from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel (Nov. 3, 2019). The Department has long taken the position—across administrations of both political parties—that "the President and his immediate advisers are absolutely immune from testimonial compulsion by a Congressional committee." *Immunity of the Former Counsel to the President from Compelled Congressional Testimony*, 31 Op. O.L.C. 191, 191 (2007) (quoting *Assertion of Executive Privilege with Respect to Clemency Decision*, 23 Op. O.L.C. 1, 4 (1999) (opinion of Attorney General Janet Reno)); *Immunity of the Counsel to the President from Compelled Congressional Testimony*, 20 Op. O.L.C. 308, 308 (1996). That immunity arises from the President's position as head of the Executive Branch and it extends to Mr. Eisenberg due to his position as a senior adviser to the President, specifically Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council.

As the Department's letter states, Mr. Eisenberg qualifies as a senior presidential adviser entitled to immunity. The Department's opinions on this topic have consistently recognized that this immunity extends to immediate advisers "who customarily meet with the President on a regular or frequent basis, and upon whom the President relies directly for candid and sound advice." *Immunity of the Assistant to the President and Director of the Office of Political Strategy and Outreach from Congressional Subpoena*, 38 Op. O.L.C. ___, at *2 (June 15, 2014) (quoting Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, *Re: Power of Congressional Committee to Compel Appearance or Testimony of "White House Staff"* at 7 (Feb. 5, 1971)). Accordingly, Mr. Eisenberg cannot be compelled to appear before the Committee because "[s]ubjecting a senior presidential advisor to the congressional subpoena power would be akin to requiring the President himself to appear before Congress on matters

Bill Burck, Esq.
Page 2

relating to the performance of his constitutionally assigned executive functions.” *Assertion of Executive Privilege with Respect to Clemency Decision*, 23 Op. O.L.C. at 5. The constitutional immunity of current and former senior advisers to the President exists to protect the institution of the Presidency and, as stated by former Attorney General Reno, “may not be overborne by competing congressional interests.” *Id.*

Accordingly, in order to protect the prerogatives of the Office of President today and in the future, and in response to your request, the President directs Mr. Eisenberg not to appear at the Committee’s deposition on Monday, November 4, 2019. This long-standing principle is firmly rooted in the Constitution’s separation of powers and protects the core functions of the Presidency, and this office is adhering to this well-established precedent in order to allow future Presidents to effectively execute the responsibilities of the Office of President. I also attach the letter opinion provided by the Department regarding Mr. Eisenberg’s immunity.

Thank you for your attention to this matter. Please do not hesitate to contact me or Mike Purpura if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Pat A. Cipollone". The signature is written in a cursive, flowing style.

Pat A. Cipollone

Counsel to the President



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

November 3, 2019

Pat A. Cipollone
 Counsel to the President
 The White House
 Washington, DC 20500

Dear Mr. Cipollone:

On November 1, 2019, the Permanent Select Committee on Intelligence of the House of Representatives issued a subpoena seeking to compel John Eisenberg to testify at a deposition on Monday, November 4. Mr. Eisenberg serves as Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council. The Committee subpoenaed Mr. Eisenberg as part of its impeachment inquiry into the conduct of the President. See H.R. Res. 660, 116th Cong. (2019). You have asked whether the Committee may compel Mr. Eisenberg to testify. We conclude that he is absolutely immune from compelled congressional testimony in his capacity as a senior adviser to the President.

The Committee has made clear that it seeks to question Mr. Eisenberg about matters related to his official duties at the White House. The Committee informed him that it is investigating the President's conduct of foreign relations with Ukraine and that it believes, "[b]ased upon public reporting and evidence gathered as part of the impeachment inquiry," that Mr. Eisenberg has "information relevant to these matters." Letter for John Eisenberg from Adam B. Schiff, Chairman, House Permanent Select Committee on Intelligence, et al. at 1 (Oct. 30, 2019); see also Letter for John Eisenberg from Adam B. Schiff, Chairman, House Permanent Select Committee on Intelligence, et al. at 1 (Nov. 1, 2019).

The Executive Branch has taken the position for decades that "Congress may not constitutionally compel the President's senior advisers to testify about their official duties." *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. ___, at *1 (May 20, 2019) ("*Immunity of the Former Counsel*"). This testimonial immunity is rooted in the separation of powers and derives from the President's status as the head of a separate, co-equal branch of government. See *id.* at *3-7. Because the President's closest advisers serve as his alter egos, compelling them to testify would undercut the "independence and autonomy" of the Presidency, *id.* at *4, and interfere directly with the President's ability to faithfully discharge his constitutional responsibilities. Absent immunity, "congressional committees could wield their compulsory power to attempt to supervise the President's actions, or to harass those advisers in an effort to influence their conduct, retaliate for actions the committee disliked, or embarrass and weaken the President for partisan gain." *Immunity of the Assistant to the President and Director of the Office of Political Strategy and Outreach From Congressional Subpoena*, 38 Op. O.L.C. ___, at *3 (July 15, 2014) ("*Immunity of the Assistant to the President*"). Congressional questioning of the President's senior advisers would also

undermine the independence and candor of executive branch deliberations. See *Immunity of the Former Counsel*, 43 Op. O.L.C. at *5–7. For these reasons, the Executive Branch has long recognized the immunity of senior presidential advisers to be critical to protecting the institution of the Presidency.

This testimonial immunity applies in an impeachment inquiry just as it applies in a legislative oversight inquiry. As our Office recently advised you, executive privilege remains available when a congressional committee conducts an impeachment investigation. See Letter for Pat A. Cipollone, Counsel to the President, from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel at 2 & n.1 (Nov. 1, 2019). The testimonial immunity of senior presidential advisers is “broader” than executive privilege and exists in part to prevent the inadvertent disclosure of privileged information, *Immunity of the Former Counsel*, 43 Op. O.L.C. at *4, *6, so it follows that testimonial immunity also continues to apply in the impeachment context. More importantly, the commencement of an impeachment inquiry only heightens the need to safeguard the separation of powers and preserve the “independence and autonomy” of the Presidency—the principal concerns underlying testimonial immunity. *Id.* at *4. Even when impeachment proceedings are underway, the President must remain able to continue to discharge the duties of his office. The testimonial immunity of the President’s senior advisers remains an important limitation to protect the independence and autonomy of the President himself.

We do not doubt that there may be impeachment investigations in which the House will have a legitimate need for information possessed by the President’s senior advisers, but the House may have a legitimate need in a legislative oversight inquiry. In both instances, the testimonial immunity of the President’s senior advisers will not prevent the House from obtaining information from other available sources. The immunity of those immediate advisers will not itself prevent the House from obtaining testimony from others in the Executive Branch, including in the White House, or from obtaining pertinent documents (although the House may still need to overcome executive privilege with respect to testimony and documents to which the privilege applies). In addition, the President may choose to authorize his senior advisers to provide testimony because “the benefit of providing such testimony as an accommodation to a committee’s interests outweighs the potential for harassment and harm to Executive Branch confidentiality.” *Immunity of the Assistant to the President*, 38 Op. O.L.C. at *4 n.2. Accordingly, our recognition that the immunity applies to an impeachment inquiry does not preclude the House from obtaining information from other sources.

We next consider whether Mr. Eisenberg qualifies as a senior presidential adviser. The testimonial immunity applies to the President’s “immediate advisers—that is, those who customarily meet with the President on a regular or frequent basis.” Memorandum for John D. Ehrlichman, Assistant to the President for Domestic Affairs, from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, *Re: Power of Congressional Committee to Compel Appearance or Testimony of “White House Staff”* at 7 (Feb. 5, 1971). We believe that Mr. Eisenberg meets that definition. Mr. Eisenberg has served as an adviser to the President on sensitive legal and national security matters since the first day of the Administration, and his direct relationship with the President has grown over time. Your office has informed us that he regularly meets with the President multiple times each week, frequently in very small groups, and often communicates with the President multiple times per day. He is one of a small number of advisers who are authorized to contact the President directly, and the President directly seeks

his advice. Mr. Eisenberg is therefore the kind of immediate presidential adviser that the Executive Branch has historically considered immune from compelled congressional testimony.

Mr. Eisenberg's eligibility for immunity is particularly justified because his duties concern national security. The Supreme Court held in *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), that senior presidential advisers do not enjoy absolute immunity from civil liability—a holding that, as we have previously explained, does not conflict with our recognition of absolute immunity from compelled congressional testimony for such advisers, see *Immunity of the Assistant to the President*, 38 Op. O.L.C. at *5–9. Yet the *Harlow* Court recognized that “[f]or aides entrusted with discretionary authority in such sensitive areas as national security or foreign policy,” even absolute immunity from suit “might well be justified to protect the unhesitating performance of functions vital to the national interest.” 457 U.S. at 812; see also *id.* at 812 n.19 (“a derivative claim to Presidential immunity would be strongest in such ‘central’ Presidential domains as foreign policy and national security, in which the President could not discharge his singularly vital mandate without delegating functions nearly as sensitive as his own”).

Moreover, the Committee seeks Mr. Eisenberg's testimony about the President's conduct of relations with a foreign government. The President has the constitutional responsibility to conduct diplomatic relations, see *Assertion of Executive Privilege for Documents Concerning Conduct of Foreign Affairs with Respect to Haiti*, 20 Op. O.L.C. 5, 7 (1996) (A.G. Reno), and as a result, the President has the “exclusive authority to determine the time, scope, and objectives of international negotiations.” *Unconstitutional Restrictions on Activities of the Office of Science and Technology Policy in Section 1340(a) of the Department of Defense and Full-Year Continuing Appropriations Act, 2011*, 35 Op. O.L.C. ___, at *4 (Sept. 19, 2011) (quotation marks omitted). Compelling testimony about these sensitive constitutional responsibilities would only deepen the very concerns—about separation of powers and confidentiality—that underlie the rationale for testimonial immunity. See *New York Times Co. v. United States*, 403 U.S. 713, 728 (1971) (Stewart, J., concurring) (“[I]t is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy.”).

Please let us know if we may be of further assistance.



Steven A. Engel
Assistant Attorney General

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: MICHAEL ELLIS

Monday, November 4, 2019

Washington, D.C.

The deposition in the above matter was held in Room HVC-304,

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Capitol Visitor Center, commencing at 2:06 p.m.

Present: Representatives Schiff and Demings.

Also Present: Representatives Raskin, Jordan, and Meadows.

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

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For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

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THE CHAIRMAN: All right. Let's come to order. We'll now begin today's proceeding.

This is a deposition of Michael Ellis, Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council, conducted by the House Permanent Select Committee on Intelligence in coordination with the Committees on Foreign Affairs and Oversight and Reform, pursuant to an impeachment inquiry announced by the Speaker of the House on September 24, 2019, and affirmed by House Resolution 660 on October 31, 2019.

On October 30, 2019, the committees sent a letter to Mr. Ellis requesting that he voluntarily appear for a deposition as part of this inquiry. Through his counsel, on November 2, Mr. Ellis indicated that he had received guidance from the Department of Justice's Office of Legal Counsel and, on the basis of that guidance, Mr. Ellis would not appear for a deposition, even under a subpoena.

On November 3, the Intelligence Committee served through Mr. Ellis's counsel a duly authorized subpoena compelling Mr. Ellis's appearance for a deposition today.

Earlier today, at approximately 1:00 p.m., Mr. Ellis's counsel sent a letter to the committee stating that, quote, "Mr. Ellis has been directed by the White House not to appear for this deposition," unquote, based upon guidance from the Office of Legal Counsel stating that, quote, "failure to permit relevant executive branch agency counsel to attend any deposition of Mr. Ellis would not allow for sufficient protection of relevant privileges and would therefore render any

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subpoena constitutionally invalid," unquote.

Although the committee has requested a copy of the correspondence from the White House and the Department of Justice, Mr. Ellis's counsel did not provide it to the committees.

This new and shifting rationale from the White House, like the others it has used to attempt to block witnesses from appearing to provide testimony about the President's misconduct, has no basis in law or the Constitution and is a serious affront to decades of precedent in which Republicans and Democrats have used exactly the same procedures to depose executive branch officials without agency counsel present, including some of the most senior aides to multiple previous Presidents.

I would note for my Republican colleagues that this rule was supported by Acting White House Chief of Staff Mick Mulvaney when he served as a member of the Oversight Committee and by Secretary of State Mike Pompeo when he served as a member of the Benghazi Select Committee.

In fact, some of the same Members and staff currently conducting depositions as part of the present impeachment inquiry participated directly in depositions without agency counsel during the Clinton, Bush, and Obama administrations.

The basis for this process is straightforward. It ensures that the committees are able to depose witnesses in furtherance of our investigation without having representatives of the agency or office under investigation in the room to interfere or improperly learn details about the investigation.

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The rule nevertheless protects the rights of witnesses by allowing them to be accompanied in the deposition by personal counsel, which was offered to Mr. Ellis, who has personal counsel.

Other than the White House's objections to longstanding congressional practice, the committees are aware of no other valid constitutional privilege asserted by the White House to direct Mr. Ellis to defy this subpoena.

To the extent the White House believes that an issue could be raised at the deposition that may implicate a valid claim of privilege, the White House may seek to assert that privilege with the committee in advance of the deposition. To date, as has been the case in every other deposition as part of this inquiry, the White House has not done so.

Yesterday, on November 3, 2019, the Intelligence Committee issued a subpoena for Mr. Ellis's appearance this afternoon, and Mr. Ellis remained obligated to appear.

The cover letter to the subpoena outlines in some detail the numerous times that Republican- and Democratic-controlled committees conducted depositions of executive branch officials, including senior White House officials, without agency counsel present.

I am therefore entering into the record for the impeachment inquiry the following exhibits: Exhibit 1 is the committee's letter dated October 30 requesting Mr. Ellis's voluntary deposition; exhibit 2 is the committee's letter dated November 3 to Mr. Ellis's counsel transmitting a subpoena; exhibit 3 is the subpoena issued to Mr. Ellis

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and served on his counsel on November 3 that commanded his appearance here today; and exhibit 4 is the letter received from Mr. Ellis's counsel at approximately 1:00 p.m. today.

[Majority Exhibit No. 1
was marked for identification.]

[Majority Exhibit No. 2
was marked for identification.]

[Majority Exhibit No. 3
was marked for identification.]

[Majority Exhibit No. 4
was marked for identification.]

THE CHAIRMAN: Mr. Ellis has neither presented a valid constitutional reason to defy a duly authorized subpoena, nor have the committees received a court order relieving him of his obligation to appear today.

Despite his legal obligations to appear, Mr. Ellis is not present here today and has therefore defied the duly authorized congressional subpoena.

As his counsel was informed in both the October 30 request for testimony and the November 3 letter, the committees may therefore consider Mr. Ellis's defiance of a subpoena as evidence in a future contempt proceeding.

The subpoena remains in full force.

The committee reserves all of its rights, including the right to raise this matter at a future Intelligence Committee proceeding, at

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the discretion of the chair of the committee.

One final note. The White House's last and latest rationale for directing a White House official not to appear, even though two current White House officials and one former White House official have already testified in this inquiry, may be a newly created rationale to block additional witnesses from testifying.

Mr. Ellis is not absolved of responsibility here, as he is willfully abiding by this clearly deficient basis to defy a duly authorized subpoena. This is particularly disappointing coming from someone who previously provided service on this very committee.

Nevertheless, this effort by the President to block Mr. Ellis from appearing can only be interpreted as a further effort by the President and the White House to obstruct the impeachment inquiry and Congress's lawful and constitutional functions.

Moreover, the obstruction does not exist in a vacuum. Over the past several weeks, we have gathered extensive evidence of the President's abuse of power related to pressuring Ukraine to initiate investigations that would benefit the President personally and politically and sacrifice the national interest in attempting to do so.

Some of that evidence has revealed that Mr. Ellis was a percipient witness to the misconduct. We can only infer, therefore, that the White House efforts to block Mr. Ellis from testifying is to prevent the committees from learning additional evidence of Presidential misconduct and that Mr. Ellis's testimony would corroborate and

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confirm other witnesses' accounts of this misconduct, including testimony that the call record of the July 25 conversation between President Trump and President Zelensky was improperly placed in a highly classified system in order to conceal the call.

At this point, I will yield to the ranking member of the Intelligence Committee or, in his absence, one of the other ranking Republicans.

MR. JORDAN: No, we're fine.

THE CHAIRMAN: Okay.

That concludes the deposition proceeding regarding Michael Ellis. We will now turn to the deposition proceeding pertaining to Brian McCormack.

[Whereupon, at 2:13 p.m., the deposition was concluded.]

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Congress of the United States
Washington, DC 20515

October 30, 2019

Mr. Michael Ellis, Esq.
Senior Associate Counsel to the President and
Deputy Legal Advisor to the National Security Council
Eisenhower Executive Office Building
Washington, D.C. 20504

Dear Mr. Ellis:

Pursuant to the House of Representatives' impeachment inquiry, we write to request your appearance at a deposition on **November 4, 2019, at 9:30 a.m. at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

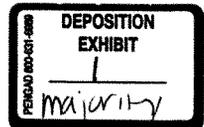
The Committees are investigating the extent to which President Trump jeopardized U.S. national security by pressing Ukraine to interfere with our 2020 election and by withholding a White House meeting with the President of Ukraine and military assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

Based upon public reporting and evidence gathered as part of the impeachment inquiry, we believe you have information relevant to these matters.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

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Mr. Michael Ellis, Esq.
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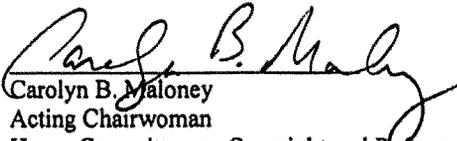
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

Congress of the United States
Washington, DC 20515

November 3, 2019

Paul W. Butler, Esq.
 Akin Gump Strauss Hauer & Feld LLP
 2001 K Street, N.W.
 Washington, DC 20006-1037

Dear Mr. Butler:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels your client, Michael Ellis, to appear at a deposition on **Monday, November 4, 2019, at 2:00 p.m. at The Capitol, HVC-304.**

This subpoena is being issued by the Permanent Select Committee on Intelligence under the Rules of the House of Representatives in exercise of its oversight and legislative jurisdiction and after consultation with the Committee on Foreign Affairs and the Committee on Oversight and Reform. The deposition transcript shall be collected as part of the House's impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.¹ Mr. Ellis' failure or refusal to comply with the subpoena, including at the direction or behest of the President or the White House, shall constitute further evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against Mr. Ellis and the President. Moreover, Mr. Ellis' failure to appear shall constitute evidence that may be used against him in a contempt proceeding.

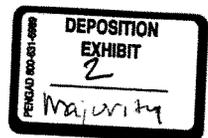
Baseless White House Order to Block Witness Testimony

On October 30, 2019, the Committees sent a letter requesting that Mr. Ellis appear voluntarily for a deposition, as we have with many other witnesses.² On November 2, 2019, you informed us that Mr. Ellis would not appear because the White House now takes issue with agency counsel being excluded from congressional depositions—a procedure that is enshrined in House Rules and has been used by both Republicans and Democrats for decades. You wrote:

[W]e are in receipt of an opinion from the Office of Legal Counsel providing guidance on the validity of a subpoena under the current

¹ See Letter from Chairman Jerrold Nadler, House Committee on the Judiciary, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence; Chairwoman Maxine Waters, House Committee on Financial Services; Chairman Elijah E. Cummings, House Committee on Oversight and Reform; and Chairman Eliot L. Engel, House Committee on Foreign Affairs (Aug. 22, 2019) (online at <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/FiveChairsLetter8.22.pdf>).

² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Michael Ellis, Esq., Senior Associate Counsel to the President and Deputy Legal Advisor, National Security Council (Oct. 30, 2019).



Mr. Paul W. Butler, Esq.
Page 2

terms and conditions and based on that guidance we are not in a position to appear for a deposition at this time.³

Committee staff requested that you provide a copy of the Office of Legal Counsel (OLC) opinion upon which your client's refusal to appear for a deposition, even pursuant to subpoena, is based. Committee staff also requested that you provide a copy of any written direction from the White House. On November 3, you refused to provide a copy of the OLC opinion or White House correspondence. You wrote:

I'm not authorized to provide any further information at this time other than our guidance is that the failure to permit agency counsel to attend a deposition of Mr. Ellis would not allow sufficient protection of relevant privileges and therefore render any subpoena constitutionally invalid. As an Executive branch employee Mr. Ellis is required to follow this guidance.⁴

This argument has no merit. Instead, it is the latest in a long line of baseless procedural challenges to the House of Representatives' authority to fulfill one of its most solemn responsibilities under the Constitution. The deposition rule that excludes agency counsel is intended for exactly these types of circumstances—to prevent agency officials who are directly implicated in the abuses we are investigating from trying to prevent their own employees from coming forward to tell the truth to Congress. This rationale applies with the same force to the Executive Office of the President as it does to any other Executive Branch agency.

The White House's frivolous challenge to the House deposition rules contradicts decades of precedent in which Republicans and Democrats have used exactly the same procedures to depose Executive Branch officials without agency counsel present, including some of the most senior aides to multiple previous Presidents.

These are the same deposition procedures that were supported by Acting White House Chief of Staff Mick Mulvaney when he served as a Member of the Oversight Committee and by Secretary of State Mike Pompeo when he served as a Member of the Benghazi Select Committee. In fact, some of the same Members and staff currently conducting depositions as part of the present impeachment inquiry participated directly in depositions without agency counsel during the Clinton, Bush, and Obama Administrations. There should not be a different standard now because Donald Trump is in the White House.

³ Email from Paul Butler, Counsel to Michael Ellis, to Daniel Noble, Senior Investigative Counsel, House Permanent Select Committee on Intelligence (Nov. 2, 2019).

⁴ Email from Paul Butler, Counsel to Michael Ellis, to Daniel Noble, Senior Investigative Counsel, House Permanent Select Committee on Intelligence (Nov. 3, 2019).

Mr. Paul W. Butler, Esq.
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Chairman Dan Burton

When Republican Rep. Dan Burton served as Chairman of the Committee on Government Reform, the Committee deposed 141 Clinton Administration officials without agency counsel present—including the following top advisors to President Bill Clinton:

- White House Chief of Staff Mack McLarty;
- White House Chief of Staff Erskine Bowles;
- White House Counsel Bernard Nussbaum;
- White House Counsel Jack Quinn;
- Deputy White House Counsel Bruce Lindsey;
- Deputy White House Counsel Cheryl Mills;
- Deputy White House Chief of Staff Harold Ickes;
- Chief of Staff to the Vice President Roy Neel; and
- Chief of Staff to the First Lady Margaret Williams.⁵

Chairman Henry Waxman

When Democratic Rep. Henry Waxman became Chairman, the Committee on Oversight and Government Reform continued conducting depositions without agency counsel during the George W. Bush Administration. For example, the Committee deposed five White House officials, including the White House Political Director, during investigations of the White House Office of Political Affairs and the use of private email accounts;⁶ eight State Department officials, including a U.S. Ambassador, during investigations of misconduct by the Inspector General and others;⁷ two Justice Department Officials during investigations into lobbying contacts by Jack Abramoff;⁸ and an EPA official during an investigation of EPA's decision to

⁵ Committee on Government Reform, Democratic Staff, *Congressional Oversight of the Clinton Administration* (Jan. 17, 2006) (online at <https://wayback.archive-it.org/4949/20141031200116/http://oversight-archive.waxman.house.gov/documents/20060117103516-91336.pdf>).

⁶ House Committee on Oversight and Government Reform, Deposition of Matthew Aaron Schlapp (Aug. 27, 2007); House Committee on Oversight and Government Reform, Deposition of Sara Taylor (July 27, 2007); House Committee on Oversight and Government Reform, Deposition of Mindy McLaughlin (Apr. 3, 2008); House Committee on Oversight and Government Reform, Deposition of Monica V. Kladakis (Apr. 14, 2008); House Committee on Oversight and Government Reform, Deposition of Jennifer Farley (Jan. 9, 2008).

⁷ House Committee on Oversight and Government Reform, Deposition of Mark Duda, Assistant Inspector General for Audits, Department of State (Sept. 26, 2007); House Committee on Oversight and Government Reform, Deposition of Erich Hart (Oct. 3, 2007); House Committee on Oversight and Government Reform, Deposition of Gail Voshell (Oct. 5, 2007); House Committee on Oversight and Government Reform, Deposition of Terry Heide, Director of Congressional and Public Affairs for the Office of the Inspector General, Department of State (Nov. 8, 2007); House Committee on Oversight and Government Reform, Deposition of Robert Peterson, Assistant Inspector General, Department of State (Sept. 27, 2007); House Committee on Oversight and Government Reform, Deposition of William Edward Todd, Deputy Inspector General, Department of State (Oct. 12, 2007); House Committee on Oversight and Government Reform, Deposition of Elizabeth Koniuszkow, Department of State (Nov. 2, 2007); House Committee on Oversight and Government Reform, Deposition of Ambassador John L. Withers, Department of State (Aug. 20, 2008).

⁸ House Committee on Oversight and Government Reform, Deposition of Susan Johnson (Oct. 4, 2007);

Mr. Paul W. Butler, Esq.
Page 4

deny California's request to regulate greenhouse gases.⁹

Chairman Darrell Issa

When Rep. Darrell Issa became Chairman, the Oversight Committee continued conducting depositions without agency counsel present during the Obama Administration. For example, during the investigation of the attacks in Benghazi, the Committee conducted depositions of Ambassador Thomas Pickering and a diplomatic security agent, both of which were personally attended by Rep. Jim Jordan.¹⁰ The Committee also conducted a deposition of John C. Beale, a former senior official at the Office of Air and Radiation at the EPA.¹¹

Chairman Jason Chaffetz

When Rep. Jason Chaffetz became Chairman, the Oversight Committee continued conducting depositions during the Obama Administration without agency counsel present. For example, the Committee conducted a deposition of Dr. William Thompson, a senior scientist at the Centers for Disease Control and Prevention, during an investigation of the safety of vaccines,¹² as well as a deposition of Stephen Siebert, a program manager at the State Department, during an investigation of embassy construction and security.¹³

Chairman Trey Gowdy

When Rep. Trey Gowdy became Chairman, the Oversight Committee continued conducting depositions without agency counsel present during the Obama Administration. For example, the Committee conducted a deposition of Joseph Maher, the Principal Deputy General Counsel for the Department of Homeland Security, during an investigation of the Department's policies for addressing whistleblower investigations by the Office of Special Counsel.¹⁴

Benghazi Select Committee

House Republicans felt so strongly during the Obama Administration about conducting

House Committee on Oversight and Government Reform, Deposition of Tracy Henke (June 20, 2007).

⁹ House Committee on Oversight and Government Reform, Deposition of Jason Burnett, Associate Deputy Administrator, Environmental Protection Agency (May 15, 2008).

¹⁰ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering, Department of State (June 4, 2013); House Committee on Oversight and Government Reform, Deposition of Diplomatic Security Agent #3, Department of State (Oct. 8, 2013).

¹¹ House Committee on Oversight and Government Reform, Deposition of John Beale (Dec. 19, 2013).

¹² House Committee on Oversight and Government Reform, Deposition of William W. Thompson, Centers for Disease Control and Prevention, Department of Health and Human Services (Nov. 22, 2016).

¹³ House Committee on Oversight and Government Reform, Deposition of Stephen W. Siebert, Department of State (May 26, 2016).

¹⁴ House Committee on Oversight and Government Reform, Deposition of Joseph P. Maher, Department of Homeland Security (Sept. 25, 2018).

Mr. Paul W. Butler, Esq.
Page 5

depositions of Executive Branch officials without agency counsel present that they extended this authority to the Benghazi Select Committee, which was also chaired by Rep. Gowdy. On May 8, 2014, the House passed a resolution establishing the Benghazi Select Committee, and the accompanying regulations issued by the Rules Committee provided: “No one may be present at depositions except members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.”¹⁵

Expansion of Deposition Authority to Other Committees

The following year, also during the Obama Administration, House Republicans expanded this deposition authority to additional committees. In January 2015, the House voted to approve H. Res. 5, which, along with the accompanying regulations from the Committee on Rules, authorized the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Science, Space, and Technology to conduct depositions without agency counsel present.¹⁶

Pursuant to this authority, under Chairman Kevin Brady, the Committee on Ways and Means conducted a deposition of David Fisher, the Chief Risk Officer of the Internal Revenue Service, without allowing agency counsel to attend.¹⁷ The Committee later reported: “The answers this witness provided in a compelled deposition—without Treasury counsel present—provided more insight into the Administration’s decision-making process than did any other individual.”¹⁸

Similarly, under Chairman Jeb Hensarling, the Committee on Financial Services conducted depositions of 12 witnesses from the Consumer Financial Protection Bureau without agency counsel present.¹⁹

¹⁵ Deposition Procedures for the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, Congressional Record, H4056 (May 9, 2014) (online at www.congress.gov/113/crec/2014/05/09/CREC-2014-05-09-pt1-PgH4056.pdf).

¹⁶ H. Res. 5, 114th Cong. (online at www.congress.gov/bill/114th-congress/house-resolution/5).

¹⁷ House Committee on Ways and Means, Deposition of David Fisher, Internal Revenue Service (May 11, 2016).

¹⁸ House Committee on Energy and Commerce and House Committee on Ways and Means, *Joint Investigative Report into the Source of Funding for the ACA’s Cost Sharing Reduction Program* (July 2016) (online at https://gop-waysandmeans.house.gov/wp-content/uploads/2016/07/20160707Joint_Congressional_Investigative_Report-2.pdf).

¹⁹ House Committee on Financial Services, Deposition of James Keegan, Consumer Financial Protection Bureau (May 31, 2017); House Committee on Financial Services, Deposition of Melissa Heist, Consumer Financial Protection Bureau (June 6, 2017); House Committee on Financial Services, Deposition of J. Anthony Ogden, Consumer Financial Protection Bureau (June 14, 2017); House Committee on Financial Services, Deposition of Brian Patrick O’Brien, Consumer Financial Protection Bureau (June 27-28, 2017); House Committee on Financial Services, Deposition of Jacqueline Becker, Consumer Financial Protection Bureau (July 11, 2017); House Committee on Financial Services, Deposition of Julia Lynn Szybala, Consumer Financial Protection Bureau (July 17-18, 2017 and Oct. 11, 2017); House Committee on Financial Services, Deposition of Greg Evans, Consumer

Mr. Paul W. Butler, Esq.
Page 6

Authority for Deposition Rule

The Constitution authorizes Congress to “determine the Rules of its Proceedings.”²⁰ The regulations that govern House depositions state:

Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, Committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness’s counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.²¹

The basis for this process is straightforward: it ensures that the Committees are able to depose witnesses in furtherance of our investigation without having in the room representatives of the agency or office under investigation. The rule nevertheless protects the rights of witnesses by allowing them to be accompanied in the deposition by personal counsel, and you will be permitted to accompany Mr. Ellis in his deposition on Monday.

Your emails do not indicate that the President has asserted any valid constitutional privilege to direct Mr. Ellis to defy this subpoena. To the extent the White House believes that an issue could be raised at the deposition that may implicate a valid privilege, the White House may seek to assert that privilege with the Committee. To date, the White House has not done so.

Instead, your emails assert only that Mr. Ellis plans to comply with the White House’s order not to participate in the deposition, despite the failure of the President to assert any valid privilege. This is not a valid basis to defy the Committee’s subpoena.

Financial Protection Bureau (July 21, 2017); House Committee on Financial Services, Deposition of Anne Harden Tindall, Consumer Financial Protection Bureau (July 27-28, 2017); House Committee on Financial Services, Deposition of Catherine D. Galicia, Consumer Financial Protection Bureau (July 31, 2017); House Committee on Financial Services, Deposition of Mary E. McLeod, Consumer Financial Protection Bureau (Aug. 3, 2017 and Oct. 18, 2017); House Committee on Financial Services, Deposition of Stephen Bressler, Consumer Financial Protection Bureau (Oct. 23, 2017 and Oct. 25, 2017); House Committee on Financial Services, Deposition of Stephen Bressler, Consumer Financial Protection Bureau (Nov. 6, 2017 and Nov. 7, 2017).

²⁰ U.S. Const., Art. I, sec. 5, cl. 2.

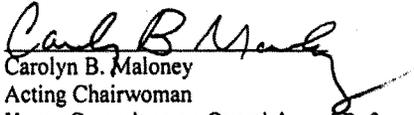
²¹ 116th Congress Regulations for Use of Deposition Authority, Congressional Record, H1216 (Jan. 25, 2019) (online at www.congress.gov/116/crec/2019/01/25/CREC-2019-01-25-pt1-PgH1216-2.pdf).

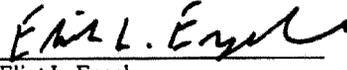
Mr. Paul W. Butler, Esq.
Page 7

For all of the reasons set forth above, the enclosed subpoena compels Mr. Ellis to appear tomorrow for his deposition. Please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690 with any questions.

Sincerely,


Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence


Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform


Eliot L. Engel
Chairman
House Committee on Foreign Affairs

Enclosure

cc: The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To MICHAEL ELLIS

You are hereby commanded to be and appear before the Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: Date: Time:

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol Date: NOVEMBER 4, 2019 Time: 2:00 PM

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: Date: Time:

To The U.S. Marshals Service, or any authorized Member or congressional staff

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 1st day of NOVEMBER, 2019.

[Signature] Chairman or Authorized Member

Attest: Theresa J. Lott, Deputy Clerk Clerk



PROOF OF SERVICE

Subpoena for

MICHAEL ELLIS, ESQ.

Address NATIONAL SECURITY COUNCIL, EISENHOWER EXECUTIVE
OFFICE BLDG, WASHINGTON, D.C. 20504

before the House Permanent Select Committee on Intelligence

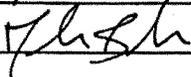
U.S. House of Representatives
116th Congress

Served by (print name) Maher Bitar

Title General Counsel, House Permanent Select Committee on Intelligence

Manner of service _____

Date 11/03/2019

Signature of Server 

Address _____

Akin Gump

STRAUSS HAUER & FELD LLP

Paul W. Butler
202.887. [redacted] fax: 202.887. [redacted]

November 4, 2019

VIA EMAIL

The Honorable Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence
The Capitol (HVC-304)
Washington, D.C 20515
[redacted]

The Honorable Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, D.C. 20515
[redacted]

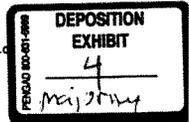
The Honorable Eliot L. Engel
Chairman
House Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 2051
[redacted]

Re: Subpoena for Deposition of Michael Ellis

Dear Chairman Schiff, Acting Chairwoman Maloney and Chairman Engel:

We represent Mr. Michael Ellis. As you are aware, Mr. Ellis is Special Assistant to the President, Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council.

We are in receipt of the subpoena from the United States House of Representatives served last night by email (November 3, 2019 at 9:20 p.m.) requesting Mr. Ellis to appear for deposition testimony some seventeen hours later (today, November 4, 2019 at 2 p.m.). Furthermore, Mr. Ellis was first informed of the Committees' interest in voluntary deposition testimony on October 30, 2019. Since that time, we have been engaged in ongoing discussions with Committee staff regarding the many legal issues raised by this request. Given this timeline and the responsibilities



Chairman Schiff, Acting Chairwoman Maloney and Chairman Engel
Page 2

Akin Gump
STRAUSS HAUER & FELD LLP

of Mr. Ellis's positions, the notice provided by the subpoena is patently unreasonable and creates an undue burden on Mr. Ellis:

Moreover, as previously explained to Committee staff, Mr. Ellis has been directed by the White House not to appear for this deposition as noticed. This direction is based on an opinion from the United States Department of Justice, Office of Legal Counsel, stating that the failure to permit relevant Executive Branch agency counsel to attend any deposition of Mr. Ellis would not allow for sufficient protection of relevant privileges and would therefore render any subpoena constitutionally invalid. This is particularly true with respect to Mr. Ellis who, as Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council, would have participated in numerous communications covered by multiple privileges. As an Executive Branch employee, Mr. Ellis is required to follow this direction.

We note that the Committee could readily avoid the problem raised by this subpoena by allowing Mr. Ellis to receive the assistance of agency counsel in any deposition. Mr. Ellis remains respectful of the lawful powers of the United States House of Representatives and, as a lawyer and member of the bar, remains willing to comply with a subpoena issued under lawfully valid terms and conditions, or any other resolution of this dispute between the Executive Branch and the Congress.

Respectfully submitted,



Paul W. Butler

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

UNCLASSIFIED

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5 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

6 joint with the

7 COMMITTEE ON OVERSIGHT AND REFORM

8 and the

9 COMMITTEE ON FOREIGN AFFAIRS,

10 U.S. HOUSE OF REPRESENTATIVES,

11 WASHINGTON, D.C.

12

13

14

15 DEPOSITION OF: BRIAN MCCORMACK

16

17

18

19

20 Monday, November 4, 2019

21 Washington, D.C.

22

23

24 The deposition in the above matter was held in Room HVC-304,

25 Capitol Visitor Center, commencing at 2:13 p.m.

UNCLASSIFIED

1 Present: Representatives Schiff and Demings.

2 Also Present: Representatives Raskin, Jordan, and Meadows.

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1

2 Appearances:

3

4

5 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

6

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

UNCLASSIFIED

1 For the COMMITTEE ON OVERSIGHT AND REFORM:

2

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9

10

11 For the COMMITTEE ON FOREIGN AFFAIRS:

12

13 [REDACTED]

14 [REDACTED]

UNCLASSIFIED

1 THE CHAIRMAN: This is a deposition of Brian McCormack, Associate
2 Director for Natural Resources, Energy, and Science at the Office of
3 Management and Budget.

4 The deposition is conducted by the House Permanent Select
5 Committee on Intelligence, in coordination with the Committees on
6 Foreign Affairs and Oversight and Reform, pursuant to the impeachment
7 inquiry announced by the Speaker of the House on October 24, 2019, and
8 affirmed by the House Resolution 660 on October 31, 2019.

9 Mr. McCormack served until recently as Chief of Staff to Secretary
10 of Energy Rick Perry and participated in a meeting at the White House
11 on July 10, 2019, which is under investigation as part of the House's
12 impeachment inquiry.

13 On October 24, 2019, the committees sent a letter to
14 Mr. McCormack requesting that he voluntarily appear for a deposition
15 today, Monday, November 4, as part of the inquiry. Mr. McCormack
16 confirmed receipt of the committees' deposition request but never
17 followed up directly or through personal counsel as to whether he would
18 appear.

19 On October 31, an official at OMB, writing on behalf of Mr.
20 McCormack, requested that all communications regarding the inquiry be
21 directed to her.

22 Because the committees never received a substantive response from
23 Mr. McCormack or his personal counsel, the Permanent Select Committee
24 on Intelligence issued on November 1 a duly authorized subpoena on Mr.
25 McCormack commanding his appearance today.

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1 Despite his legal obligations to comply, Mr. McCormack is not
2 present here today and has therefore defied a duly authorized
3 congressional subpoena.

4 At approximately 11:30 a.m. today, committee staff received via
5 email a letter from the Associate Director for Legislative Affairs at
6 OMB. The letter states that, quote, "As directed by the White House
7 counsel's October 8, 2019, letter," unquote, OMB will not participate
8 in the House's impeachment inquiry.

9 The letter further states that, based on the advice of the Office
10 of Legal Counsel that, quote, "the committee cannot lawfully bar agency
11 counsel from these depositions," unquote, Mr. McCormack will not appear
12 at his deposition today without agency counsel present.

13 As Mr. McCormack was informed, the committees may consider his
14 noncompliance with the subpoena as evidence in a future contempt
15 proceeding. His failure or refusal to appear, moreover, shall
16 constitute evidence of obstruction of the House's impeachment inquiry
17 and may be used as an adverse inference against the President.

18 The subpoena remains in full force.

19 The committees reserve all of their rights, including the right
20 to raise this matter at a future Intelligence Committee proceeding,
21 at the discretion of the chair of the committee.

22 Mr. McCormack has no basis for evading a lawful subpoena. To the
23 extent the White House believes that an issue could be raised at the
24 deposition that may implicate a valid claim of privilege, the White
25 House may seek to assert that privilege with the committee in advance

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1 of the deposition. To date, as has been the case in every other
2 deposition as part of this inquiry, the White House has not done so.

3 Mr. McCormack's failure to appear today also flies in the face
4 of historical precedent. Even absent impeachment proceedings,
5 congressional committees have deposed senior officials across the
6 executive branch without agency counsel present.

7 I am therefore entering into the record for the impeachment
8 inquiry the following documents.

9 Exhibit 1 is the committee's October 24, 2019, letter to Mr.
10 McCormack requesting his voluntary appearance at a deposition.

11 Exhibit 2 is the committee's cover letter to the subpoena dated
12 November 1, 2019.

13 Exhibit 3 is the subpoena to Mr. McCormack, which was served on
14 Mr. McCormack on November 1 and also sent to OMB on November 3.

15 Exhibit 4 is the letter received from OMB Legislative Affairs
16 dated November 4, 2019.

17 [Majority Exhibit No. 1
18 was marked for identification.]

19 [Majority Exhibit No. 2
20 was marked for identification.]

21 [Majority Exhibit No. 3
22 was marked for identification.]

23 [Majority Exhibit No. 4
24 was marked for identification.]

25 THE CHAIRMAN: Mr. McCormack's role in facilitating the White

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1 House's obstruction of the impeachment inquiry does not occur in a
2 vacuum. Over the past several weeks, we have gathered extensive
3 evidence of the President's abuse of power related to pressuring
4 Ukraine to initiate investigations that would benefit the President
5 personally and politically and sacrifice the national interest in
6 attempting to do so.

7 Some of that evidence has revealed that Mr. McCormack was a
8 percipient witness to certain events under investigation and may have
9 information and knowledge pertinent to the inquiry.

10 We can only infer, therefore, that Mr. McCormack's refusal to
11 testify is intended to prevent the committees from learning additional
12 evidence of Presidential misconduct and that Mr. McCormack's testimony
13 would corroborate and confirm other witnesses' accounts of such
14 misconduct.

15 At this point, I will yield to the ranking member of Intelligence
16 or, in his absence, Mr. Jordan.

17 MR. JORDAN: Mr. Castor.

18 MR. CASTOR: I'm not sure Mr. McCormack has a private counsel,
19 and there may be an issue on that front. So I think had he been afforded
20 the opportunity to participate with agency counsel, he may very well
21 have been able to provide testimony.

22 THE CHAIRMAN: I would just say to the minority counsel, he was
23 given every opportunity to retain counsel. He was given notice of our
24 interest in interviewing him. That he would choose not to do so and
25 hide behind only the latest rationalization of the White House for a

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1 witness nonappearance is Mr. McCormack's decision, but that will not
2 shield him from his nonappearance being used as evidence in a contempt
3 proceeding.

4 If there's nothing further, this will conclude the proceeding,
5 and we are adjourned.

6 [Whereupon, at 2:18 p.m., the deposition was concluded.]

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Congress of the United States
Washington, DC 20515

October 24, 2019

Brian McCormack
Associate Director for Natural Resources, Energy & Science
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

Dear Mr. McCormack:

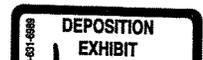
Pursuant to the House of Representatives' impeachment inquiry, we write to request your appearance at a deposition on **November 4, 2019, at 9:30 a.m. at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

The Committees are investigating the extent to which President Trump jeopardized U.S. national security by pressing Ukraine to interfere with our 2020 election and by withholding a White House meeting with the President of Ukraine and military assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

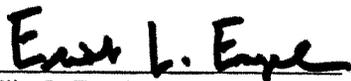
Based upon public reporting and evidence gathered as part of the impeachment inquiry, we believe you may have information relevant to these matters.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.



Mr. Brian McCormack
Page 2

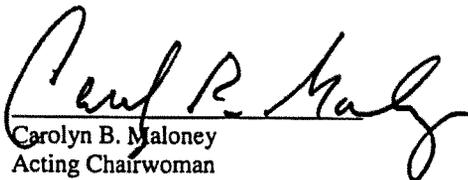
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

Congress of the United States
Washington, DC 20515

November 1, 2019

Mr. Brian McCormack
Associate Director for Natural Resources, Energy & Science
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Mr. McCormack:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to appear at a deposition on **November 4, 2019, at 2:00 p.m. at The Capitol, HVC-304.**

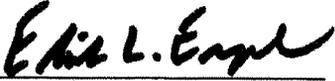
This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

On October 24, 2019, the Committees sent a letter to you requesting that you voluntarily appear for a deposition on November 4, 2019. We have not received a substantive response from you or your personal counsel. The Committees, therefore, have no choice but to issue a subpoena compelling your mandatory appearance.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

Mr. Brian McCormack
Page 2

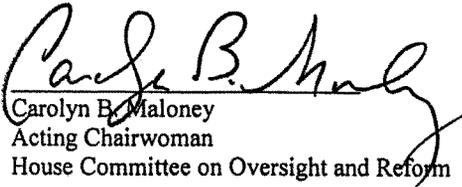
Sincerely,



Eliot L. Engel
Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To BRIAN MCCORMACK

You are hereby commanded to be and appear before the Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production:
Date:
Time:

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol
Date: NOVEMBER 4, 2019
Time: 2:00 PM

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:
Date:
Time:

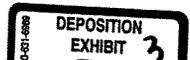
To The U.S. Marshals Service, or any authorized Member or congressional staff

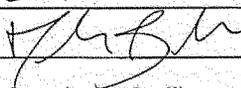
to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 1st day of NOVEMBER, 2019.

[Signature]
Chairman or Authorized Member

Attest:
[Signature] Deputy Clerk
Clerk



PROOF OF SERVICESubpoena for BRIAN MCCORMACKAddress OFFICE OF MANAGEMENT & BUDGET, 725 17TH ST. N.W.
WASHINGTON, D.C. 20503before the Permanent Select Committee on Intelligence*U.S. House of Representatives*
*116th Congress*Served by (print name) Maher BitarTitle General CounselManner of service Electronic MailDate 11/01/2019Signature of Server Address Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 4, 2019

The Honorable Adam Schiff
Chairman
House Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Schiff:

This letter is in response to your October 25, 2019, subpoenas to Acting Director Russell Vought and Associate Director Michael Duffey and your November 1, 2019, subpoena to Associate Director Brian McCormack compelling their appearances for depositions. The Office of Management and Budget (OMB) reasserts its position that, as directed by the White House Counsel's October 8, 2019, letter, OMB will not participate in this partisan and unfair impeachment inquiry.¹ Thursday's resolution only formalized a process that lacks basic due process protections and the ability to protect executive privilege. For example, as set forth in your rules² and your Committee's communications with Mr. Vought, Mr. Duffey, and Mr. McCormack, the Committee is denying agency counsel from participating in these depositions. The Office of Legal Counsel has advised that the Committee cannot lawfully bar agency counsel from these depositions. Therefore, Mr. Vought, Mr. Duffey, and Mr. McCormack will not appear at their respective depositions without being permitted to bring agency counsel.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason A. Yaworske".

Jason A. Yaworske
Associate Director
for Legislative Affairs

cc: The Honorable Devin Nunes

¹ Letter from Jason Yaworske, Assoc. Dir. for Leg. Affairs, Off. of Management and Budget to Hon. Adam B. Schiff, Chairman, H. Permanent Select Comm. on Intelligence (Oct. 15, 2019).

² Regulation for the Use of Deposition Authority, 116th Cong. H1216 (Jan. 25, 2019).

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5 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

6 joint with the

7 COMMITTEE ON OVERSIGHT AND REFORM

8 and the

9 COMMITTEE ON FOREIGN AFFAIRS,

10 U.S. HOUSE OF REPRESENTATIVES,

11 WASHINGTON, D.C.

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15 DEPOSITION OF: TIM MORRISON

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20 Thursday, October 31, 2019

21 Washington, D.C.

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23

24 The deposition in the above matter was held in Room HVC-304,

25 Capitol Visitor Center, commencing at 8:10 a.m.

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1 Present: Representatives Schiff, Himes, Sewell, Speier,
2 Quigley, Swalwell, Castro, Heck, Welch, Maloney, Demings,
3 Krishnamoorthi, Nunes, Conaway, Turner, Wenstrup, Stefanik, Hurd, and
4 Ratcliffe.

5 Also Present: Representatives Bera, Cicilline, Connolly,
6 Cooper, Keating, Lieu, Lynch, Malinowski, Phillips, Raskin, Rouda,
7 Tlaib, Wasserman Schultz, Armstrong, Cloud, Higgins, Jordan, Kelly,
8 Massie, Meadows, Norman, Perry, and Roy.

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1 For the COMMITTEE ON OVERSIGHT AND REFORM:

2

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8

9

10 For the COMMITTEE ON FOREIGN AFFAIRS:

11

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17

18

19 For TIM MORRISON:

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21 BARBARA VAN GELDER

22 HANNAH CORNETT

23

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2 THE CHAIRMAN: Good morning, Mr. Morrison. We're on the record
3 now. Good morning, and welcome to the House Permanent Select Committee
4 on Intelligence, which, along with the Foreign Affairs and Oversight
5 Committees, is conducting this investigation as part of the official
6 impeachment inquiry of the House of Representatives.

7 Today's deposition is being conducted as part of the impeachment
8 inquiry. In light of attempts by the administration to direct
9 witnesses not to cooperate with the inquiry, including efforts to limit
10 witness testimony, the committee had no choice but to compel your
11 appearance today. We thank you for complying with the duly authorized
12 congressional subpoena.

13 Mr. Morrison has served for almost two decades in government,
14 having held positions in both the executive and legislative branches.
15 Mr. Morrison served as a professional staff member for Representative
16 Mark Kennedy of Minnesota and Senator Jon Kyl of Arizona. Later, Mr.
17 Morrison served as the longtime policy director for the Republicans
18 on the House Armed Services Committee.

19 In July 2018, Mr. Morrison joined the National Security Council
20 staff as Senior Director for Countering Weapons of Mass Destruction.
21 Following the departure of Dr. Fiona Hill in July 2019, Mr. Morrison
22 assumed the position of Senior Director for Russia and Europe.

23 In this position, Mr. Morrison would have had access to and been
24 involved in key policy discussions, meetings, and decisions on Russia
25 and Ukraine that relate directly to areas under investigation by the

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1 committees.

2 Finally, to restate what I and others have emphasized in other
3 interviews, Congress will not tolerate any reprisal, threat of
4 reprisal, or attempt to retaliate against any U.S. Government official
5 for testifying before Congress, including you or any of your
6 colleagues.

7 It is disturbing that the White House has sought to prohibit
8 employees from cooperating with the inquiry and have tried to limit
9 what they can say. This is unacceptable. Thankfully, consummate
10 professionals have demonstrated remarkable courage in coming forward
11 to testify and tell the truth.

12 We understand that you have resigned from the NSC, Mr. Morrison,
13 and we sincerely hope this is not a result of retaliation or reprisal
14 due to your testimony here today. If it is, we would ask your attorney
15 to inform us of any relevant information as soon as possible.

16 Before I turn to committee counsel to begin the interview, I
17 invite the ranking member of the Intelligence Committee, Mr. Nunes,
18 to make any opening remarks.

19 MR. NUNES: Welcome, Mr. Morrison.

20 Just be advised, because this is being done behind closed doors,
21 the transcripts aren't being released, there's been a history of the
22 majority cutting off our questioners. There's also been a history of
23 leading the witness. And so I just want to advise you of that in
24 advance.

25 We hope that you will be forthright with us and answer the

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1 questions and not take coaching from the majority. And your lawyer,
2 your counsel should be advised that this has been a common theme
3 throughout the last month of these depositions.

4 And, with that, welcome. It's great to have you.

5 THE CHAIRMAN: In the interest of time, I will not bother to rebut
6 my colleague, but recognize Mr. Goldman.

7 MR. GOLDMAN: Thank you, Mr. Chairman.

8 This is a deposition of Timothy Morrison conducted by the House
9 Permanent Select Committee on Intelligence pursuant to the impeachment
10 inquiry announced by the Speaker of the House on September 24th, 2019.

11 Mr. Morrison, if you could please state your full name and spell
12 your last name for the record.

13 MR. MORRISON: Timothy Aron Morrison, M-o-r-r-i-s-o-n.

14 MR. GOLDMAN: And if you could just pull the mike close to you,
15 then you can relax and just talk into it. Thank you.

16 Now, along with other proceedings in furtherance of the inquiry
17 to date, this deposition is part of a joint investigation led by the
18 Intelligence Committee, in coordination with the Committees on Foreign
19 Affairs and Oversight and Reform.

20 In the room today are majority staff and minority staff from all
21 three committees, and this will be a staff-led deposition. Members
22 of course may ask questions during their allotted time, as has been
23 the case in every deposition since the inception of this investigation.

24 My name is Daniel Goldman. I'm the director of investigations
25 for the Intelligence Committee's majority staff. And I want to thank

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1 you again for coming in today.

2 Let me do some brief introductions. To my right here is Daniel
3 Noble, senior investigative counsel for the Intelligence Committee's
4 majority staff. Mr. Noble and I will be conducting most of the
5 interview for the majority.

6 And now I'd like to ask my counterparts on the minority to
7 introduce themselves.

8 MR. CASTOR: Steve Castor with the Oversight Committee
9 Republican staff.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 MR. GOLDMAN: This deposition will be conducted entirely at the
15 unclassified level. However, it is being conducted in HPSCI secure
16 spaces and in the presence of staff with appropriate security
17 clearances.

18 We understand that your attorneys also have their security
19 clearances. Is that right?

20 MS. VAN GELDER: No.

21 MR. GOLDMAN: Okay. They do not.

22 It is the committee's expectation, regardless of that, that
23 neither questions asked of you nor answers provided by you will require
24 discussion of any information that is currently or at any point could
25 be properly classified under Executive Order 13526.

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1 You are reminded that EO 13526 states that, quote, "in no case
2 shall information be classified, continue to be maintained as
3 classified, or fail to be declassified for the purpose of concealing
4 any violations of law or preventing embarrassment of any person or
5 entity."

6 If any of our questions can only be answered with classified
7 information, please inform us of that fact before you answer the
8 question, and we can adjust accordingly.

9 Today's deposition is not being taken in executive session, but
10 because of the sensitive and confidential nature of some of the topics
11 and materials that will be discussed, access to the transcript of the
12 deposition will be limited to the three committees in attendance.

13 Under the House deposition rules, no Member of Congress nor any
14 staff member can discuss the substance of the testimony that you provide
15 today.

16 You and your attorney will have an opportunity to review the
17 transcript before it is released.

18 Before we begin, I'd like to go over some of the ground rules for
19 the deposition. We will be following the House regulations for
20 depositions, which have previously been provided to your counsel.

21 The deposition will proceed as follows. The majority will be
22 given 1 hour to ask questions; then the minority will be given 1 hour
23 to ask questions. Thereafter, we will alternate back and forth between
24 majority and minority in 45-minute rounds until questioning is
25 complete.

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1 We will take periodic breaks, but if you need a break at any time,
2 please let us know.

3 Under the House deposition rules, counsel for other persons or
4 government agencies may not attend. You are permitted to have an
5 attorney present during this deposition, and I see that you have brought
6 two.

7 At this time, if counsel could please state their appearances for
8 the record.

9 MS. VAN GELDER: Barbara Van Gelder.

10 MS. CORNETT: Hannah Cornett.

11 MR. GOLDMAN: There is a stenographer taking down everything that
12 is said here today in order to make a written record of the deposition.
13 For that record to be clear, please wait until each question is
14 completed before you begin your answer, and we will wait until you
15 finish your response before asking the next question.

16 The stenographer cannot record nonverbal answers such as shaking
17 your head, so it is important that you answer each question with an
18 audible, verbal answer.

19 We ask that you give complete replies to questions based on your
20 best recollection. If a question is unclear or you are uncertain in
21 your response, please let us know. And if you do not know the answer
22 to a question or cannot remember, simply say so.

23 You may only refuse to answer a question to preserve a privilege
24 recognized by the committee. If you refuse to answer a question on
25 the basis of privilege, staff may either proceed with the deposition

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1 or seek a ruling from the chairman on the objection. If the chair
2 overrules any such objection, you are required to answer the question.

3 Finally, you are reminded that it is unlawful to deliberately
4 provide false information to Members of Congress or staff. It is
5 imperative that you not only answer our questions truthfully but that
6 you give full and complete answers to all questions asked of you.
7 Omissions may also be considered as false statements.

8 Now, as this deposition is under oath, Mr. Morrison, would you
9 please stand and raise your right hand to be sworn?

10 Do you swear that your testimony provided here today will be the
11 whole truth and nothing but the truth?

12 MR. MORRISON: I do.

13 MR. GOLDMAN: Thank you. You can be seated.

14 Let the record reflect that the witness has been sworn.

15 Mr. Morrison, if you have an opening statement, now is the time.

16 MR. MORRISON: Thank you.

17 Chairman Schiff and members of the committees, I appear today
18 under subpoena to answer your questions about my time as Senior Director
19 for European Affairs at the White House in the National Security
20 Council. I will give you the most complete information I can,
21 consistent with my obligations to the President and the protection of
22 classified information.

23 I do not know who the whistleblower is, nor do I intend to
24 speculate as to who it may be.

25 Before joining the NSC in 2018, I spent 17 years as a Republican

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1 staffer serving in a variety of roles in both houses of Congress. My
2 last position was policy director for the then-majority staff of the
3 House Armed Services Committee.

4 From July 9, 2018, to July 15, 2019, I served as a Special
5 Assistant to the President for National Security and as the NSC Senior
6 Director for Weapons of Mass Destruction and Biodefense. In that role,
7 I had limited exposure to Ukraine, focusing primarily on foreign
8 military sales and arms control.

9 On July 15, 2019, I became Deputy Assistant to the President for
10 National Security. In this role, I serve as the lead interagency
11 coordinator for national security issues involving Europe and Russia.

12 It is important to start with the role of the NSC. Since its
13 creation by Congress in 1947, the NSC has appropriately evolved in shape
14 and size to suit the needs of the President and the National Security
15 Advisor it serves at the time. But its mission and core function has
16 fundamentally remained the same: to coordinate across departments and
17 agencies of the executive branch to ensure the President has the policy
18 options he needs to accomplish his objectives and to see that his
19 decisions are implemented.

20 The NSC staff does not make policy. NSC staff are most effective
21 when we are neutral arbiters helping the relevant executive branch
22 agencies develop options for the President and implement his direction.

23 In my current position, I understood our primary U.S. policy
24 objective in Ukraine was to take advantage of the once-in-a-generation
25 opportunity that resulted from the election of President Zelensky and

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1 the clear majority he had gained in the Ukrainian Rada to see real
2 anticorruption reform take root.

3 The administration's policy was that the best way for the United
4 States to show its support for President Zelensky's reform efforts was
5 to make sure the United States' longstanding bipartisan commitment to
6 strengthen Ukraine's security remained unaltered.

7 It is easy to forget here in Washington, but impossible in Kyiv,
8 that Ukraine is still under armed assault by Russia, a nuclear-armed
9 state. We also tend to forget that the United States had helped
10 convince Ukraine to give up Soviet nuclear weapons in 1994.

11 United States security-sector assistance from the Departments of
12 Defense and State is, therefore, essential to Ukraine. Also essential
13 is a strong and positive relationship with Ukraine at the highest levels
14 of our respective governments.

15 In my role as Senior Director for European Affairs, I reported
16 directly to former Deputy National Security Advisor Dr. Charles
17 Kupperman and former National Security Advisor Ambassador John Bolton.
18 I kept them fully informed on matters that I believe merited their
19 awareness or when I felt I needed some direction.

20 During the time relevant to this inquiry, I never briefed the
21 President or Vice President on matters related to Ukrainian security.
22 It was my job to coordinate with the U.S. Embassy Chief of Mission to
23 Ukraine, William Taylor, Special Representative for Ukraine
24 Negotiations Kurt Volker, and other interagency stakeholders in the
25 Departments of Defense and State on other Ukrainian matters.

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1 My primary responsibility has been to ensure Federal agencies had
2 consistent messaging and policy guidance on national security issues
3 involving European and Russian affairs.

4 As Dr. Fiona Hill and I prepared for me to succeed her, one of
5 the areas we discussed was Ukraine. In that discussion, she informed
6 me of her concerns about two Ukraine processes that were occurring:
7 the normal interagency process led by the NSC with the typical
8 department and agency participation, and a separate process that
9 involved chiefly the U.S. Ambassador to the European Union.

10 Dr. Hill told me that Ambassador Sondland and President Trump's
11 personal lawyer, Rudy Giuliani, were trying to get President Zelensky
12 to reopen Ukrainian investigations into Burisma. At the time, I did
13 not know what Burisma was or what the investigation entailed. After
14 the meeting with Dr. Hill, I googled "Burisma" and learned that it was
15 a Ukrainian energy company and that Hunter Biden was on its board.

16 I also did not understand why Ambassador Sondland would be
17 involved in Ukraine policy, often without the involvement of our duly
18 appointed Chief of Mission, Ambassador Bill Taylor.

19 My most frequent conversations were with Ambassador Taylor
20 because he was the U.S. Chief of Mission in Ukraine, and I was his chief
21 conduit for information related to White House deliberations,
22 including security-sector assistance and potential head-of-state
23 meetings. This is a normal part of the coordination process.

24 In preparation for my appearance today, I reviewed the statement
25 Ambassador Taylor provided this inquiry on October 22nd, 2019. I can

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1 confirm that the substance of his statement as it relates to
2 conversations that he and I had is accurate. My recollections differ
3 on two of the details, however.

4 I have a slightly different recollection of my September 1, 2019,
5 conversation with Ambassador Sondland. On page 10 of Ambassador
6 Taylor's statement, he recounts a conversation I relayed to him
7 regarding Ambassador Sondland's conversation with Ukrainian
8 Presidential Advisor Yermak.

9 Ambassador Taylor wrote, and I quote, "Ambassador Sondland told
10 Mr. Yermak that security assistance money would not come until
11 President Zelensky committed to pursue the Burisma investigation," end
12 quote.

13 My recollection is that Ambassador Sondland's proposal to
14 Mr. Yermak was that it could be sufficient if the new Ukrainian
15 Prosecutor General, not President Zelensky, would commit to pursue the
16 Burisma investigation.

17 I would also like to clarify that I did not meet with the Ukrainian
18 National Security Advisor in his hotel room, as Ambassador Taylor
19 indicated on page 11 of his statement. Instead, an NSC aide and I met
20 with Mr. Danylyuk in the hotel's business center.

21 I also reviewed the memorandum of conversation of the July 25
22 phone call that was released by the White House. I listened to the
23 call as it occurred from the Situation Room. To the best of my
24 recollection, the MEMCON accurately and completely reflects the
25 substance of the call.

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1 I also recall that I did not see anyone from the NSC Legal
2 Advisor's Office in the room during the call. After the call, I
3 promptly asked the NSC Legal Advisor and his deputy to review it.

4 I had three concerns about a potential leak of the MEMCON: first,
5 how it would play out in Washington's polarized environment; second,
6 how a leak would affect the bipartisan support our Ukrainian partners
7 currently experience in Congress; and, third, how it would affect the
8 Ukrainian perceptions of the U.S.-Ukraine relationship.

9 I want to be clear: I was not concerned that anything illegal
10 was discussed.

11 I was aware that the White House was holding up security-sector
12 assistance passed by Congress -- excuse me. I was not aware that the
13 White House was holding up the security-sector assistance passed by
14 Congress until my superior, Dr. Charles Kupperman, told me soon after
15 I succeeded Dr. Hill.

16 I was aware that the President thought Ukraine had a corruption
17 problem, as did many others familiar with Ukraine. I was also aware
18 that the President believed that Europe did not contribute enough
19 assistance to Ukraine.

20 I was directed by Dr. Kupperman to coordinate with the
21 interagency stakeholders to put together a policy process to
22 demonstrate that the interagency supported security-sector assistance
23 to Ukraine.

24 I was confident that our national security principals -- the
25 Secretaries of State and Defense, the Director of the Central

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1 Intelligence Agency, and the head of the National Security
2 Council -- could convince President Trump to release the aid, because
3 President Zelensky and the reform-oriented Rada were genuinely
4 invested in their anticorruption agenda.

5 Ambassador Taylor and I were concerned that the longer the money
6 was withheld, the more questions the Zelensky administration would ask
7 about the U.S. commitment to Ukraine. Our initial hope was that the
8 money would be released before the hold became public, because we did
9 not want the newly constituted Ukrainian Government to question U.S.
10 support.

11 I have no reason to believe the Ukrainians had any knowledge of
12 the review until August 28, 2019.

13 Ambassador Taylor and I had no reason to believe that the release
14 of the security-sector assistance might be conditioned on a public
15 statement reopening the Burisma investigation until my September 1,
16 2019, conversation with Ambassador Sondland.

17 Even then, I hoped that Ambassador Sondland's strategy was
18 exclusively his own and would not be considered by leaders in the
19 administration and Congress who understood the strategic importance
20 of Ukraine to our national security.

21 I am pleased our process gave the President the confidence he
22 needed to approve the release of the security-sector assistance. My
23 regret is that Ukraine ever learned of the review and that, with this
24 impeachment inquiry, Ukraine has become subsumed in the U.S. political
25 process.

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1 After 19 years of government service, I have decided to leave the
2 NSC. I have not submitted a formal resignation at this time because
3 I do not want anyone to think there is a connection between my testimony
4 today and my impending departure. I plan to finalize my transition
5 from the NSC after my testimony is complete.

6 During my time in public service, I have worked with some of the
7 smartest and most self-sacrificing people in this country. Serving
8 at the White House in this time of unprecedented global change has been
9 the opportunity of a lifetime. I am proud of what I have been able
10 in some small way to help the Trump administration to accomplish.

11 Thank you for your attention.

12 THE CHAIRMAN: Mr. Goldman, you are recognized for 1 hour.

13 MR. GOLDMAN: Thank you, Mr. Chairman.

14 BY MR. GOLDMAN:

15 Q Mr. Morrison, I just want to start where you ended, about
16 your resignation. You said that it had nothing to do with your
17 testimony today. What is the reason that you are resigning around this
18 time?

19 A I have decided that it's time for a change in my career.

20 Q And so it had nothing to do with this Ukraine issue and the
21 impeachment inquiry?

22 A No.

23 Q Did you have any discussions with anyone -- other than any
24 formal letters or conversations between any attorneys and your
25 attorney, did you personally have any discussions with anyone at the

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1 White House about your testimony here today?

2 A I discussed with personnel at the White House that I would
3 be testifying. I did not talk about the substance of what my testimony
4 would be.

5 Q Did anyone discourage you from testifying?

6 A No.

7 Q Who did you speak to?

8 A I talked to the Deputy National Security Advisor, Matthew
9 Pottinger. I talked to various personnel from NSC Press. And I talked
10 to the NSC Legal Advisor and his deputy. And I believe I informed my
11 deputy that I would be testifying here today.

12 Q Did anyone ask you what you were going to say here today?

13 A No.

14 Q Did anyone encourage you to testify in a certain way?

15 A No.

16 Q So is your testimony here today entirely of your own
17 recollection and volition?

18 A Yes, and based on the consultations with my lawyer.

19 Q Did you review any notes before you came to testify here
20 today?

21 A Yes.

22 Q What did you review?

23 A I reviewed, among other things, the notes I took on July 25th
24 during the head-of-state phone call between President Trump and
25 President Zelensky. I reviewed various entries in my official

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1 calendar with respect to dates that meetings occurred, dates that phone
2 calls occurred. I reviewed emails I sent to make sure I was correctly
3 remembering the timelines on which things occurred.

4 Q Okay.

5 Now, let's focus on when you took over as the Senior Director for
6 Europe and Russia. What date was that?

7 A July 15, 2019.

8 Q And, prior to that, you indicated that you had some
9 involvement in Ukraine related to some of the arms sales that was the
10 focus of your prior position?

11 A Foreign military sales and arms control.

12 Q Okay. Were you following -- prior to when you assumed
13 this -- well, when did you know that you were going to take over this
14 role?

15 A I began negotiating with Ambassador Bolton and Dr. Kupperman
16 probably mid-May of 2019 about whether and if I would take on the role.

17 Q How much of your time in this position related to Ukraine?

18 A Which position?

19 Q Your current position.

20 A A significant quantity.

21 Q And when you had those initial conversations with Ambassador
22 Bolton and Dr. Kupperman in May, did you specifically discuss Ukraine
23 at all?

24 A No.

25 Q Were you aware of the, sort of, swirling press reports

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1 related to Ukraine in May?

2 A In passing.

3 Q And can you explain what you knew at that time?

4 A I recall seeing various press reporting about these -- about
5 Ukraine issues, but I had a more-than-full-time job that kept me pretty
6 occupied.

7 Q And what do you remember? What issues do you remember?

8 A I have no specific recollection of a particular Ukraine
9 issue. I just recall seeing press reporting about who this President
10 Zelensky was. He's a comedian. He had a TV show. Those kinds of
11 issues.

12 Q Uh-huh. Were you following any public statements made by
13 Rudy Giuliani related to Ukraine at this time?

14 A Not that I can recall.

15 Q And between mid-May when you accepted the job and July 15th
16 when you started, what did you do, if anything, to study up on Ukraine
17 issues before you took over the job?

18 A I had one or two, sort of, transition conversations, handoff
19 conversations with Dr. Hill.

20 Q That was before July 15th?

21 A That was before July 15th. Probably beginning around July
22 1, the fact of the transition became known to Dr. Hill, and we began
23 talking about how to make sure there was an orderly handoff.

24 Q But after you knew you were going to take this position, did
25 you pay closer attention to the media reports related to Ukraine?

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1 A In fairness, no. I still had a full-time job that was
2 occupying me.

3 Q Okay. So when you started talking to Dr. Hill on July 1st,
4 were you aware of any of the alternative narratives that Mr. Giuliani
5 and others were promoting in the media?

6 A As I said in my statement, Dr. Hill, when we began these
7 handoff conversations, Ukraine was a topic of those conversations, and
8 she informed me of her concerns about this alternate process.

9 Q So I just want to understand what your knowledge was before
10 you met with Dr. Hill. Were you aware of any of these alternative
11 narratives before that?

12 A I have no specific recollection about any alternative
13 narrative.

14 Q Okay. So you described that in your meeting with Dr. Hill,
15 in your opening statement, that you discussed, I think you said two -- I
16 don't want to misstate what you said, but two processes related to
17 Ukraine. Is that right?

18 A Yes.

19 Q So can you describe what you understood from Dr. Hill to be
20 the two separate processes?

21 A As I said in my statement, there was the normal process, where
22 decisionmaking went through the duly appointed personnel, whether
23 that's the Chief of Mission, Ambassador Taylor, Envoy Volker, the
24 appropriate personnel from the Departments of State and Defense and
25 Energy and intelligence agencies and so forth, as we normally do

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1 business under the NSPM-4 process. And there was this second track,
2 chiefly led by Ambassador Sondland, where Rudy Giuliani's name would
3 come up.

4 Q In that conversation, did you have any discussion about the
5 policy positions of both processes, as you call them, including whether
6 there was any difference between the, sort of, two tracks in terms of
7 policy?

8 A Not as such. It was chiefly focused on, here's the normal
9 process where decisions get made that I was familiar with from my own
10 job, and here was this other track where Ambassador Sondland and Mr.
11 Giuliani were involved. Fiona mentioned that they were interested in
12 issues such as the Burisma investigation, and I noted that. And that
13 was essentially the substance of the conversation.

14 Q What did she say specifically about Ambassador Sondland and
15 his role?

16 A She described Ambassador Sondland as a problem. We both
17 discussed that Ukraine was not in the EU, which led to the follow-on
18 question of, why is he involved in Ukraine? And, as I mentioned, she
19 mentioned Burisma, which I really did not know what that was.

20 Q So just focusing on Ambassador Sondland for a minute, did
21 she explain to you her understanding as to why Ambassador Sondland was
22 involved in Ukraine policy?

23 A She stated that Ambassador Sondland believed he had the
24 mandate to get involved based on his relationship with the President.

25 Q Was it based on his relationship or based on a directive from

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1 the President, as you understood it?

2 A The way I recall her relating it to me, based on her
3 perspective, was his relationship.

4 Q Other than the fact that Ukraine is not in the EU, did she
5 indicate to you any other concerns about Ambassador Sondland's role?

6 A It was less about his role in Ukraine and more about how he
7 conducted himself. He did not participate in the process. So we are
8 very process-oriented on the NSC; we have a way we do things that works.
9 And so when people come in and get involved in issues and they're not
10 of that process, it creates risk.

11 Q And what did she say to you about Rudy Giuliani?

12 A She mentioned that Gordon talked with Rudy, and she mentioned
13 that she stayed away from any conversation with Rudy and that I would
14 be wise to do the same.

15 Q And we'll get to Burisma in a minute, but did she mention
16 anything else, other than Burisma, in connection to what Rudy
17 Giuliani's interest in Ukraine was?

18 A She mentioned Rudy -- and I should say clearly for the record
19 that, in some cases, I consider Burisma to sort of be a bucket of issues.
20 Burisma is Burisma the company, Burisma is Hunter Biden on the board,
21 and I sometimes lump together Burisma and the 2016 server in my head,
22 chiefly because they are all issues I tried to stay away from.

23 Q Why did you try to stay away -- do you recall that she also
24 mentioned in that conversation or subsequent conversation the 2016
25 election, separate from --

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1 A She mentioned the fact --

2 Q -- Burisma?

3 A -- of some -- excuse me.

4 Q Go ahead.

5 A She mentioned the fact of some speculation about a server.

6 Q And did she mention anything about some allegations that
7 Ukraine may have been involved in interfering in the 2016 election?

8 A She mentioned that there was some concern in some quarters
9 that there was a server that had something to do with the 2016 election,
10 but it was all fairly unknown to me.

11 Q And why did you want to stay away from this bucket that you
12 describe as Burisma?

13 A I deemed it appropriate to follow Dr. Hill's counsel to do
14 so.

15 Q And what was the reason that she gave you to do so?

16 A Because it had nothing to do with our policy process.

17 Q Can you explain how or why?

18 A We were chiefly involved in issues related to -- in the
19 Ukraine process, we were chiefly involved in issues related to managing
20 the new Ukrainian Government, working with them to cement their reform
21 agenda, working with them on security, working with them on a dozen
22 other projects that are beyond the scope of today's proceeding.

23 Q Did you come to learn about a July 10th meeting at the White
24 House with Ambassador Bolton, Ambassador Sondland, Volker, other
25 American officials, as well as Ukrainian officials?

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1 A No.

2 Q Dr. Hill didn't tell you about that meeting at all?

3 A No.

4 Q And you didn't attend it?

5 A No.

6 Q So, by the time she left, you were not aware of this meeting
7 that had occurred?

8 A No.

9 Q Okay.

10 Prior to the July 25th call, did you have any sense as to whether
11 Ambassador Sondland was speaking with any Ukrainians directly?

12 A Yes. I think that was part of the handoff conversations that
13 Dr. Hill and I had and part of why she expressed concern about him acting
14 outside of the normal process.

15 Q Okay. When you had these transition meetings with
16 Dr. Hill -- and, by the way, how many were there, do you know, related
17 to Ukraine?

18 A I think Ukraine probably -- there were probably three
19 meetings, about an hour each. Ukraine came up in two of the meetings.

20 Q And do you recall when?

21 A When the meetings occurred?

22 Q Right.

23 A Between July 1 and July 15.

24 Q Okay.

25 Did Dr. Hill discuss with you the possibility of a White House

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1 meeting between President Zelensky and President Trump?

2 A Yes.

3 Q What did she say to you about that?

4 A It was on a list of meetings that we were tracking,
5 head-of-state meetings, other important meetings that would involve
6 the President. We called them schedule proposals. So, here's what's
7 pending.

8 Q In your conversation with Dr. Hill about a potential White
9 House meeting for President Zelensky, did she discuss at all Ambassador
10 Sondland's role or Rudy Giuliani's role in setting up that meeting?

11 A No.

12 Q Did she indicate to you at all whether there were some
13 rumblings about pursuing the bucket of Burisma investigations in order
14 to get a White House meeting?

15 A No.

16 Q So after July 15th and prior to July 25th, let's focus on
17 that timeframe for a minute. When did you become aware that there was
18 the possibility of a phone call between President Zelensky and
19 President Trump?

20 A Fairly early. I'd have to recall exactly when the Ukrainian
21 Rada election occurred, but we were watching it closely. We expected
22 President Zelensky's party, the Servant of the People, to do well. We
23 did not expect it to do as well as it did. It obtained a clear mandate,
24 a clear majority. And we wanted Ukraine -- we wanted there to be a
25 phone call -- similar to the phone call the President placed to

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1 congratulate President Zelensky for his own election, we wanted there
2 to be a phone call to congratulate President Zelensky for his decisive
3 victory.

4 Q When you took over this role, did you go back and review the
5 transcript of the April 21st call?

6 A No.

7 Q Did you get a readout or any information about that call?

8 A No.

9 Q So how do you know that it was congratulatory?

10 A Because that was the purpose of the call that was described
11 to me.

12 Q So someone did describe it to you?

13 A I was aware that there was a call. I never got a debriefing.
14 I never read the MEMCON of that package.

15 Q Did someone just describe to you generally what happened?

16 A It was described to me that the call occurred, it was a
17 congratulatory phone call on his election.

18 Q When you said we wanted to set up a congratulatory phone call,
19 who do you mean by "we"?

20 A My office, my directorate.

21 Q Did you ever speak to Ambassador Bolton specifically about
22 a phone call between Zelensky and Trump?

23 A Yes.

24 Q What did Ambassador Bolton say to you about that possibility?

25 A That he was working on it.

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1 Q Was there some discussion as to whether it would be before
2 the election or after the election, as far as you know?

3 A No.

4 Q By the time you got there, it was always going to be after
5 the parliamentary election?

6 A Yes.

7 Q To your knowledge, was there any difficulty in setting up
8 this call?

9 A No.

10 Q Was it set up, as far as you know, through normal channels?

11 A Yes.

12 Q Do you know whether Mr. Giuliani had any discussions with
13 anyone about setting up a call?

14 A No.

15 Q Do you know whether Ambassador Sondland had any discussions
16 with anyone in the Chief of Staff's office or the President about
17 setting up this call?

18 A Yes.

19 Q What do you know about that?

20 A Which?

21 MS. VAN GELDER: I don't think that his conversations with the
22 President he can talk to.

23 MR. GOLDMAN: About Ambassador Sondland's conversations with the
24 President?

25 MS. VAN GELDER: I'm going to say if he knows about it, if he was

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1 there, he can't talk about it. If he was told by Ambassador Sondland,
2 he can talk about it.

3 If you could repeat the question, maybe we can get through it
4 another way.

5 BY MR. GOLDMAN:

6 Q I'll break it out. Do you know whether Ambassador Sondland
7 spoke with Mick Mulvaney or anyone in Mick Mulvaney's office about a
8 call?

9 A No.

10 MS. VAN GELDER: Which call?

11 BY MR. GOLDMAN:

12 Q A potential call with President Zelensky, what ultimately
13 became 7/25.

14 A No.

15 Q Do you know whether Ambassador Sondland spoke to President
16 Trump about it?

17 A I know that Ambassador Sondland told me he spoke to the
18 President about it.

19 Q And when did he tell you that?

20 A The morning of July 25th.

21 Q And so can you describe the conversation that you had with
22 Ambassador Sondland the morning of July 25th?

23 A Ambassador Sondland emailed me and several other White House
24 staff to inform us that he had spoken to the President that morning
25 to brief him on the call.

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1 Q And did he explain to you what he told the President in that
2 briefing?

3 A The conversation was entirely over email. He sent me an
4 email listing three topics that he was working on, the first of which
5 was "I spoke to the President this morning to brief him on the call."

6 Q And so he didn't give any more description as to what his
7 briefing was?

8 A The conversation was exclusively over email.

9 Q I understand, but in the email he didn't explain any more --

10 A That was the extent of what he said about the Ukraine call.

11 Q Okay.

12 And do you know if President Trump was prepped through the normal
13 NSC process?

14 A I know we provided him the regular call package.

15 Q Did Ambassador Bolton ever express any reservations to you
16 about a call between President Trump and President Zelensky?

17 A No.

18 Q Prior to this call, did you have any discussions with
19 Ambassador Bolton yourself about this alternative process with
20 Sondland and Giuliani?

21 A No.

22 Q Did Dr. Hill brief you at all on Ambassador Bolton's views
23 about Sondland or Giuliani?

24 A Could you restate and be more specific?

25 Q In your transition meetings about Ukraine with Dr. Hill, did

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1 she relay to you what she understood to be Ambassador Bolton's opinion
2 of Mr. Giuliani?

3 A No.

4 Q And how about Mr. Giuliani's role as it relates to Ukraine?

5 A No.

6 Q So, prior to this call on July 25th, you were unaware, either
7 from direct conversations or conversations with other people, about
8 any reservations Ambassador Bolton had about the Ukraine situation?

9 A That is correct.

10 Q Okay.

11 Were you present when the President was prepped for this call?

12 A No.

13 Q Do you know if he was orally prepped for it?

14 A No.

15 Q Do you know whether Ambassador Sondland or -- well,
16 withdrawn. When did you first learn about Kurt Volker's role with
17 Ukraine?

18 A During the transition meetings with Dr. Hill.

19 THE CHAIRMAN: If I could just clarify, Mr. Goldman.

20 Mr. Morrison, you mentioned that either you or others prepared
21 a regular call package in anticipation of the July 25th call. Is that
22 right?

23 MR. MORRISON: Correct.

24 THE CHAIRMAN: And that would've been the recommendations of the
25 NSC as to what should take place on the call or to help prepare the

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1 President for the call?

2 MR. MORRISON: Yes.

3 THE CHAIRMAN: And I take it that the Burisma bucket of issues
4 that you described was not mentioned anywhere in that call package?

5 MS. VAN GELDER: He can't talk to what was in the call package.

6 THE CHAIRMAN: Well, I'm asking what was excluded from the call
7 package.

8 You said you wanted Mr. Morrison to avoid that whole bucket of
9 issues. I take it that bucket of issues was not part of the official
10 call package to the President.

11 MS. VAN GELDER: I'm going to instruct him not to answer that
12 question.

13 THE CHAIRMAN: Mr. Morrison, I need to inform you and your
14 counsel, the White House has not invoked any privilege. They had the
15 opportunity, knowing of your testimony, to convey to the committee that
16 this question or that question or this conversation or that question
17 was privileged. They have made no such representation to the
18 committee, nor have they sought to obtain an opinion from the Justice
19 Department that anything that we're asking about is privileged.

20 So we don't recognize any potential future invocation of
21 privilege in this committee, and you are instructed to answer the
22 question.

23 MS. VAN GELDER: I'm going to instruct him not to. I will just
24 basically say we are taking our guidance from the U.S. District Court's
25 decision in U.S. v. Miers. We believe that there is a presumptive

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1 Presidential privilege. It is not his to waive. It is not his to
2 answer.

3 If the committee desires to go to the court, as Judge Bates said
4 in the Miers case, it is a question-by-question matter, then we will
5 answer it. But we have been put in an awkward position, at most, in
6 which the burden of noncompliance is on the individual.

7 So I say this with all due respect, sir. I do not want to have
8 either him or I in contempt, but I also recognize that this is a man
9 with an ongoing security clearance and that, you know, if we can get
10 this later, you can deal with it, we can go around it, maybe we can
11 work it out. But for this moment, I would respectfully ask you if you
12 could table that and go back and get to the other issues which he can
13 talk. Then we can maybe, during a break, talk about it. But at this
14 point, it's a hard stop.

15 THE CHAIRMAN: We will -- let's do this. Let's during a break
16 see if we can do a workaround. But I do want to say for the record,
17 while it is not the witness's position to waive a privilege, it is also
18 not his position to assert the privilege on behalf of the White House.

19 MS. VAN GELDER: Right. We're not asserting privilege. We are
20 just directing him not to answer it.

21 THE CHAIRMAN: And therein lies the problem.

22 MS. VAN GELDER: Yes, I know.

23 THE CHAIRMAN: Well, we'll come back to this, and hopefully we
24 can do a workaround. If this was not part of the call package, it seems
25 to me there is no potential privilege involved here, but we can discuss

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1 that during a recess.

2 Mr. Goldman.

3 BY MR. GOLDMAN:

4 Q So I was asking you about Ambassador Volker, who was the
5 Special Envoy for Ukraine negotiations. But when did you learn that
6 Ambassador Volker was also involved in broader Ukraine issues?

7 Let me phrase it this way: When did you learn that Ambassador
8 Volker was involved in issues separate from the conflict in the eastern
9 part of Ukraine?

10 A It would've been in one of my conversations with Ambassador
11 Taylor.

12 Q And when was your first conversation with Ambassador Taylor
13 after July 15th?

14 You may consult with your attorney. I mean, you are free to
15 refresh your recollection with any document that you wish to look at.

16 [Discussion off the record.]

17 BY MR. GOLDMAN:

18 Q We'll move on. I guess the question is, did you speak with
19 Ambassador Taylor, do you know, before the July 25th call?

20 A To the best of my recollection, my initial conversation with
21 Ambassador Taylor was to provide him what I thought was an appropriate
22 out-briefing on the call.

23 Q So you didn't speak to Ambassador Taylor before the call?

24 A Not that I can recall.

25 Q Did you speak with Ambassador Volker before the call?

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1 A No.

2 Q Did you speak with Ambassador Sondland before the call?

3 A Can you be more specific?

4 Q Speak on the phone or in person.

5 A On any topic?

6 Q No. Sorry. On Ukraine issues.

7 A I believe so.

8 Q When did you speak to him? Or -- sorry. Let's just do it
9 this way. The specific date doesn't matter as much as: Did you speak
10 to him between July 15th and July 25th?

11 A Yes.

12 Q And can you describe what that conversation was about?

13 A So we had an initial discussion, sort of an introduction,
14 before I officially took over, where we just generally had an
15 introductory conversation.

16 We had a phone conversation not long after I took over, and while
17 we were planning the call, to discuss what I knew, essentially. He
18 was asking, did I have any visibility on when a call might occur.

19 Q And how did you respond?

20 A I told him where I understood it to be; we were trying to
21 schedule it. I -- yeah. I mean, we just generally -- "Do you know
22 when the call will occur?" I placed inquiries in our process to figure
23 out where the request for the call was, and I informed him of what I
24 knew.

25 Q Did he say anything to you about conversations -- during that

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1 phone call, did he say anything to you about conversations he was having
2 with any Ukrainian officials?

3 A Not that I recall.

4 Q Do you know whether he spoke to any Ukrainian officials
5 before the call?

6 A The only recollection I have of that fact is based on what
7 I have reviewed in the testimony.

8 Q Okay. And did the testimony refresh your recollection?

9 A To the best of my recollection, it was the first I learned
10 of some of these engagements.

11 Q Okay. That's a different answer.

12 Were you aware of whether Ambassador Volker was in touch with any
13 Ukrainian officials about the call prior to the call?

14 A No, I don't believe I was.

15 Q All right.

16 Were you aware that Dr. Kupperman had a call with Oleksandr
17 Danylyuk on July 20th?

18 A On July 20th? No.

19 Q Or around that time?

20 A No. But I was on travel pretty much immediately after taking
21 over on July 15th.

22 Q Okay.

23 So you helped to prepare those, sort of, typical talking points
24 for a Presidential call? And I say "typical" in the sense that that's
25 the normal process.

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1 A We have a formal package. We are very process-oriented;
2 everything has a template. We completed the template.

3 Q And, at that point, you had already determined that you
4 wanted to stay away from the Burisma bucket of investigations. Is that
5 right?

6 A I was advised to do so by Dr. Hill during our transition
7 conversations, yes.

8 Q And did you follow that advice?

9 A Yes.

10 Q So let's -- in reviewing open-source information today, did
11 you review any text messages that have been released related to this
12 issue?

13 A Yes.

14 Q Did you review a text message from -- one second.

15 [Discussion off the record.]

16 BY MR. GOLDMAN:

17 Q Did you review a text message from Kurt Volker to Andrey
18 Yermak where Volker said, quote, "Heard from White House. Assuming
19 President Z convinces Trump he will investigate/'get to the bottom of
20 what happened' in 2016, we will nail down date for visit to Washington.
21 Good luck"? Did you --

22 A Yes.

23 Q -- read that one? You were not aware of this back-channel
24 efforts by Ambassador Volker? Is that what your testimony is?

25 A At what point in time?

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- 1 Q At this point.
- 2 A In the lead-up to the call on July 25?
- 3 Q Right.
- 4 A No.
- 5 Q And prior to reading about it in the news, did you become
6 aware of --
- 7 A Yes.
- 8 Q Okay. When did you become aware?
- 9 A I can't recall exactly, but it was something that Ambassador
10 Taylor brought to my attention.
- 11 Q Okay. In the July 28th call you had with him?
- 12 A No.
- 13 Q All right.
- 14 Let's get to the July 25th call. Where did you listen to the call?
- 15 A The White House Situation Room.
- 16 Q Who else was in the Situation Room with you?
- 17 A To the best of my recollection, Rob Blair from the White House
18 Chief of Staff's office, [REDACTED] from NSC Press, Alexander Vindman
19 from my office, Jennifer Williams, and General Keith Kellogg from OVP.
- 20 Q Was Dr. Kupperman there?
- 21 A He was not in the Situation Room.
- 22 Q Do you know whether he was listening to the call elsewhere?
- 23 A I have been informed, based on review of open-source material
24 after the fact -- and I can't speak to its veracity -- that he was.
- 25 Q But you didn't learn from him directly at that point?

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1 A No.

2 Q Do you know whether Secretary Pompeo joined the call?

3 A I've learned from open-source reporting after the fact that
4 Secretary Pompeo's counselor was listening to the call on a drop line,
5 but I can't independently vouch for that fact.

6 Q Okay. Well, let me ask you this question: Do you know
7 whether any other American officials were listening to the call who
8 were not in the Situation Room?

9 A Yes.

10 Q Who?

11 A WHSR personnel who prepare the MEMCON package.

12 Q What personnel?

13 A Sorry. White House Situation Room.

14 Q Okay. They're the ones who prepare the summary of the call
15 that has been released?

16 A They prepare the original input to the MEMCON package that
17 we then review.

18 Q Okay.

19 To your knowledge, did President Trump follow the talking points
20 that you had prepared for him?

21 A On advice of counsel, I can't answer that question.

22 Q Okay. Sorry. I'm just pulling up your -- Mr. Morrison --

23 A I would like to clarify, I was not the sole author of the
24 briefing package. I was the final reviewing authority.

25 Q Understood. Who was the other -- who was the primary author?

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1 A Alex Vindman.

2 Q So, as you were listening to the call, did there come a time
3 when you became concerned about anything that you heard?

4 A Yes.

5 Q And what do you recall being the first time -- for the first
6 moment that you were concerned, what was the subject that concerned
7 you?

8 A So I was concerned about how President Zelensky was talking
9 to President Trump. I found it obsequious. I heard issues related
10 to the server. And I was concerned that Dr. Hill was correct about
11 this parallel process. And I grew concerned that the call was not the
12 full-throated endorsement of the Ukraine reform agenda that I was
13 hoping to hear.

14 Q What language did President Zelensky speak?

15 A I recall him speaking sort of chopped English, but he also
16 had a translator.

17 Q Meaning that he also spoke Ukrainian?

18 A Yes.

19 Q Okay. Do you speak Ukrainian?

20 A No.

21 Q You said that when you heard the server mentioned that
22 confirmed the concerns of Dr. Hill -- or, sorry, that concerned the
23 alternative process of Dr. Hill, what do you mean by that?

24 A It merely provided confirmation of the concerns Dr. Hill
25 raised about this parallel process that was completely new to me. This

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1 is one of the topics she advised was in that parallel process.

2 Q And did it concern you because this was now the President
3 of the United States promoting those alternative views?

4 A My primary concern was I was focused on -- I was waiting for
5 the President to talk a little bit more forward-leaning -- with a little
6 bit more of a forward-leaning endorsement of the Zelensky reform
7 agenda.

8 Q Okay, but you specifically said that the server confirmed
9 for you that there was an alternative process that was -- but I guess
10 you knew there was an -- or you had been told there was an alternative
11 process. What was your concern hearing President Trump?

12 A I was not directly aware of it. I was not directly aware
13 of it firsthand, personally, until that point.

14 Q Got it.

15 Do you recall in the moment when President Trump started talking
16 about Ambassador Yovanovitch?

17 A I recall -- I don't think he mentioned her name, but I recall
18 him making an oblique reference that I later understood was Ambassador
19 Yovanovitch.

20 Q And did you have an immediate reaction to that?

21 A No.

22 Q Do you recall hearing him mention Bidens?

23 A Yes.

24 Q And what was your immediate reaction to that?

25 A Again, it was more confirmation of what Dr. Hill had informed

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1 me was out there.

2 Q You said that an NSC Legal -- no one from the NSC Legal
3 Advisor's Office was in the room but that you promptly went to see the
4 NSC Legal Advisor and his deputy to -- or you asked them to review it.
5 Who are you referring to, with the NSC Legal Advisor and the deputy?

6 A The NSC Legal Advisor is John Eisenberg. His deputy is
7 Michael Ellis.

8 Q How promptly after the call did you ask them to review it?

9 A It was fairly contemporaneous. It was -- I don't recall if
10 it was the first thing I did after the call, but it was fairly short
11 order.

12 Q And why did you go to speak to them to ask them to review
13 it?

14 A Originally -- so my initial concern was, as I said in my
15 statement, there was nobody from the Legal Advisor's Office on the call.
16 I wanted them to have eyes on it. I didn't want it to fall to one of
17 their deputies, one of the line attorneys. I wanted them to put eyes
18 on it.

19 Q Why?

20 A Because I was concerned about whether or not they would agree
21 that it would be damaging for the reasons I outlined in my statement
22 if the call package -- if the call MEMCON or its contents leaked.

23 Q So your primary concern after this call occurred was that
24 it would leak?

25 A Yes.

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1 Q You weren't -- I understand that you didn't think that it
2 was illegal, but did you think that it was appropriate or proper?

3 A Did I think what was appropriate or proper?

4 Q President Trump's conversation. Do you think that
5 President Trump's words were proper?

6 A I did not have a view on that.

7 Q Okay. So you were just concerned that it would leak. And
8 you were concerned that it would leak you gave for three reasons in
9 your opening statement. The first is how it would play out in
10 Washington's polarized environment. So is another way of saying that
11 that you were concerned about the political implications of that?

12 A I was concerned about how the contents would be used in
13 Washington's political process.

14 Q Because you thought it would look poorly on the President?

15 A Well, I mean, it's really the three reasons I outlined. It
16 was, I was concerned about how it could be used. I didn't necessarily
17 fully understand how everybody could use it, but I was concerned that
18 it would wind up politicizing Ukraine. I was concerned that that
19 would, in turn, cost bipartisan support. And I was concerned about
20 how the Ukrainians would internalize that.

21 Q Well, the Ukrainians were obviously on the call.

22 A Yes.

23 Q So what was your concern about them?

24 A Well, there's one thing for what they hear firsthand from
25 the President; there's another thing for how that then gets used in

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1 the political process.

2 Q But you weren't concerned what they heard about firsthand.

3 You were just concerned about what they would hear in the political

4 process?

5 A Yes.

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1 [9:10 a.m.]

2 BY MR. GOLDMAN:

3 Q Why were you more concerned about the political process
4 rather than what they heard from the President of the United States?

5 A I can't speak to that. I'm simply retelling you what I was
6 worried about when I heard the call and why I went over and talked to
7 the Legal Advisor.

8 Q Why can't you speak to that?

9 A I'm trying to relate to you what I thought at the time. This
10 is what I thought at the time as I related it in my statement.

11 Q Right. I understand what you said in your statement. I'm
12 curious, though, that you were concerned about the effect on Ukrainian
13 perceptions of a leak, but you were not concerned about Ukrainian
14 perceptions from the content of the conversation?

15 A Correct.

16 THE CHAIRMAN: Did you have anything you wanted to add?

17 MR. MORRISON: No, sir.

18 THE CHAIRMAN: Okay. I just wanted to follow up a bit on this.
19 One of the concerns, and there may be an overlap between the first two
20 concerns you mentioned about the call, and if the call became public.
21 First, you said you were concerned how it would play out in Washington's
22 polarized environment and, second, how a leak would affect bipartisan
23 support for our Ukrainian partners.

24 Were those concerns related to the fact that the President asked
25 his Ukrainian counterpart to look into or investigate the Bidens?

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1 MR. MORRISON: No, not specifically.

2 THE CHAIRMAN: So you didn't think that the President of the
3 United States asking his counterpart to conduct an investigation into
4 a potential opponent in the 2020 election might influence bipartisan
5 support in Congress?

6 MR. MORRISON: No.

7 THE CHAIRMAN: And you weren't concerned that the President
8 bringing up one of his political opponents in the Presidential election
9 and asking a favor with respect to the DNC server or 2016 theory, you
10 weren't concerned that those things would cause people to believe that
11 the President was asking his counterpart to conduct an investigation
12 that might influence his reelection campaign?

13 MR. MORRISON: No.

14 THE CHAIRMAN: That never occurred to you?

15 MR. MORRISON: No.

16 THE CHAIRMAN: Did you recognize during the -- as you listened
17 to the call that if Ukraine were to conduct these investigations, that
18 it would inure to the President's political interests?

19 MR. MORRISON: No.

20 BY MR. GOLDMAN:

21 Q Did the President's discussion of CrowdStrike, the server,
22 and the Bidens, was that consistent with what you understood to be U.S.
23 official policy towards Ukraine?

24 A No.

25 Q Did you have any further conversations with John Eisenberg

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1 or Michael Ellis about this call?

2 A Subsequent to when I talked to them on the 25th, did I have
3 additional conversations with them about the call?

4 Q Yes.

5 A Yes.

6 Q When was the next conversation that you had?

7 A It may have been later that day.

8 Q Okay. And had they reviewed the call transcript by the time
9 you had your second meeting -- or the preliminary --

10 A Yes.

11 Q -- transcript? And what was the purpose of that second
12 conversation with them?

13 A I recommended to them that we restrict access to the package.

14 Q And how did you recommended to do that?

15 A I recommended that we did not need quite so many people to
16 have access to the package.

17 Q Did you recommend a specific way to restrict access?

18 A No, I did not.

19 Q Why were you concerned about a leak of this call? I'm sorry.
20 Why did you think this call may be leaked?

21 A Because it's been my experience in government there's very
22 little that doesn't.

23 Q Had you ever asked for restricted access to any other head
24 of state call that you listened in on?

25 A Could you restate?

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1 Q Have you listened to other calls between President Trump and
2 foreign leaders?

3 A Yes.

4 THE CHAIRMAN: In that regard, Mr. Morrison, were there any other
5 calls that you listened in on where immediately thereafter you went
6 straight to the Office of the Legal Counsel?

7 MS. VAN GELDER: I'm sorry. You can't answer that. I think that
8 in looking at your subpoena, it's outside the bounds of what he has
9 been subpoenaed to testify about.

10 THE CHAIRMAN: Well, with respect, Counsel, if this is the only
11 time that he went directly to the legal counsel's office, that would
12 be relevant. If this was a routine practice, that would also be
13 relevant.

14 Mr. Morrison, can you tell us whether there were any other calls
15 where you went essentially directly from the call to the Office of Legal
16 Advisor?

17 MS. VAN GELDER: Can he answer the question whether it was routine
18 or --

19 THE CHAIRMAN: Yes. Let's ask it that way.

20 Was it routine for you, after a Presidential call that you
21 listened in on, to go to the Legal Advisor?

22 MS. VAN GELDER: To restrict access, to ask to restrict accesses.

23 THE CHAIRMAN: No. I'm just asking whether --

24 MS. VAN GELDER: Okay. All right.

25 THE CHAIRMAN: -- this was unusual, or your usual practice after

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1 listening in on Presidential call to go directly to the legal counsel?

2 MR. MORRISON: Not to the best of my recollection.

3 THE CHAIRMAN: I just want to make sure that I'm understanding
4 your answer.

5 To the best of your recollection, this was unusual?

6 MR. MORRISON: Sir, I'm trying to be careful in my answer in terms
7 of I don't want to say something that I subsequently have a different
8 recollection about. I am specifically prepared, for the purpose of
9 today's hearing, on the scope you outlined in your letter. So I
10 specifically looked into what I did with respect to the July 25th phone
11 call. There were other calls I listened in to. I did not invest any
12 time in attempting to recall everything I did about those calls.

13 THE CHAIRMAN: No, I'm not asking about everything that you did
14 with respect to other calls. Let me ask you this way: Was it your
15 practice to go immediately to the legal counsel's office after you
16 listened in on Presidential calls or was this unusual?

17 MR. MORRISON: It was not my practice.

18 THE CHAIRMAN: Mr. Goldman.

19 BY MR. GOLDMAN:

20 Q Have you ever asked the legal counsel to restrict access on
21 any other Presidential phone call?

22 A Could you restate the question?

23 Q Had you ever asked the Legal Advisor --

24 A No.

25 Q -- to restrict access? The answer is no.

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1 Do you recall whether the White House released a readout of this
2 call?

3 A Yes.

4 Q It did? The White House did, publicly?

5 A A press readout after the call? No, I guess I don't recall.

6 Q You prepared one, though?

7 A Yes.

8 Q Was that prepared in advance of the call?

9 A Yes.

10 Q Did it have to be changed after the call?

11 A It was -- it may have been. It was not uncommon for us to
12 adapt a prepared statement for what actually transpired on the call.

13 Q Understood. But do you recall specifically whether you had
14 to change the press release or read public readouts?

15 A I don't recall specifically.

16 Q Was that a pre-prepared press release based on the talking
17 points that you and Lieutenant Colonel Vindman had prepared?

18 A Our process is to coordinate with NSC press to prepare a
19 statement to issue after a call based on, yes, what we expect to come
20 up in the call.

21 Q Going back to your conversations with the Legal Advisor, just
22 to recap, you asked them to restrict access. Did you say anything else
23 to them about the call?

24 A I asked them to take a look at the call, because I didn't
25 see anybody from their office on the call.

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1 Q That was in the first conversation?

2 A Correct.

3 Q The second conversation?

4 A I recommended that we restrict access to the package.

5 Q And did you say anything else about the substance of the
6 call --

7 A Not that I recall.

8 Q -- to them? Did you speak to both Eisenberg and Ellis the
9 second time?

10 A I believe so.

11 Q And who responded to your request to restrict access that
12 you recall?

13 A Who responded?

14 Q Yes. Ellis or Eisenberg?

15 A It was an in-person conversation. I don't recall which of
16 them spoke.

17 Q Okay. What was their response?

18 MS. VAN GELDER: I'm going to ask you for this one --

19 MR. MORRISON: They agreed.

20 MR. GOLDMAN: Did they indicate to you whether they had spoken
21 to anyone else about the call?

22 MS. VAN GELDER: That --

23 MR. GOLDMAN: The fact of the conversation is not privileged.

24 MS. VAN GELDER: I agree with you on that. If you go farther,
25 you're right. I was premature, and I withdraw my objection.

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1 BY MR. GOLDMAN:

2 Q Did they indicate whether they had spoken to anyone else?

3 A Yes, I understood they did.

4 Q Who?

5 A The NSC Executive Secretariat.

6 Q Was that in connection to your request to restrict the
7 access?

8 A Yes.

9 Q And did they speak -- do you know if they spoke to anybody
10 else who listened to the call?

11 A No.

12 Q Did you have an opportunity to review the transcript to make
13 edits based on your notes?

14 A I wouldn't agree it was a transcript.

15 Q Understood. Sorry. How would you like to describe it?

16 A A MEMCON package.

17 Q A MEMCON package. Did you review the MEMCON package in order
18 to make any edits based on your notes?

19 A I reviewed the package. I do not recall making any edits.

20 Q But the purpose of the reviewing the package was to review
21 your notes and make any edits that you deem necessary?

22 A Yes, but it's also to review the original speech-to-text
23 translation of the call.

24 Q And by the time that you reviewed it, had the transcript
25 already diverted from the normal procedures?

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1 A No.

2 Q At some point did you become aware of whether it was put into
3 the highly classified █████ system?

4 [Discussion off the record.]

5 MR. MORRISON: I don't want to acknowledge the terms for the
6 systems, but yes.

7 BY MR. GOLDMAN:

8 Q We will just talk about a highly classified system.

9 And were you ever provided with an explanation for why it was
10 placed in the highly classified system?

11 A Yes.

12 Q What was the explanation you were given?

13 A It was a mistake.

14 Q It was a mistake?

15 A Yes.

16 Q Who told you that?

17 A John Eisenberg.

18 Q When did he tell you that?

19 A It would have been in the course of preparing the President
20 for the meeting between himself and President Zelensky in Warsaw.

21 Q How did that conversation come up?

22 A Because I tried to gain access to the package.

23 Q And what happened when you tried to gain access?

24 A It was no longer in the portal.

25 Q And what did you do next?

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1 A I figured out where it was.

2 Q How?

3 A By talking to the Executive Secretariat staff.

4 Q And it turned out that it was in this highly classified
5 system?

6 A Yes.

7 Q And Eisenberg told you it was a mistake to have been put it
8 there?

9 A The Exec-Sec staff related that they believed they were
10 instructed by John Eisenberg to put it on that system.

11 Q And so whose mistake was it to put it on the system?

12 A Their mistake.

13 Q So, just to be clear, John Eisenberg said to the Executive
14 Secretary -- said that Executive Secretary made a mistake by putting
15 it on the highly classified system?

16 A Yes.

17 Q And this was after John Eisenberg had told you that he agreed
18 that access would be restricted?

19 A Yes.

20 Q Are you aware of any other Presidential phone calls that were
21 put on the highly classified system?

22 A I have no firsthand knowledge of that.

23 Q To your knowledge, there was nothing in this MEMCON that
24 would meet the requirements to be put on a highly classified system,
25 correct?

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1 A Correct. Sorry.

2 Q Did you have any further discussions with John Eisenberg
3 about removing it from the highly classified system?

4 A Yes.

5 Q Describe what -- that conversation.

6 It is not privileged.

7 MS. SEWELL: [Presiding.] I just want to remind the attorney
8 that it is important that you speak into the mike --

9 MS. VAN GELDER: Oh, I'm sorry.

10 MS. SEWELL: -- so that it can be transcribed. Thank you.

11 MR. CASTOR: When you confer with your client, why don't you turn
12 the mike off?

13 MS. VAN GELDER: Did you hear what I said, Steve?

14 MR. CASTOR: I did not.

15 MS. VAN GELDER: Thank you.

16 MS. SEWELL: But at any rate, formally speaking into the mike when
17 transcribed.

18 MS. VAN GELDER: We have a height difference here.

19 MS. SEWELL: Gotcha.

20 MS. VAN GELDER: In an effort to continue this, can he speak in
21 a general term and then if you want to follow up?

22 MR. GOLDMAN: Sure.

23 MR. MORRISON: Could you repeat the question?

24 BY MR. GOLDMAN:

25 Q So describe, generally, the conversation that you had about

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1 John Eisenberg about after he said it was a mistake and whether there
2 was any discussion about moving it out of that system.

3 A So when we -- if we're still on when we were trying to gain
4 access to it to prepare the President for the planned Warsaw meeting,
5 it was, how did it get on there. John related that he did not ask for
6 it to be put on there, but that the Executive Secretariat staff
7 misunderstood his recommendation for how to restrict access.

8 Q So he understood that he had told the Executive Secretary
9 staff to restrict access, that much he acknowledged?

10 A He acknowledged -- he agreed with my recommendation and he
11 had also informed the Exec-Sec staff to restrict access.

12 Q What other ways would there be to restrict access?

13 A You have to understand the portal system. You can assign
14 access to any particular package on, really, any topic to an entire
15 distribution list for an entire directorate, like my directorate, the
16 EUR directorate, or you can, by name, assign access.

17 Q And just to be clear, you did not ask for this MEMCON to be
18 placed on this highly classified system?

19 A I did not.

20 Q Okay.

21 MR. GOLDMAN: I think our time is up, so we yield to the minority.

22 MS. SEWELL: The minority will have 1 hour.

23 MR. CASTOR: Thank you.

24 BY MR. CASTOR:

25 Q When you mentioned to John Eisenberg your concerns about the

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1 memo leaking, did you have any idea what might be implemented other
2 than put it on the highly classified system?

3 A I had in mind that we would by name -- that we would restrict
4 access to by name access.

5 Q And that can be done on the system that's not highly
6 classified?

7 A That's correct. That's the function of the Exec-Sec
8 personnel.

9 Q Okay. Did you have any -- you talked about two
10 communications you had with Eisenberg, Ellis. Any others about that
11 referred or related to the 7/25 call?

12 A So, in the course of preparing Ambassador O'Brien for
13 the -- what became the POTUS-Zelensky meeting at the U.N. General
14 Assembly, we again sought access and it was again still restricted.
15 So I recall talking to John at that time of, John, did we ever figure
16 out how to get this thing moved down?

17 Q Did Eisenberg or Ellis ever approach you about other concerns
18 that were raised to them by other people?

19 A Based -- I'm going to be clear -- based on the July 25 call?

20 Q Correct.

21 A No.

22 Q Did you know if anybody else listening to the call --

23 A -- ever, ever? Not to the best of my recollection.

24 Q Okay. Do you know if anyone else on the call went to
25 Eisenberg to express concerns?

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1 A I learned based on preparing for today's proceedings, based
2 on open-source reporting, which I have no firsthand knowledge, that
3 other personnel did raise concerns.

4 Q Who?

5 A Based on the open-source reporting, without firsthand
6 knowledge, Alex Vindman on my staff.

7 Q And he reports to you, correct?

8 A He does.

9 Q Did you find it unusual when you learned that that your direct
10 report went to Mr. Eisenberg?

11 A Unfortunate, but not unusual.

12 Q Can you explain that?

13 A My predecessor had a different style for managing her staff
14 than I do.

15 Q And what was that style?

16 A She did not have the same view of how reporting through the
17 chain of command should work.

18 Q Okay. So it was your expectation that people who reported
19 to you ought to keep you in the loop about important matters?

20 A Yes.

21 Q And so people if people that reported to you needed to go
22 talk with the legal team about concerns they had, you would expect to
23 be kept in the loop?

24 A Depending upon the issue.

25 Q Okay. If the issue didn't involve any, you know, sensitive

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1 misconduct or employee issues?

2 A Yes.

3 Q So, if it is official business, you would expect to have a
4 conversation with your direct reports before communicating with the
5 lawyers?

6 A Yes.

7 Q And it wasn't until -- at what point did you learn that
8 Lieutenant Colonel Vindman went to Mr. Eisenberg?

9 A About the July 25th phone call?

10 Q Yes.

11 A In the course of reviewing for this proceeding, reviewing
12 the open record.

13 Q So relatively recently?

14 A Yes.

15 Q So Eisenberg never came to you and relayed to you that
16 conversation?

17 A No.

18 Q Ellis didn't either?

19 A Not to the best of my recollection.

20 Q The memorandum of conversation that, the MEMCON, you
21 believed it was accurate?

22 A I believe it was accurate and complete.

23 Q And in your view, there was nothing improper that occurred
24 during the call?

25 A Correct.

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1 Q Nothing illegal?

2 A As I said in my statement, correct.

3 Q And that you're your only reason for going to legal counsel
4 was because you were concerned about leaks?

5 A No, there were two reasons. I was concerned about leaks,
6 but I also wanted to make sure that the package was reviewed by the
7 appropriate senior level attention.

8 Q Okay. Fair enough. Had there been any leaks that you had
9 been aware of that give you concern that these things have been -- you
10 know, that leaks is something to be worried about?

11 A Yes.

12 Q Okay. And what can you tell us about other leaks generally?

13 MS. VAN GELDER: Sorry, Mr. Castor. I'm not going to have him
14 go beyond the scope of his testimony here today.

15 BY MR. CASTOR:

16 Q But there have been enough leaks that you had a generalized
17 concern about that?

18 A Yes.

19 Q During the course of the editing process of the MEMCON, were
20 you in the loop with other individuals who supplied or suggested edits
21 to the package?

22 A I am effectively the final clearing authority.

23 Q Okay. Were you aware of Colonel Vindman's suggested edits?

24 A I saw edits in the package made by Colonel Vindman and others.

25 Q Okay. Do you remember what Colonel Vindman's edits were?

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1 Q Here is exhibit 1. Here are a couple of extra copies if you
2 want to mark it up.

3 I'm going to refer you to page 4. The last line of the first
4 paragraph ending in, "So if you can look into it... it sounds horrible
5 to me." Do you recall if anybody offered edits to fill in the gap there
6 for the ellipse?

7 A I do not.

8 Q And would an ellipse ordinarily, in your experience, mean
9 what?

10 A That this is a conversation and it doesn't necessarily occur
11 in complete sentences.

12 Q Okay. So the ellipse could mean that the speaker trailed
13 off without finishing a sentence?

14 A It could.

15 Q Could it mean anything else?

16 A That's the most commonplace meaning. Usually if something
17 is said that is inaudible, we would note in brackets "inaudible."

18 Q Okay.

19 Then I want to refer you to the very next paragraph. I think it
20 is the seventh line down, sixth line down, as the sentence reads: He
21 or she will look into this situation, specifically to the company that
22 you mentioned in this issue -- and this is President Zelensky speaking.

23 Do you remember if anybody supplied edits to this part of the
24 MEMCON?

25 A I do not.

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1 Q Okay. And you were on the call. Do you remember whether
2 the name Burisma came up on the call?

3 A No, I don't believe it did.

4 Q Okay. Do you remember whether anyone suggested edits adding
5 the word Burisma to the MEMCON?

6 A I do not.

7 Q Okay. But if somebody had suggested that edit, was on the
8 call, and your contemporaneous recollection that the word was
9 mentioned, you would have gone ahead and implemented the edit?

10 A Had I recalled or had in my notes that was mentioned, yes,
11 I would have agreed to the edit.

12 Q Did you have any conversations, emails, communications with
13 Dr. Kupperman about this call?

14 A Not that I recall.

15 Q Okay. Anybody else on the call or your chain of command that
16 you spoke with about the call?

17 A Beyond those I've already mentioned?

18 Q Yes.

19 A No.

20 Q And with those that you've mentioned, did you have any
21 communications with them about concerns, about the content of the call?

22 A Within my chain of command?

23 Q Within either the people on -- on the call and you mentioned
24 Blair, [REDACTED], Vindman, Williams, Kellogg, and then your chain of command
25 would be Dr. Kupperman, Ambassador Bolton.

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1 A Uh-huh.

2 Q So that's sort of the universe I'm thinking about here.

3 A Uh-huh.

4 Q And also Mr. Eisenberg.

5 A Uh-huh.

6 Q Did you have any communications with any of that group about
7 concerns, whether they were your concerns or anyone in that group's
8 concerns?

9 A My only recollection of discussing concerns was with John
10 and Michael.

11 Q Okay. And it was about the leak issue?

12 A Yes.

13 Q During the July 25th call, you're in the Situation Room,
14 the -- I think you referred to them as the WHSR staff?

15 A Yes.

16 Q How many officials prepare the -- I'm going to say
17 transcript -- that's not the right term, as I understand it, but how
18 many Situation Room officials are transcribing the call?

19 A I don't know.

20 Q Do they do the -- their work in a different room?

21 A Yes.

22 Q So it is an anteroom off the Situation Room?

23 A It's more appropriate to think of the Situation Room as a
24 large facility of which the listening room is a small private conference
25 room.

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1 Q So they are in another part of the Situation Room complex?

2 A Yes.

3 Q Do you know how they prepare their transcript? Do they have
4 court reporting type devices, or do they speak into a microphone?

5 A I have no firsthand knowledge. My knowledge of how they do
6 it this is limited to what I have observed -- what I have read in
7 reporting in preparation for today exclusively.

8 Q Okay. From your experience of MEMCONS generally, are they
9 considered accurate among those in the building?

10 A Could you restate or be more specific?

11 Q Are MEMCONS, within the building, within the NSC generally
12 considered definitive documents?

13 A We do our best to adhere to the Presidential Records Act.

14 Q Okay. So --

15 A It should be a complete and accurate retelling of the
16 conversation.

17 Q Okay. And have there any been any episodes where you can
18 remember where people were --

19 MS. VAN GELDER: He's not going to answer that.

20 Mr. Castor, and just for the record the basis is it is outside
21 the scope of this inquiry.

22 MR. CASTOR: Okay.

23 BY MR. CASTOR:

24 Q Did you subsequently have a conversation with Ambassador
25 Taylor about what occurred on the July 25th call?

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1 A Yes.

2 Q And do you remember when that was?

3 A I remember reaching out to Ambassador Taylor to that day to
4 find out when we could schedule a secure call so I could provide him
5 what I deemed an appropriate readout of the call.

6 Q Okay. And when did that occur?

7 A Um --

8 Q To the best of your recollection.

9 A So I think Ambassador Taylor's statement is generally about
10 the right timeframe for when we were able to get on a secure call
11 together.

12 Q Okay. And what do you remember relating to Ambassador
13 Taylor about the call?

14 A As I said in my statement, I think his -- his statement is
15 generally correct. I gave him a general readout of the call, and I
16 told him I think it could have gone better.

17 Q And why did you think the call could have gone better?

18 A As I said in my statement, and subsequent to that in answering
19 questions today, I was hoping for a more forward leaning embrace of
20 President Zelensky's reform agenda from the President.

21 Q In the course of your duties, what other officials did you
22 provide a readout to about the call? Were there any other interagency
23 partners that you had to brief? Anybody at the State Department?

24 A Not that I recall.

25 Q Okay. So including Ambassador Taylor, we sort of identified

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1 all of the folks you spoke to about the call during the time period?

2 THE CHAIRMAN: If I could interject here and counsel warned about
3 this at the initiation of the hearing. We want to make sure that there
4 is no effort to try to, by process of elimination, identify the
5 whistleblower. If you think these questions are designed to get at
6 that information, or may produce that information, I would encourage
7 you to follow your counsel's advice.

8 [Discussion off the record.]

9 MR. MORRISON: Could you repeat the question?

10 BY MR. CASTOR:

11 Q Just wondering if you had any other communications about the
12 call?

13 A Not that I -- not that I can recall.

14 Q Colonel Vindman, he reports to you. What types of officials
15 in the course of his duties would he be responsible for providing
16 readouts to?

17 [Discussion off the record.]

18 MR. MORRISON: He -- he may have felt it appropriate to speak to
19 other departments and agencies if they had questions about the call.

20 BY MR. CASTOR:

21 Q Do you know if he did?

22 A Yes.

23 Q And who -- do you know who he spoke to?

24 MS. VAN GELDER: I'm not going to allow him to answer that, it
25 is beyond the scope of this inquiry.

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1 MR. CASTOR: How is that, we're talking about the 7/25 call, just
2 asking if he knew who Lieutenant Colonel Vindman provide readouts to.

3 MS. VAN GELDER: Yes. And he is to talk about his knowledge with
4 respect --

5 MR. CASTOR: Well, I'm not asking him to testify about something
6 he doesn't know about.

7 MS. VAN GELDER: I'm just saying it is outside the scope of what
8 I believe his testimony is, which is whether President Trump
9 jeopardized U.S. national security by pressing Ukraine to interfere
10 with the 2020 election, and by withholding a White House meeting with
11 Ukraine and military assistance provided by Congress to help Ukraine
12 counter Russian aggression, as well as any efforts it to cover up these
13 matters.

14 If you would like to ask him if he knows of anybody who has asked
15 to cover up those matters --

16 MR. CASTOR: Oh, no, I'm just asking about readouts that Vindman,
17 an official who works for Morrison, gave on the call.

18 MS. VAN GELDER: Mr. Castor, with all due respect, we can talk
19 with counsel as I already have an appointment with Mr. Goldman during
20 the break on how we can maybe work around these.

21 MR. CASTOR: Okay.

22 MS. VAN GELDER: But right now I'm going to instruct him not to.

23 THE CHAIRMAN: And again, I want to express my concern that these
24 questions are designed to try to identify and out the whistleblower.
25 And I would hope that's not counsel's intention. The whistleblower

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1 has a right to anonymity. There are public reports that the life of
2 the whistleblower has been threatened. We do not want this committee
3 used, or this testimony used, to try to exact political retribution
4 again the whistleblower. So I would, again, urge caution to both
5 counsel and the witness to avoid anything that presents that risk.

6 MR. CASTOR: Just so I'm clear, the objection to answering the
7 question is it related to that or is it related to executive privilege?

8 MS. VAN GELDER: My objection, it is beyond scope of his
9 deposition testimony. His subpoena is related to his letter. His
10 letter does not relate to who Vindman spoke to about a call.

11 MR. CASTOR: Okay.

12 BY MR. CASTOR:

13 Q Can I ask whether you know or don't know, because if you don't
14 know, then this kind of ends this.

15 MS. VAN GELDER: I think that if the way that -- sorry -- the way
16 the state of the play right now is do you know if he talked to anybody
17 about this?

18 MR. CASTOR: In his official -- in the course of his official
19 duties, the people he's supposed to be talking to.

20 MS. VAN GELDER: And he said he may have. He has no firsthand
21 knowledge. I assume that Lieutenant Vindman preceded us and you have
22 your answer.

23 MR. CASTOR: Okay. I'm just asking if the witness knows. If he
24 doesn't know, that would be the answer.

25 MS. VAN GELDER: We can talk about this later, Mr. Castor. I

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1 really am not trying to --

2 MR. CASTOR: I'm not trying to --

3 MS. VAN GELDER: I've worked with you before, I understand. We
4 can talk later.

5 MR. CASTOR: Do you know if Lieutenant Colonel Vindman had
6 communications with any State Department officials like George Kent?

7 MS. VAN GELDER: We're not going to talk about anybody Mr. Vindman
8 had conversations with.

9 MR. CASTOR: Okay. Can I ask him about his conversations with
10 Mr. Vindman, or Colonel Vindman?

11 MS. VAN GELDER: You may. My instruction, again, not by the
12 White House, not by anyone. My instruction based on my reading of the
13 applicable court documents, which were never cited which is U.S. v.
14 Myers is a question-by-question basis.

15 MR. CASTOR: Fair enough. Just to be clear, like I want to try
16 to get around these things and get as much information as we can in
17 our hour. And we will --

18 BY MR. CASTOR:

19 Did you have any communication with Colonel Vindman about the
20 call?

21 A Yes.

22 Q How many?

23 A I -- I can't recall precisely, but --

24 Q Okay. What do you remember about your communications with
25 Colonel Vindman about the call?

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1 [Discussion off the record.]

2 MR. MORRISON: Alex and I spoke about the preparation of the
3 package and what we believed needed to be done make the package as true
4 as possible?

5 BY MR. CASTOR:

6 Q Did Colonel Vindman express any concerns to you about what
7 happened on the call?

8 A Yes.

9 Q What were his concerns?

10 A He had two namely. He was concerned, as I was, that the call
11 did not get into the subject matter we had hoped. And he had concerns
12 about the fidelity of the translation.

13 Q And that communication occurred during the course of the
14 preparation of the MEMCON package?

15 A That communication did, yes.

16 Q Okay. Did you have any subsequent communications with him?

17 A Yes.

18 Q And what's the next time you remember where he raised
19 concerns about the subject of the call -- content of the call?

20 [Discussion off the record.]

21 MR. MORRISON: Could you repeat your question?

22 BY MR. CASTOR:

23 Q What's the next time you remember talking to Mr. -- Colonel
24 Vindman, or emailing with Colonel Vindman about any concerns he might
25 have had about what happened on the call?

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1 A About concerns he had about what happened on the call?

2 Q Yes.

3 A That was the only time I recall him expressing concerns about
4 the content of the call.

5 Q Okay. Did you have any other communications with him about
6 the call?

7 A Yes.

8 Q And what were those?

9 MS. VAN GELDER: You're not going to talk about that.

10 BY MR. CASTOR:

11 Q Was Colonel Vindman on the call you had with Ambassador
12 Taylor?

13 A No.

14 Q And was that unusual? Like, if you were going to have a call
15 with the ambassador to one of other countries in your portfolio, would
16 you ordinarily, in the regular course of your duties, include the
17 director with responsibility for that country on that call?

18 A At this point -- at this point, I was 10 days in to the this
19 assignment. I had been in the office for maybe 4 days, because I had
20 been on travel the first week. And so, I don't know that there was
21 an ordinary at this point. It was my decision to have the conversation
22 one on one with Ambassador Taylor.

23 Q Okay. Did you give a readout of that call to Colonel
24 Vindman?

25 A Yes.

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1 Q Okay. And what do you remember relating to Colonel Vindman?

2 A Just that I briefed Bill. Bill was concerned and that
3 was -- that was effectively -- and it was a brief readout.

4 Q Okay. Did Colonel Vindman express concerns that he wasn't
5 on the call with you?

6 A He may have.

7 Q Okay. In -- we'll get into Ambassador Sondland, your
8 experience with him.

9 A Yes.

10 Q When was the first time you met him?

11 A July 10.

12 Q And was that before or after Dr. Hill had related to you her
13 experiences with the Ambassador?

14 A After.

15 Q And did you -- subsequent to that, did you have regular
16 communications with Ambassador Sondland?

17 A I don't know about regular, because that speaks to
18 periodicity. But I had -- it was not uncommon for me to have a
19 conversation with Gordon.

20 Q Did he relate to you that he speaks to the President --

21 A Yes.

22 Q -- with some frequency?

23 A I don't know that he spoke to the frequency.

24 Q Okay. But it was your understanding that, in his own mind,
25 he believed he had a lot of conversations with the President?

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1 A Yes.

2 Q And there are times in Ambassador Taylor's statement where
3 he is relating information you conveyed to him that was conveyed to
4 you by Ambassador Sondland?

5 A Yes.

6 Q And to the best of your knowledge, you were relating to
7 Ambassador Taylor what you believe Ambassador Sondland related to you?

8 A Yes.

9 Q And -- but you're not able to evaluate whether -- what
10 Ambassador Sondland was telling you was accurate?

11 A Correct.

12 Q Did you have any concerns that anything Ambassador Sondland
13 was telling you may have been exaggerated or inaccurate?

14 A Yes.

15 Q And why is that?

16 A Fiona's -- Dr. Hill's admonitions and my own read of
17 Ambassador Sondland's sense of self-importance.

18 Q Okay. Do you think that Ambassador Sondland believed what
19 he was saying, or do you think that he exaggerated intentionally?

20 A I believed that Ambassador Sondland believed what he was
21 saying.

22 Q Okay. But if he was relating something that may have fallen
23 in the exaggeration category, you know, he may have just
24 misinterpreted?

25 A I -- I believe that Ambassador Sondland believed what he was

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1 telling me is what he -- is what he thought occurred.

2 Q Okay. He related to you a number of communications he had
3 with the President?

4 A Yes.

5 Q And is there any way to know whether he was actually talking
6 to the President?

7 A Yes.

8 Q Okay. And you believe he was?

9 A I was not able to confirm every time he said he talked to
10 the President, but I did so as often as I had the time to do.

11 Q Okay. And were there times when he indicated he was talking
12 to the President, when you came to learn he was not?

13 A No.

14 Q I want to direct your attention to --

15 THE CHAIRMAN: Counsel, if I could, I have got to go up to the
16 floor to speak on the resolution on the impeachment process. If there
17 are any disputes about whether questions are appropriate or not
18 appropriate, or should or should not be answered, we can hold those
19 into abeyance until I return.

20 MR. CASTOR: Okay. I will try to stay out of any of those areas.

21 THE CHAIRMAN: Thank you, Counsel.

22 BY MR. CASTOR:

23 Q I'd like you to turn your attention to Ambassador Taylor's
24 statement that you referenced, page 9, the penultimate paragraph, my
25 concerns have -- about midway through the penultimate paragraph: My

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1 concerns deepened the next day sentence.

2 Ambassador Taylor is relating a telephone conversation he had
3 with you on or about August 22nd. He asked you whether there would
4 be a change in policy in strong support of Ukraine, to which he relates,
5 you responded, It remains to be seen. That's to the best of your
6 recollection, accurate?

7 A Yes.

8 Q What else do you remember of that conversation and what you
9 related to Ambassador Taylor?

10 A So it was not uncommon during this period for Bill and I to
11 check in with each other, among the issues we wanted to ensure we were
12 sync'd on was the timeline for our process to have the aid released,
13 and whether or not there's any reason to believe the Ukrainians had
14 yet become aware of the hold.

15 Q Okay. And at that point in time, according to your
16 statement, you didn't -- you weren't aware that the Ukrainians knew
17 about the hold?

18 A To the best of my knowledge, and the best of my recollection
19 of my conversations with Ambassador Taylor and I, neither one of us
20 believed they were yet aware of hold.

21 Q Okay. And during this time period, did you have a hope that
22 the aid would be released?

23 A Yes.

24 Q And did you have an expectation that, in fact, it would be
25 released?

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1 A Expectation? The best I could say is I had a hope.

2 Q Okay. Just generally, what are the President's views on
3 foreign aid?

4 A He doesn't --

5 Q Does he have some skepticism about it?

6 A Yes.

7 Q Okay. I think I may have been talking over -- did you say
8 he doesn't like it?

9 A Generally, he does not.

10 Q And when foreign aid is going to a country like Ukraine that
11 has a regional significance, and there's other of our allies in the
12 region, does the President often want our allies to also step up their
13 aid contributions?

14 A Without going on it, I would argue Ukraine's significance
15 is beyond the region, but, yes, he would like to see a European country
16 more supported -- more supported by Europeans.

17 Q Okay. If the aid were to be permanently, you know, not
18 released, held, not released, there would have to be a process of
19 rescission or reprogramming. Is that correct?

20 A That's my understanding.

21 Q Do you know if any officials at OMB or DOD, State Department
22 took any affirmative steps to begin the rescission or reprogramming
23 process?

24 A At this time, there was a parallel foreign aid rescission
25 process. It was reported that we were considering \$4 billion in

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1 foreign aid rescissions.

2 Q Okay.

3 A To my knowledge, there was no process ever undertaken to seek
4 a reprogramming of the Defense Department or State Department funds.

5 Q Okay. Was the rescission effort ever related to the Ukraine
6 funds?

7 A Some of the funds that would have been included in the
8 rescission package, as it has been related to the press, would have
9 touched on funds that could have gone to Ukraine.

10 Q Could have gone?

11 A Yes.

12 Q Okay.

13 MR. GOLDMAN: Did you say \$4 million?

14 MR. MORRISON: \$4 billion.

15 BY MR. CASTOR:

16 Q Returning to page 9 of Ambassador Taylor's statement.
17 Ambassador Taylor relates that you told -- you told him that the
18 President doesn't want to provide any assistance at all?

19 A Yes.

20 Q And can you help me understand what that meant?

21 A The President's general antipathy to foreign aid, as well
22 as his concern that the Ukrainians were not paying their fair share,
23 as well as his concern when our aid would be misused because of the
24 view that Ukraine has a significant corruption problem.

25 Q Okay. In your mind, are the Javelins separate from the

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1 security assistance funds?

2 A Yes.

3 Q Okay. And were the Javelins in play -- the funds for the
4 Javelins in play at this time?

5 A So the Javelins, to the best of my knowledge, have always
6 occurred through foreign military sales --

7 Q Okay.

8 A -- which is a separate process entirely.

9 Q Okay. Separate process from USAI?

10 A Yes.

11 Q And your understanding at the time of your call with
12 Ambassador Taylor, August 22nd, it was the USAI funds that were --

13 A No. There were two pots of money, which is why I don't
14 typically speak about security assistance. I speak about security
15 sector assistance, because security assessments -- assistance has a
16 lawful meaning. There were Defense Department funds and State
17 Department funds that were included within the \$445 million that had
18 been appropriated by the Congress.

19 Q Okay. Did you -- after the call, did you relate what
20 happened on the call to Colonel Vindman?

21 A I believe I've already answered this. I had a conversation
22 with Ambassador Taylor on or about July 28th and I provided --

23 Q I'm sorry. I'm talking about the August call.

24 A Oh.

25 Q My bad.

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1 A I -- I don't recall specifically, but it was my practice to
2 provide my team with readouts --

3 Q Okay.

4 A -- of those kinds of things.

5 Q Okay. But Colonel Vindman, was he on the call with you?

6 A I don't believe so.

7 Q Was Colonel Vindman on any calls with you that you did with
8 Ambassador Taylor during this relevant time period?

9 A Yes. Well, so, please define the relevant time period.

10 Q From July 15th through September 25th.

11 A And about the topic of this inquiry?

12 Q Yes.

13 A No.

14 Q Okay. Did Colonel Vindman express concern to you or
15 complain that he wasn't allowed to be on the call, any of these calls?

16 A Yes.

17 Q Okay. And how often did he raise that concern to you?

18 A Once or twice.

19 Q Okay. And what was your reason for doing the call without
20 Colonel Vindman?

21 A The nature of the conversation.

22 Q Okay.

23 A The subject matter of the conversation.

24 Q Okay. It had nothing to do with your trust in Colonel
25 Vindman?

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1 A I had two motivations to do my best to protect my personnel
2 from my concerns about this issue, the concerns that I weighed out about
3 the Washington's political environment.

4 Q Uh-huh.

5 A And --

6 [Discussion off the record.]

7 MR. MORRISON: I had concerns about Lieutenant Colonel Vindman's
8 judgment.

9 BY MR. CASTOR:

10 Q Judgment with respect to what?

11 A Among the discussions I had with Dr. Hill in the transition
12 was our team, my team, its strengths and its weaknesses. And Fiona
13 and others had raised concerns about Alex's judgment.

14 Q Okay. Did you ever have any concerns that he might leak
15 something?

16 A No.

17 Q Did anyone ever bring concerns to you that they believed
18 Colonel Vindman may have leaked something?

19 A Yes.

20 Q Would you tell us about that?

21 MS. VAN GELDER: That is outside the scope.

22 MR. CASTOR: How many instances of that --

23 MS. VAN GELDER: Again, we can talk about this during the break,
24 but he's not going to answer it.

25 MR. CASTOR: Okay.

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1 BY MR. CASTOR:

2 Q Were there any other things that Colonel Vindman was excluded
3 from that he raised to your attention, that he felt excluded?

4 A Could you restate the question?

5 Q Were there any other things Colonel Vindman was excluded from
6 that he brought to your attention?

7 A I'm only going to speak within the scope of this inquiry,
8 and the answer is yes.

9 Q Okay. And what was that, in the scope of the inquiry?

10 A I took steps early on to attempt to protect my people from
11 being dragged into this process -- what I expected would become a
12 process. And when I saw that there was a process that was going to
13 happen, I took steps to ensure that neither myself nor they would
14 subsequently be accused of coordinating testimony.

15 Q Okay. And when did you implement that process?

16 A Sometime in August.

17 Q Did you relate that to Colonel Vindman?

18 A No.

19 Q And did he come ask you why he felt excluded from certain
20 things?

21 A Yes.

22 Q And what did you tell him in response to that?

23 A It was my judgment as to the needs of the mission.

24 Q Okay. And did he push back? Did he take his concerns to
25 any other authorities?

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1 A He pushed back. I can't speak to the latter.

2 Q Okay. So you don't know if he went to Dr. Kupperman or
3 anybody else --

4 A I can't speak to --

5 Q Did Dr. Kupperman or anybody else, John Eisenberg ever come
6 to you and relate concerns that were related to them by Vindman on this
7 topic?

8 A Not that I can recall.

9 Q Okay.

10 Do you know whether Colonel Vindman ever had access to information
11 he wasn't supposed to see?

12 A Not firsthand.

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1 [10:09 a.m.]

2 BY MR. CASTOR:

3 Q But you have secondhand information about that?

4 A It was brought to my attention that some had -- some of my
5 personnel had concerns that he did.

6 Q Okay. How was it brought to your attention?

7 A In person and by email.

8 Q Okay. And how many people are in your team?

9 MS. VAN GELDER: I don't know who --

10 BY MR. CASTOR:

11 Q I'm not going to ask. I just want to know how many people
12 are on the team.

13 A At the time, it was maybe [REDACTED].

14 Q Okay. Any concerns about his handling of classified
15 information raised to you?

16 A In what sense?

17 Q Did anyone bring concerns to you that they were -- they had
18 issues with the way he was handling classified information?

19 MS. VAN GELDER: With respect to the Ukrainian investigation?

20 MR. CASTOR: With respect to anything.

21 MS. VAN GELDER: He won't answer anything outside the scope.

22 MR. CASTOR: Okay. With respect to the Ukrainian -- with the
23 matters subject to this inquiry.

24 MR. MORRISON: Could you repeat the question?

25 MR. CASTOR: Did anyone bring concerns to you about how they

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1 believed Colonel Vindman was handling classified information?

2 MS. VAN GELDER: With respect to the Ukrainian calls with the
3 President of the United States?

4 BY MR. CASTOR:

5 Q Yes.

6 A Not that I can recall.

7 Q Okay. The July 10th meeting that Mr. Goldman asked you
8 about in the first round --

9 A Yeah.

10 Q -- this was a meeting involving Ambassador Sondland, Volker,
11 Ambassador Bolton, and some Ukrainian officials, Danylyuk and --

12 A My only understanding is what I -- my only awareness of the
13 meeting is what was related to me in the -- by Ambassador Taylor's
14 statement.

15 Q Okay. So I think when Mr. Goldman was asking you about that,
16 the question was whether Dr. Hill related to you --

17 A I don't recall that she did.

18 Q And I guess, I just wanted to follow up and ask whether
19 anybody else that was in that meeting told you about it?

20 A I have no recollection of that.

21 Q Okay. So your only knowledge of the meeting comes via
22 open-source information, reports, press reports?

23 A From Ambassador Taylor's statement.

24 Q Okay. And press reports?

25 A I'm sure I read press reports about how Ambassador Taylor's

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1 statement has been, you know, was reported on publicly.

2 Q Okay. At any point from July 15th through September 11th,
3 did anyone in the counsel's office, Mr. Eisenberg, Mr. Ellis, have
4 communications with you about this alternative channel that had
5 developed involving Ambassador Sondland?

6 A Yes.

7 Q And what were those concerns?

8 MS. VAN GELDER: He's talking to legal counsel. I can only
9 preserve the privilege, and so I would say that it's traditional
10 attorney-client privilege. He will not discuss that.

11 MR. CASTOR: Okay. You discuss a separate process that chiefly
12 involved Sondland relating to some of these bilateral efforts. What
13 else can you tell us that was your understanding of the separate
14 process? Was it principally Sondland led or Volker led or Giuliani
15 led?

16 MR. MORRISON: It was principally Sondland led, based on my
17 interactions with Ambassador Sondland and his retelling to me of these
18 issues.

19 I would routinely inform Ambassador Taylor about my conversations
20 with Ambassador Sondland when I felt that Ambassador Sondland was
21 relating to me a conversation he had with the Ukrainian official that
22 I had reason to believe Ambassador Taylor was not aware of.

23 On occasion, when talking to Ambassador Taylor, he would relate
24 to me that he was involved in text messages with Kurt, with Ambassador
25 Sondland. I believe Bill would tell me that sometimes Mr. Giuliani

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1 was on these text messages. This correspondence was a matter of
2 concern to both of us.

3 MR. CASTOR: I want to make sure I pivot to Mr. Ratcliffe before
4 our time is up. We have about 12 minutes, I think, left in our round.

5 MR. RATCLIFFE: Thank you, Steve.

6 Mr. Morrison, my name is John Ratcliffe. I just have a couple
7 questions for you.

8 I want to start with what you addressed a little bit earlier
9 regarding chain of command and what I heard you say earlier.

10 You understand that Colonel Vindman went to the National Security
11 Council lead legal counsel to report his concerns about the July 25th
12 call, correct?

13 MR. MORRISON: I did not at the time. I do now.

14 MR. RATCLIFFE: I want to -- and is it your understanding that
15 he did so shortly after the July 25th call?

16 MR. MORRISON: Based on what has been reported publicly, of which
17 I don't have firsthand knowledge and can't vouch for its veracity, yes.

18 MR. RATCLIFFE: And when did you learn that he had done so?

19 MR. MORRISON: Within the past week or 2 when preparing for
20 today's proceeding.

21 MR. RATCLIFFE: Okay. So is your issue with that, as you talked
22 about chain of command, you said something to the effect of, quote,
23 unfortunate but not unusual. I want to make sure the record's clear.
24 Your issue is not that he didn't or shouldn't have the ability to report
25 the concern, it's that as his direct report, he didn't keep you informed

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1 of his concern?

2 MR. MORRISON: Unfortunate but not unusual was within the context
3 of Fiona Hill's management style, was different than mine, that she
4 had allowed her team to take on unfortunate practices. And so it was
5 not unusual that her team would undertake steps of which she was not
6 fully witting.

7 MR. RATCLIFFE: But I guess what I'm saying is, you're not here
8 asserting that he didn't have the right to report a concern or a problem
9 that he had to the National Security Council's lead legal counsel,
10 correct?

11 MR. MORRISON: I'm saying that -- I'm not saying that.

12 MR. RATCLIFFE: Okay. Very clearly, you do have a difference of
13 opinion with Colonel Vindman with respect to what was heard on the July
14 25th call. Your statement, I think, speaks very clearly to this issue
15 on page four, where you say, regarding that July 25th call, "I want
16 to be clear: I was not concerned that anything illegal was discussed."
17 I read that correctly?

18 MR. MORRISON: You did.

19 MR. RATCLIFFE: Okay. And then in followup to that, in questions
20 from Mr. Castor, he asked you whether or not you thought anything
21 improper or illegal had happened, and your response was no.

22 MR. MORRISON: Correct.

23 MR. RATCLIFFE: Colonel Vindman, on the other hand, testified
24 that he was concerned and that he did not think it was proper to demand
25 that a foreign government investigate a U.S. citizen.

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1 As you listened to the call, did you hear President Trump make
2 a demand of President Zelensky to investigate a foreign citizen?

3 MR. MORRISON: I did not.

4 MR. RATCLIFFE: A U.S. citizen.

5 MS. VAN GELDER: Thank you, counsel.

6 MR. RATCLIFFE: I want to make sure if I said that.

7 So that the record is clear, you did not hear President Trump make
8 a demand on a foreign government to investigate a U.S. citizen?

9 MR. MORRISON: To be clear, I did not fully understand this
10 subject matter at the time, the CrowdStrike issue, these issues. I
11 only had a confirmatory recognition that this was what Dr. Hill had
12 briefed me on in our handover.

13 MR. RATCLIFFE: Understood.

14 But in talking about concerns that Colonel Vindman had that
15 something improper or illegal was done, as I heard your testimony
16 earlier, you said that you did have a discussion with him where he
17 expressed his concerns. You identified two, the subject matter of the
18 call regarding Ukrainian reform generally and the President's approach
19 to that, and two, the fidelity of the translation.

20 MR. MORRISON: Yes.

21 MR. RATCLIFFE: You did not say that he expressed to you concern
22 that something illegal or improper had occurred that should be reported
23 to the National Security Council's lead legal counsel.

24 MR. MORRISON: I have no recollection of him doing so.

25 MR. RATCLIFFE: Is that something, as his direct report, you

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1 would have expected him to do if he had that concern?

2 MR. MORRISON: Yes.

3 MR. RATCLIFFE: And you would have a recollection if he did so?

4 MR. MORRISON: Yes.

5 MR. RATCLIFFE: On page five of your statement today, you say,
6 "I have no reason to believe the Ukrainians had any knowledge of the
7 review until August 28th, 2019."

8 Did I read that correctly?

9 MR. MORRISON: You did.

10 MR. RATCLIFFE: And by review, what do you mean?

11 MR. MORRISON: I mean the process I was directed by Dr. Kupperman
12 to initiate.

13 MR. RATCLIFFE: That related to what?

14 MR. MORRISON: Related to the security-sector assistance to
15 Ukraine.

16 MR. RATCLIFFE: Okay. The security assistance or military aid?

17 MR. MORRISON: I'd prefer the term "security-sector assistance."
18 I apologize. I'm a bit anal.

19 MR. RATCLIFFE: No apologies necessary. I just want to make sure
20 we're talking about the same thing.

21 So in short, your testimony today is consistent with what
22 Ambassador Taylor testified to me under oath, which was that the
23 Ukrainians had no knowledge that any security assistance might be
24 withheld until around August 28th, 2019.

25 That's inconsistent with what Colonel Vindman told us yesterday

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1 in his testimony. He testified that in mid-August --

2 THE CHAIRMAN: Counsel, is there a question for the witness?

3 MR. RATCLIFFE: There is.

4 THE CHAIRMAN: Because you're reading testimony of other
5 witnesses --

6 MR. RATCLIFFE: I'll get to my question.

7 THE CHAIRMAN: -- and making representations about whether
8 they're conflicting or not conflicting.

9 MR. RATCLIFFE: I'll get to my question, Chairman.

10 THE CHAIRMAN: Thank you, counsel.

11 MR. RATCLIFFE: You bet.

12 If Colonel Vindman received light queries from Ukrainians
13 concerned about the withholding of security assistance or military aid
14 in mid-August, is that something that he should have reported to you?

15 MR. MORRISON: Yes.

16 MR. RATCLIFFE: Is that something that he reported to you?

17 MR. MORRISON: I have no recollection of that.

18 MR. RATCLIFFE: And if he did not, would you consider that to be
19 an issue where he was not acting within the chain of command?

20 MS. VAN GELDER: Do you want to complete the sentence?

21 MR. RATCLIFFE: That was it.

22 MR. MORRISON: I'm sorry, Congressman. Could you please repeat
23 the question?

24 MS. VAN GELDER: I wish he was, but he's not. You are.

25 MR. RATCLIFFE: I'm what?

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1 MS. VAN GELDER: You are. Go ahead. I thought you were the
2 attorney.

3 MR. MORRISON: No, he's a Congressman.

4 MR. CASTOR: No, he's Congressman John Ratcliffe.

5 MS. VAN GELDER: I'm so sorry. Blame the attorney, not the
6 witness.

7 MR. GOLDMAN: Take it as a compliment.

8 MR. RATCLIFFE: They're so rare, it's just I can't recognize them
9 anymore, to be honest with you.

10 THE CHAIRMAN: I made the same mistake in referring to him as
11 counsel. He is my colleague.

12 MR. RATCLIFFE: My question was, should -- if there were light
13 queries from the Ukrainian Government or Ukrainian officials to Colonel
14 Vindman about the withholding of security assistance or military aid
15 in mid-August, is that something he should have reported to you?

16 MR. MORRISON: Yes.

17 MR. RATCLIFFE: He did not?

18 MR. MORRISON: I have no recollection of him doing so.

19 MR. RATCLIFFE: And if he did not, would you consider that to be
20 a violation of the chain of command?

21 MR. MORRISON: I would consider it to be an unfortunate habit he
22 picked up from his prior boss.

23 MR. RATCLIFFE: How much time do we have?

24 MR. CASTOR: Three minutes. Two minutes, sorry.

25 MS. VAN GELDER: Could we have a break after?

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1 THE CHAIRMAN: Yes.

2 MR. NUNES: Mr. Morrison, I think Mr. Ratcliffe has a followup
3 on this also, but in respect to the servers, you said that Fiona Hill,
4 between July 1st and July 15th, brought up servers to you. I think
5 you -- what were you referring to?

6 MR. MORRISON: Congressman, to be honest, I did not know at the
7 time. I recall googling Burisma. I did not recall googling or
8 otherwise looking into any of the rest of this.

9 MR. NUNES: But you said that she had mentioned servers to you.

10 MR. MORRISON: I had a recollection, yes, Congressman.

11 MR. NUNES: But you don't -- she didn't expand on what those
12 servers were, what that might be?

13 MR. MORRISON: No, sir. We had a limited amount of time on the
14 handover, and they were sort of, be aware of this bucket.

15 MR. NUNES: I'm just trying to figure out why she would mention
16 to you something about servers and how she would know about servers.
17 I mean, I know you don't know, but she didn't -- can you recollect
18 anything else from that time period from those conversations?

19 MR. MORRISON: Congressman, it was very much a there is this
20 process, the process, this is the subject matter, stay away.

21 MR. NUNES: Did she mention CrowdStrike?

22 MR. MORRISON: I don't recall that, sir.

23 MR. NUNES: Steve.

24 BY MR. CASTOR:

25 Q And just to be clear before we lose our -- our time is up,

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1 the circumstances of you leaving the National Security Council, you're
2 not resigning in protest?

3 A No.

4 Q Nobody's asking you to leave?

5 A No.

6 Q You're leaving on your own terms?

7 A Yes.

8 Q It's just a simple coincidence that your departure here is
9 related to your congressional testimony temporally?

10 A Yes.

11 MR. CASTOR: Okay.

12 THE CHAIRMAN: Okay. We'll take a break. We have some votes
13 coming up, so I would like to keep the break short, if I can, and we'll
14 hopefully get you out earlier. Would 5 or 10 minutes be sufficient?

15 MR. MORRISON: I can be faster, sir.

16 THE CHAIRMAN: Okay. Let's make it a 5-minute break then.
17 We'll resume at 10:35, and we'll resume promptly.

18 [Recess.]

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1 [10:40 a.m.]

2 THE CHAIRMAN: Going back on the record.

3 Mr. Morrison, I just want to go over a few of the areas that we've
4 covered, and then I'll hand it back to Mr. Goldman to go further through
5 the chronology.

6 I think you testified earlier that one of the concerns that
7 Dr. Hill raised with you before you took your position was this
8 irregular channel, and that irregular channel involved issues relating
9 to Burisma or 2016. Is that right?

10 MR. MORRISON: It was, Chairman, generally, yes, it was chiefly
11 a concern about Ambassador Sondland, who, it was our view, did not
12 really belong in Ukraine policy. And, yes, she raised these issues
13 that she said were being worked on in this alternate channel that were
14 a concern to her.

15 THE CHAIRMAN: And why were they a concern to her?

16 MR. MORRISON: As I recall her relating to me, her concerns were
17 just about the -- about the issues themselves. I don't recall a
18 specific this is how they could be used or anything like that. I just
19 recall these are these issues that I knew nothing about. So maybe she
20 tried to convey something that I didn't absorb. And that was what I
21 recall of one or two handoff conversations before I formally took over.

22 THE CHAIRMAN: Was she concerned that Ambassador Sondland's
23 raising of this bucket of issues around 2016 or Burisma might be at
24 odds with U.S. policy vis-à-vis Ukraine or cause problems in terms of
25 the advancement of the official U.S. policy?

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1 MR. MORRISON: No, sir. I don't recall that.

2 THE CHAIRMAN: What do you recall about why she was concerned
3 about it?

4 MR. MORRISON: Again, Chairman, it was that this was -- the chief
5 concerns were sort of who was involved and that this was occurring
6 outside of the regular process. But, again, I was -- this was probably
7 the first time I can consciously recall hearing about these issues,
8 and I really just didn't even know what they were.

9 THE CHAIRMAN: And remind me, if you would, I think you testified
10 earlier along the lines of wanting to avoid the whole Burisma bucket
11 of issues?

12 MR. MORRISON: I was admonished -- "admonished" may be the wrong
13 way to describe it. I was advised by Dr. Hill to stay away.

14 THE CHAIRMAN: And did that seem like sensible advice to you?

15 MR. MORRISON: Based on having no knowledge of what they were
16 until I recall walking out into the hall and googling Burisma, I took
17 it onboard. And the way I recall processing it was when I went out
18 and I googled "What is Burisma?" and I saw Hunter Biden, I said, okay,
19 yeah, that sounds right, I'll stay away.

20 THE CHAIRMAN: And you could understand, because it involved
21 Hunter Biden and Joe Biden was running for President, that this could
22 be a problematic area?

23 MR. MORRISON: Generally, yes.

24 THE CHAIRMAN: And so when this came up in the conversation as
25 you were listening to President Trump and President Zelensky, and the

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1 President brought up 2016 and the Bidens, you recognized that this was
2 what Dr. Hill had warned about?

3 MR. MORRISON: Yes.

4 THE CHAIRMAN: And this was a realization of the concerns that
5 she expressed and that you would later form when you looked up what
6 Burisma was and the association with the Bidens?

7 MR. MORRISON: Well, sir, I had looked up what Burisma was prior
8 to the July 25 call.

9 THE CHAIRMAN: Correct.

10 MR. MORRISON: It was more -- in hearing the call, it was largely
11 confirmatory that there really -- okay, there's something
12 going -- there is something here. I was aware that Ambassador Sondland
13 had briefed the President that morning by this point, per his email,
14 which I referenced earlier. So it was more a reflection that, okay,
15 Fiona was right, there is this parallel process.

16 THE CHAIRMAN: And I think you said that when you did look into
17 Burisma and learned of the Biden connection, you shared at least part
18 of the concerns Dr. Hill expressed?

19 MR. MORRISON: I certainly took onboard, yeah, I want to stay away
20 from this.

21 THE CHAIRMAN: And so did it concern you when the President raised
22 this and that the President wasn't staying away from this?

23 MR. MORRISON: Sir, it was more that it was not what I thought
24 the focus of the call should be.

25 THE CHAIRMAN: So you were not concerned that President Trump

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1 asked President Zelensky to look into a Democratic candidate for
2 President, only that it might leak?

3 MR. MORRISON: Sir, I'm not sure I recall the conversation the
4 same way. I recall that he asked him to look into the Vice President's
5 son, not the Vice President. I'm not trying to be cute. I'm just
6 trying to recall the conversation.

7 THE CHAIRMAN: Let me, if I could, read that language to you. On
8 page four, "The other thing, there's a lot of talk about Biden's son,
9 that Biden stopped the prosecution. And a lot of people want to find
10 out about that, so whatever you can do with the attorney general would
11 be great. Biden went around bragging that he stopped the prosecution,
12 so if you could look into it. It sounds horrible to me."

13 You understood that after referring to Biden's son he then goes
14 on to refer to Joe Biden. That's the Biden he's referring to about
15 stopping the prosecution, that Biden went bragging about he stopped
16 the prosecution. You understood that he was talking about Joe Biden,
17 candidate for President Joe Biden, right?

18 MR. MORRISON: Sir, you are correct. I did not know what the
19 prosecution he was referring to, what that prosecution was.

20 THE CHAIRMAN: So do I understand your testimony correctly that
21 you were not concerned that President Trump was asking President
22 Zelensky to look into a Democratic candidate for President, only that
23 it may leak?

24 MR. MORRISON: Sir, I was concerned -- I was concerned that the
25 MEMCON and the subject of the call -- the content of the call could

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1 leak. I was concerned that it did not focus as much on what I hoped
2 it would focus on, which was President Zelensky's reform agenda.

3 THE CHAIRMAN: And when the President raised
4 immediately -- well, when President Trump raised immediately after
5 President Zelensky expressed interest in buying more Javelins, and the
6 President of the United States asked for a favor and that favor involved
7 looking into the issues that Fiona Hill had warned about, that didn't
8 concern you?

9 MR. MORRISON: No.

10 THE CHAIRMAN: Only that that might leak?

11 MR. MORRISON: Yes.

12 THE CHAIRMAN: Did it concern you that Rudy Giuliani was
13 mentioned in the call with President Zelensky?

14 MR. MORRISON: No.

15 THE CHAIRMAN: Only that that might leak?

16 MR. MORRISON: I don't know if I was concerned that Mr. Giuliani
17 being mentioned in the call would leak. I don't know that I was
18 concerned about that.

19 THE CHAIRMAN: Now, you mentioned in your written testimony that
20 you didn't think it was -- that what you listened to was a violation
21 of law. Are you an attorney, Mr. Morrison?

22 MR. MORRISON: I am not admitted to a bar. I do not practice.

23 THE CHAIRMAN: And when you went to visit with an attorney right
24 after this call, that is the top attorney at the National Security
25 Council, did you ask him whether this might be a violation of the law?

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1 MS. VAN GELDER: Did you ask him?

2 MR. MORRISON: No.

3 THE CHAIRMAN: And I think you've said that you were not aware
4 of the preparation that Ambassador Sondland or others may have provided
5 to the President in this other channel in preparation for the call.
6 Is that right?

7 MR. MORRISON: I was aware that there was a call between
8 Ambassador Sondland and the President that morning. I confirmed that
9 call did happen. And that was the extent of my knowledge.

10 THE CHAIRMAN: So in terms of evaluating the legality of what
11 happened on the call, you didn't have the advantage of knowing what
12 took place before the call, how the President might have been prepared
13 for that call?

14 MR. MORRISON: Sir, I did not then and I do not now opine on
15 to -- as to the legality.

16 THE CHAIRMAN: Mr. Goldman.

17 BY MR. GOLDMAN:

18 Q Just one more thing on this. You said that you wanted to
19 stay away from the Burisma bucket of investigations. That was your
20 testimony, right?

21 A That's what I was advised to do, and that's what I did.

22 Q Why did you want to do that?

23 A It did not -- it was nothing a part of any -- the proper
24 policy process that I was involved in on Ukraine, it had nothing to
25 do with the issues that the interagency was working on.

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1 Q So it wasn't a part of U.S. policy?

2 A It was not a part of the formal interagency policy process.

3 Q Okay. Mr. Morrison, before you came to testify here today,
4 did you speak to any staff members from the Republican staff here?

5 A No.

6 Q Did you speak to any Members of Congress about your testimony
7 here today?

8 A No.

9 Q Did you share your opening statement with anyone?

10 A No. Other than counsel, no.

11 Q Understood.

12 MS. VAN GELDER: And for the record, counsel has not shared it
13 with anyone.

14 BY MR. GOLDMAN:

15 Q Thank you.

16 In your July 28th call with Ambassador Taylor, the minority --

17 A I'm sorry, sir, which date?

18 Q July 28th.

19 A July 28th, okay.

20 Q Yes. The minority -- this is on page nine of Ambassador
21 Taylor's statement -- the minority referenced that you said that the
22 call could have been better. But they didn't read the rest of the
23 sentence, which says: And that President Trump had suggested that
24 President Zelensky or his staff meet with Mr. Giuliani and Attorney
25 General William Barr.

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1 Did you have any concerns that the President of the United States
2 was asking a foreign leader to meet with his personal attorney who is
3 not a government employee?

4 A So you lost me a little bit on the question. Could you repeat
5 the question?

6 Q You confirmed that you did -- that Ambassador Taylor's
7 description of your conversation on July 28th was correct. Is that
8 right?

9 A It is.

10 Q Okay. Ambassador Taylor says that President Trump had
11 suggested that President Zelensky or his staff meet with Mr. Giuliani
12 and Attorney General William Barr.

13 Did you have any concerns that the President of the United States
14 asked another foreign leader to meet with his personal attorney who
15 was not a U.S. Government official?

16 A No.

17 Q You didn't?

18 A No.

19 Q And you didn't have any concerns even though you knew that
20 Giuliani was publicly advocating for this bucket of investigations
21 related to Burisma that were not a part of the well-settled official
22 U.S. policy?

23 A I'm not sure I knew that he was publicly advocating. I did
24 know that Fiona, Dr. Hill, had advised me of this parallel process in
25 which Mr. Giuliani was a part.

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1 Q So is it your testimony today that as of July 28th you did
2 not know that Rudy Giuliani was publicly advocating for these
3 investigations?

4 A I have no recollection of that.

5 Q And you were in charge of covering Ukraine as the senior
6 director in the National Security Council?

7 A For 13 days.

8 Q Right.

9 A Yes.

10 Q And you knew that you were going to be for 2 months prior
11 to that?

12 A No. I had begun negotiations with Ambassador Bolton and
13 Dr. Kupperman on taking over. I had planned at the time to leave the
14 NSC when I finished a year at my then current position. And it was
15 not clear to me that we were going to come to an agreement on my assuming
16 Dr. Hill's responsibilities.

17 Q Okay. Well, at least as of July 1st, you started
18 transitioning in meetings with Dr. Hill, correct?

19 A Correct.

20 Q And at that point you started getting up to speed on the
21 countries within your new portfolio?

22 A Correct.

23 Q Right. And Dr. Hill warned you about this alternative
24 channel that involved Rudy Giuliani, correct?

25 A Correct.

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1 Q And so you took no efforts from July 1st until July 25th to
2 understand what this alternative channel related to Rudy Giuliani was?

3 A I took limited efforts, but I also had a variety of other
4 things going on in my portfolio.

5 Q Okay. But it is your testimony today that as of July 25th
6 you did not know that Rudy Giuliani was publicly advocating for
7 investigations related to Burisma, Joe and Hunter Biden, and the 2016
8 election?

9 A Correct.

10 Q After this call -- well, let me go back. So I just want to
11 make sure. You had two conversations, I think you said, on July 25th
12 with John Eisenberg and Michael Ellis related to the call --

13 A Yes.

14 Q -- at that time? Did you have any further conversations with
15 them in the few days after that related directly to the phone call?

16 A Not that I can recall.

17 Q Okay. Did there come a time when you became aware of a
18 meeting that Mr. Giuliani had with Andrey Yermak in Madrid, Spain?

19 A Yes.

20 Q What do you -- when did you -- did you learn about that in
21 realtime?

22 A No.

23 Q When did you learn about that?

24 A Within the past week or so in reading press coverage of these
25 proceedings.

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1 Q So you only -- so I just -- let's just for the next half an
2 hour try to separate out what you've learned from the press reports
3 and what you knew prior to press reports, okay.

4 So you only learned about this -- well, I should say, you learned
5 it from press reports at the time, or you learned it from press reports
6 recently?

7 A Recently.

8 Q Okay. Were you aware that it was in the press at the time?

9 A No.

10 Q Okay. What were your -- did you understand your do-outs to
11 be from the July 25th call?

12 A I think the only do-out I can recall is I decided to work
13 with Ambassador Taylor to attempt to determine dates that would be
14 mutually agreeable to President Trump and President Zelensky for a
15 White House visit.

16 Q And did you have any discussions within the White House about
17 this potential White House visit?

18 A Yes.

19 Q Who did you speak to?

20 A Ambassador Bolton, Dr. Kupperman, [REDACTED].

21 Q Who is that? Sorry.

22 A She is the senior director for visits. She handles -- we
23 have a team on the NSC that handles foreign -- foreigners who visit
24 the White House, whether to meet with Ambassador Bolton or to meet with
25 the President or the Vice President. And so she was a conduit for the

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1 schedule proposals and the interface with the President's schedulers.

2 Q And what did you understand to be the direction about whether
3 or not you should begin to set up a White House visit?

4 A We were seeking a White House visit.

5 Q And that came from Ambassador Bolton?

6 A That came from the President.

7 Q Who did he -- who did you understand him to have told that
8 to?

9 A President Zelensky.

10 Q And so -- and you had conversations with Ambassador Bolton
11 and Dr. Kupperman about that as a do-out from the conversation?

12 A I think I -- what I recall telling them is, I'm going to put
13 together -- we have a schedule proposal. Let's move the schedule
14 proposal. I think the schedule proposal preceded the July 25th phone
15 call. Let's move the schedule proposal. I will work with Ambassador
16 Taylor to determine dates that are agreeable to the Ukrainians.

17 Q Okay.

18 [Majority Exhibit No. 2

19 Was marked for identification.]

20 BY MR. GOLDMAN:

21 Q I'm going to show you a document that is a bunch of text
22 messages that we'll mark as exhibit 1 -- sorry, exhibit 2. And if you
23 could go to page 38 --

24 A I don't think these are numbered.

25 Q Well, Bates No. 38, KV38.

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1 A Excuse me, okay.

2 Q And if you go to August 3rd at 11:19 a.m. It's about
3 two-thirds of the way down.

4 A Uh-huh.

5 Q Now, this is a group text chain with Bill Taylor, Kurt Volker,
6 and Gordon Sondland. You are not on it. But Sondland writes to the
7 other two: I have a sec call with Tim, Monday, "Mon," Monday, sounds
8 like bad news. Kurt, call if you have a sec. Thanks.

9 Do you recall having a conversation with Ambassador Sondland
10 around this time about a White House meeting?

11 A I'm aware that I had a call with him. I'm aware that I had
12 a call with him. My record indicates it was an open line,
13 but -- nonsecure line, on Monday, August 5. I don't recall the subject
14 matter, but it was an open line.

15 Q Did there come a time after the July 25th call when you
16 learned that the prospect of a White House meeting was not good?

17 A No.

18 Q No? You thought that it was on track from July 25th to the
19 present day?

20 A There came a time when it became clear that the earliest
21 opportunity for the two Presidents to meet would be in Warsaw. I
22 believe that was President Zelensky's suggestion, and that's what we
23 scheduled for. But we were in parallel looking for opportunities to
24 land a White House meeting.

25 Q Okay. So you have no idea what Ambassador Sondland means

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1 here when he says, "Sounds like bad news"?

2 A No, but he also indicates it was a secure call and it was
3 not.

4 Q So, therefore, you question whether there was bad news
5 because he -- because it may have changed in 2 days from a secure call
6 to an open call?

7 A I simply can't know what was in Ambassador Sondland's mind.

8 Q If we could go down to 8/6 at 7:57 a.m., Bill Taylor writes:
9 Ukraine responded saying that they want to plan one trip, so the week
10 before UNGA or the week after works. The week of September 9th
11 doesn't. But my conversation with Tim on Sunday did not fill me with
12 hope that they will agree on a date anytime soon unless, comma, Tim
13 said, quote, "Gordon turns it around," unquote.

14 Do you recall that conversation with Ambassador Taylor on
15 August 6th -- or August 5th maybe? Sunday, so I don't know.
16 August 4th, it would have been, according to Ambassador Taylor.

17 A No. In my review of occasions where I scheduled a call with
18 Ambassador Taylor, it's possible something -- you know, it didn't wind
19 up getting scheduled, it's just that he called unscheduled. I don't
20 have that call.

21 Q Well, do you remember having a conversation with Ambassador
22 Taylor along the lines of where the conversation included what he
23 described here?

24 A No.

25 Q Do you recall ever giving him any reason that did not fill

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1 him with hope that the White House would agree on a date anytime soon?

2 A It's not -- I don't have a clear recollection, but I'm not
3 surprised.

4 Q Why are you not surprised?

5 A Because my directorate had a dozen schedule requests in with
6 the President for meetings with foreign leaders that we were looking
7 to land, and Ukraine was but one.

8 Q Do you recall telling Ambassador Taylor that it was not going
9 to happen soon unless, quote, "Gordon turns it around," unquote?

10 A No.

11 Q The next line, Bill Taylor says: "Gordon, you talked to Tim
12 yesterday, right? Is that your sense, question mark. Parentheses,
13 Tim actually said, quote, "unless Gordon turns it around like he did
14 with the phone call," unquote.

15 Do you recall saying that?

16 A No.

17 Q Do you dispute that you did say that, if Ambassador Taylor
18 wrote that contemporaneously in this text message with quotation marks
19 around it?

20 A I have no recollection of that, and I wasn't on the text
21 messages. I can't speak to it.

22 Q I understand. But do you have any recollection of
23 saying -- of thinking that Ambassador Sondland had played any role in
24 helping to facilitate the phone call between President Trump and
25 President Zelensky?

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1 A Yes.

2 Q And how did he do that, to your knowledge?

3 A He told me he did it.

4 Q This was before the July 25th call that he also told you
5 about, right?

6 A Yes.

7 Q Okay. And did he tell you how he did it?

8 A No. Well, so he bragged that he could call the President
9 whenever he wanted.

10 Q So you understood that he facilitated it by calling the
11 President?

12 A I understood that he believed he did.

13 Q Okay. But you didn't confirm with the President -- with
14 the -- you didn't confirm that they did have a conversation?

15 A I wasn't always able to confirm these things. Sometimes I
16 didn't have time. Sometimes I just couldn't find somebody who could
17 confirm it.

18 Q Approximately how many times over the course of the July 15th
19 to September 11th time period do you recall hearing Ambassador
20 Sondland -- or learning one way or another that Ambassador Sondland
21 and President Trump spoke?

22 A I can't quantify it exactly, but I would say several times.

23 Q Would you say more than five?

24 A Approximately five.

25 Q Approximately five?

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1 A Yeah. It's not -- it wouldn't be double digits, but half
2 a dozen, several, something in that ballpark. Not a couple, not a few.
3 Several.

4 Q Okay. So did you ever learn in the -- well, let's go, sorry,
5 to page 42, KV42, at 5:35, which is about two-thirds of the way down.
6 The text reads from Gordon Sondland to Kurt Volker, Bill Taylor is not
7 on this chain: Morrison ready to get dates as soon as Yermak confirms.

8 Do you have any idea what Ambassador Sondland is referencing
9 there?

10 A No.

11 Q Were you aware that Ambassador Sondland was having any
12 communications with Andrey Yermak around this time?

13 A I'm hesitating to answer because I knew Gordon was having
14 conversations with Ukrainian officials. I don't know if I knew before
15 or after August 9th, and I don't know that I knew specifically he was
16 talking to Mr. Yermak.

17 Q Were you talking to any Ukrainian officials around this time?

18 A Yes.

19 Q Who were you in contact with?

20 A The then Ukrainian National Security Advisor.

21 Q Danylyuk?

22 A Yes.

23 Q And approximately how frequently did you speak with him, from
24 July 15th to September 11th, and not when you met in Warsaw?

25 A Three or four times.

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1 Q Did you ever discuss the White House meeting with him?

2 A Not that I can recall.

3 Q So what did you know about Ambassador Sondland's
4 conversations with Ukrainians related to a White House meeting?

5 A I don't know that I knew he was having conversations with
6 Ukrainians about a White House meeting. I knew he was having
7 conversations with Ukrainians.

8 Q Did you understand what he was speaking to them about?

9 A I understood that he was speaking to them about what I've
10 taken to discuss as the Burisma bucket.

11 Q Okay. Did there come a time when you became aware of a
12 possible statement that was to be released by the Ukraine Government
13 in this early to mid-August timeframe?

14 A Not early to mid-August, no.

15 Q When?

16 A I recall Gordon mentioning it when he related to me his
17 conversation with Yermak on 1 September in Warsaw.

18 Q Okay. We'll get to that in a minute. But around this mid-,
19 early to mid-August timeframe, you had no knowledge that there was a
20 discussion of Ukraine issuing a statement?

21 A No.

22 Q Related obviously to the U.S.?

23 A No.

24 Q And what did you understand Rudy Giuliani's involvement to
25 be in Ukraine matters in the first 2 weeks of August?

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1 A I'm not sure in the first 2 weeks of August I knew any
2 specifics about his involvement. I had the superficial awareness
3 given to me by Dr. Hill, and, of course, the President suggested that
4 Mr. Giuliani should go to Ukraine. I think those were chiefly the two
5 data points I had.

6 Q When did you learn that the President suggested Rudy Giuliani
7 should go to Ukraine?

8 A He said it in the call.

9 Q He said that he should go to Ukraine or that they should --

10 A I think -- well, so, forgive me, you're right. That they
11 should meet with him, I believe.

12 Q Okay. And did you ever follow up as a do-out to determine
13 whether the Ukrainian -- any Ukrainian officials did meet with Rudy
14 Giuliani pursuant to the President's request on the July 25th call?

15 A And to be clear, in reading the call again, the President
16 asked that he call -- that Mr. Giuliani and President Zelensky call.
17 President Zelensky had mentioned that they're hoping that Mr. Giuliani
18 would travel to Ukraine.

19 Q Right. Mr. Giuliani is mentioned several times --

20 A Yes.

21 Q -- so it's hard to keep track.

22 But just to get back to my question, did you view it as a do-out
23 to try to help facilitate contact between Mr. Giuliani and Ukraine
24 officials pursuant to the President's request in this call?

25 A No.

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1 Q Why not?

2 A Because I did not.

3 Q Well, but ordinarily, right, you thought that the
4 White House visit was a do-out from this call because that was mentioned
5 in the call, right?

6 A Correct.

7 Q Getting in touch with Rudy Giuliani was also requested
8 several times by President Trump. Why didn't you view that to be a
9 do-out from the call?

10 A It is not within the scope of my responsibilities. Within
11 the scope of my responsibilities is to help arrange head of state visits
12 to the White House or other head of state meetings. I did not consider
13 it to be a direction to me.

14 Q Why was it not within the scope of your responsibilities if
15 it relates to Ukraine --

16 A Because I --

17 Q -- policy matters?

18 A -- I would help set up meetings with Ambassador Bolton and
19 foreign delegations and the President or Vice President and foreign
20 delegations, not others.

21 Q But you were also in charge of coordinating and orchestrating
22 the U.S. policy toward Ukraine, too. It wasn't just head of state
23 visits, right?

24 A Correct.

25 Q And if the President wanted the Ukrainians to meet with Rudy

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1 Giuliani, isn't that -- wouldn't that be part of your portfolio
2 overseeing Ukraine?

3 A I did not consider it to be.

4 Q Because why?

5 A It was not within my -- the process I was involved in.

6 Q It was not in the official U.S. policy toward Ukraine to
7 have -- to involve Rudy Giuliani?

8 A Not one that I was involved in.

9 Q So is it your view that the President sets the policy?

10 A Yes.

11 Q And so did you not take away from this call that the
12 President's policy decisions on Ukraine included Rudy Giuliani?

13 A I was aware of what the President raised with respect to
14 Mr. Giuliani, yes.

15 Q That wasn't answering my question. Did you not think that
16 that was part of U.S. policy if the President direct asked Ukraine to
17 meet with Rudy Giuliani?

18 A No.

19 Q Why not? I don't --

20 A I'm trying to tell you what I thought at the time. I did
21 not think at the time this was my responsibility to help implement.

22 Q Whose responsibility was it?

23 A I did not have an opinion then, and I do not have an opinion
24 now.

25 Q And was this something that you were just trying to stay away

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1 from?

2 A It just -- I did not see it within the scope of my
3 responsibility.

4 Q But is this something along the Burisma line that you were
5 trying to stay away from, as you testified earlier?

6 A It was that process I was not -- I was not
7 getting -- Mr. Giuliani was a part of that process in which I was not
8 involving myself.

9 Q Okay. So you were not aware in the -- when did you become
10 aware that Mr. Giuliani was meeting with Ukrainian officials?

11 A It may have come up in -- I had several calls with Ambassador
12 Taylor. So I think it would have come up in one of the calls -- it
13 would have had to at this point -- one of the calls I had with him in
14 August.

15 Q Did you have any calls with Ambassador Taylor in the first
16 2 weeks of August?

17 A I believe so. I had -- I had at least one that I -- that
18 I have a record of, yes.

19 Q What date?

20 A 16 August.

21 Q And just for the record to be clear, what are you looking
22 at to refresh your recollection?

23 A I printed out calendar entries.

24 Q And so you don't have anything else between July 28th and
25 August 16th --

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1 A Not --

2 Q -- with Ambassador Taylor?

3 A Not -- well, July 28th, yes. I also spoke with him on -- I
4 spoke with him on Sunday July 28th, and I spoke with him beyond then.

5 Q When you mentioned Rudy Giuliani to Ambassador Taylor on July
6 28th, did he say anything about Mr. Giuliani in response to you raising
7 that? I'm just asking for your recollection.

8 A Yeah. Not that I can recall.

9 Q Did you know what Ambassador Taylor's views were about
10 Mr. Giuliani's involvement in Ukraine matters?

11 A As of July 28th?

12 Q As of July 28th, yeah.

13 A No, I don't believe I did.

14 Q When did you learn those?

15 A Again, I referenced conversations Bill and I had involving
16 Ukraine where he mentioned text messages and phone calls he had with
17 Mr. Giuliani where he shared his views, and I -- he and I discussed
18 them.

19 Q What were his views?

20 A Well, he was concerned that -- principally that he did not
21 always know what Rudy was doing. He and I discussed a lack of, shall
22 we say, OPSEC, that much of Rudy's discussions were happening over an
23 unclassified cell phone or, perhaps as bad, WhatsApp messages, and
24 therefore you can only imagine who else knew about them.

25 Q Was he concerned at all about the substance of what

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1 Mr. Giuliani was pressing?

2 A I'm trying to recall --

3 Q Well, let me ask you this. Did he relay to you that
4 Mr. Giuliani was pressing for these investigations?

5 A Not around this time. I think we had discussions about what
6 they were doing later, but not around August 16th, I don't believe.

7 Q Well, what did he describe to you was going on with the text
8 messages with Sondland, Volker, and Giuliani?

9 A I remember being focused on the fact that there were text
10 messages, the fact that Rudy was having all of these phone calls over
11 unclassified media. And I found that to be highly problematic and
12 indicative of someone who didn't really understand how national
13 security processes are run.

14 Q By August 15th, did you know that Rudy Giuliani was pressing
15 the Ukrainians to initiate investigations into Biden, Burisma, and 2016
16 election?

17 A I think I did, yes. I think I deduced that from the July
18 25th call.

19 Q So after the July 25th call, did you take any steps to figure
20 out what Rudy Giuliani believed or was advocating related to Ukraine?

21 A I decided to stay out of that line of process.

22 Q So the only knowledge you had was from the July 25th call?

23 A As of when?

24 Q August 15th.

25 A Yes, that's my recollection.

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1 Q And you didn't discuss it with Ambassador Taylor before that,
2 to your recollection?

3 A Not to the best of my recollection.

4 Q Okay. So you were not aware that -- well, were you aware
5 that there was a discussion either among -- between Ambassador
6 Sondland -- there were discussions among Ambassador Sondland,
7 Ambassador Volker, and Rudy Giuliani related to conditioning the
8 White House meeting on the initiation of this investigation by
9 August 15th?

10 A No.

11 Q You mentioned at the end of our last round that Mr. Eisenberg
12 told you in a meeting that it was a mistake to place the transcript -- or
13 the MEMCON in the highly classified system. And you said that that
14 was around the time that you were preparing for President Trump's visit
15 to Warsaw to meet with President Zelensky. Do you have a more specific
16 recollection as to when that conversation was?

17 A So I was with Ambassador Bolton on travel prior to Warsaw,
18 so if Warsaw was around 1 September, it would have been maybe the third
19 week of August.

20 Q So how far in advance would you ordinarily prepare for a
21 meeting like this?

22 A In this -- so normal -- in this case, because I was planning
23 to be on travel for about a week before Warsaw, I wanted to put in place
24 certain things before I left the country.

25 Q Understood. When was your -- you're talking about the trip

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1 you took to Kyiv as well as a couple other places?

2 A So I staffed the President and Ambassador Bolton at the G7
3 in Biarritz. Ambassador Bolton then proceeded to Ukraine, Moldova,
4 and Belarus. And we then proceeded to Warsaw.

5 Q I see. And did -- so I just want to be very clear about this.
6 Mr. Eisenberg told you that it was a -- you looked for the MEMCON in
7 the system and you couldn't find it. Is that right?

8 A Correct.

9 Q And then you went and asked -- what did you do -- let me ask
10 it this way: What did you do after you couldn't find it?

11 A I called the NSC Executive Secretariat staff to say,
12 essentially, what gives?

13 Q And what did they say?

14 A They said John Eisenberg had directed it be moved to a
15 different server.

16 Q What did you do next?

17 A I talked to John.

18 Q And what did he say to you?

19 A He said he did not.

20 Q What did you say back to him?

21 A I said, well, that you need to talk to Exec Sec because they
22 think you directed it.

23 Q And then what did he say to you? When did he say it was a
24 mistake?

25 A After he talked to -- well, I don't recall if it was in that

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1 exact same conversation or a separate conversation, but at some point
2 he checked in with the Exec Sec to find out why they thought he directed
3 them to do that. And he came back and said, well, I agreed with you
4 to restrict access.

5 They took that as a direction to move it to a different server,
6 which was not my -- which was not his instruction nor my recommendation.

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1 [11:22 a.m.]

2 BY MR. GOLDMAN:

3 Q And so was it your understanding that at the point of that
4 meeting the third week of August, Mr. Eisenberg was not aware that the
5 transcript had been moved to the highly classified system?

6 A That's my recollection, yes.

7 Q You said that there was a -- that you pretty early on -- and
8 correct me if this description is wrong, but you testified earlier that
9 you pretty early on understood that this issue was going to become a
10 process, I think was your language, and you tried to protect your team,
11 I think is what you said. Is that your recollection of what you said?

12 A Yes.

13 Q What did you mean by "a process"?

14 A That at this point, around July 25th, I was afraid of, as
15 I stated in my statement, if it leaked it would wind up becoming a
16 partisan political issue. And so I was -- that was among my concerns
17 about the call leaking.

18 As time went on, and I'd have to -- I don't recall precisely what
19 was playing out contemporaneously in the media, but I became further
20 concerned that it could become more than just a partisan issue, and
21 I wanted to essentially put myself between my staff and that issue.
22 I was in charge. It was my responsibility to protect them from anything
23 that would be a distraction from their mission.

24 Q And I'm not -- I don't want to go anywhere near who the
25 whistleblower is, but when did you become aware that there was a

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1 whistleblower complaint related to this issue?

2 A When the -- when the press -- press coverage of the fact of
3 a whistleblower began.

4 Q So that was in September?

5 A Whenever that happened, yes, that was when.

6 Q So you were unaware at any point in August that there was
7 a whistleblower complaint that had been filed related to this issue?

8 A To the best of my recollection, yes.

9 Q Do you recall getting a request to preserve your documents
10 at some point related to Ukraine matters?

11 A Yes.

12 Q Did you know what that related to when you received it?

13 A I don't know that I did. We've received a couple dozen of
14 those kinds of instructions -- preserve your documents, preserve your
15 documents. And my -- you know, pursuant to the Presidential Records
16 Act, the way our email is set up, the way our phone calls happen, you
17 know, my sort of entry-level basic operating assumption is there's a
18 record of everything. And, you know, I don't even think I have the
19 capability to delete an email, for example.

20 Q I understand that. But did you understand what the
21 preservation request related to?

22 A I think I saw that it was related to Ukraine. I don't believe
23 I had any understanding of much more than that.

24 Q Did you think it related to the July 25th call?

25 A I think, if I'm correct in recalling, I think what it related

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1 to was the disclosure of the hold, the hold on assistance. When that
2 leaked in late August, I think that's what I thought it was related
3 to.

4 Q Okay. Well, I believe that the date you would have received
5 the email was before the date that the public became aware of the
6 security assistance hold.

7 A Okay.

8 Q So it would be hard for it to be that.

9 A Okay. I'm telling you what my best recollection is.

10 Q And just to be clear, in any of your conversations with
11 Mr. Eisenberg in August, did he mention a whistleblower complaint
12 related to Ukraine?

13 A No.

14 MR. GOLDMAN: Our time is up. So are you good if we go another
15 45 minutes or do you want a break?

16 MR. MORRISON: Yeah, I'm good.

17 MR. BITAR: If we go another 45, we'll have lunch after that.

18 MR. GOLDMAN: Okay. And we'll yield to the minority.

19 BY MR. CASTOR:

20 Q I believe you testified earlier that the July 25th call was
21 requested through the regular NSC process. Do you remember who
22 officially requested the call?

23 A I know -- I know we, the NSC staff, were advocating a call
24 and had proposed a call.

25 Q Okay. And were there any temporal considerations of the

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1 call, before or after the parliamentary elections?

2 A We wanted it to happen as close as possible to the
3 parliamentary elections. That's when it's most ripe. And I remember
4 around the time of the 25th, we were keen on it happening then, because
5 President Zelensky had travel later that week. I don't recall what
6 day of the week the 25th was. Monday was the 22nd, so it was Thursday
7 or so. That Friday, I believe, President Zelensky had travel plans.
8 So he would be away from the secure phone he has that we would use to
9 have such a call.

10 Q And in your transition with Dr. Hill, did she express an
11 opinion on the -- whether she was in favor of having the call?

12 A Not that I recall.

13 Q Okay.

14 MS. VAN GELDER: In favor?

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1 BY MR. CASTOR:

2 Q In favor of or against the call?

3 A Not that I recall.

4 Q So you don't remember if she was against having that type
5 of call?

6 A Not that I recall.

7 Q Okay. Do you remember if she was against having the meeting,
8 the Oval Office meeting or the meeting in Warsaw, which --

9 A No, I do not.

10 Q Do you recall any concern about whether President Zelensky
11 would be a genuine reformer and follow through on his campaign
12 commitments?

13 A Yes.

14 Q And whether he would be influenced by oligarchs and whether
15 he would genuinely try to root out corruption?

16 A Yes.

17 Q And I believe there's an oligarch by the name of -- and I
18 apologize if I get the pronunciation wrong -- Kolomoisky.

19 A Yes.

20 Q [REDACTED]

21 A [REDACTED]

22 [REDACTED]

23 Q [REDACTED]

24 [REDACTED]

25 [REDACTED]

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BY MR. CASTOR:

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Q Okay. But can you tell us about what the NSC view was in the lead-up to the call? Was that a concern or a potential roadblock to having the call?

A I think our view was we wanted to -- the United States to engage the Zelensky administration, to test him.

10

11

Q And do you know by the time the July 25th call had happened whether he had an opportunity to implement any reforms?

12

13

14

A He had not. The July 25th call was incident to the Rada election. The Rada, the new Rada, would not be seated until the end of August.

15

16

Q Okay. And after the Rada was seated, do you know if President Zelensky made an effort to implement those reforms?

17

A I do.

18

Q And what reforms generally can you speak to?

19

20

21

22

23

24

A Well, he named a new prosecutor general. That was something that we were specifically interested in. He had his party introduce a spate of legislative reforms, one of which was particularly significant was stripping Rada members of their parliamentary immunity. That passed fairly quickly, as I recall. Those kinds of things.

25

Q And within what time period were some of those initial

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1 reforms passed?

2 A Very, very quickly.

3 Q Okay. So in the month of August?

4 A When we were -- when Ambassador Bolton was in Ukraine and
5 he met with President Zelensky, we observed that everybody on the
6 Ukrainian side of the table was exhausted, because they had been up
7 for days working on, you know, reform legislation, working on the new
8 Cabinet, to get through as much as possible on the first day.

9 Q Remind me again of Ambassador Bolton's visit. Was that
10 August, at the end of August?

11 A It was the end of August. It was between the G-7 and the
12 Warsaw commemoration.

13 Q So by Labor Day, for example?

14 A I seem to recall we were -- we -- we were there on the opening
15 day of the Rada. President -- President Zelensky met with Ambassador
16 Bolton on the opening day of the Rada, and they were in an all-night
17 session. Yeah. So, I mean, things were happening that day.

18 Q So by Labor Day, things had really -- there had been --

19 A Yes.

20 Q -- definitive developments --

21 A Yes.

22 Q -- on the front to demonstrate that President Zelensky was
23 committed to the issues he campaigned on?

24 A Yes.

25 Q Did you emerge from those meetings with Ambassador Bolton

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1 encouraged that President Zelensky was a genuine reformer?

2 A Yes.

3 Q And he had the best interests of the Ukrainian people in mind?

4 A Yes.

5 Q And that he was not a self-dealing bad guy?

6 A Yes.

7 Q Do you think Ambassador Bolton shared that view?

8 A Yes.

9 Q And did you look forward to coming back to the United States
10 and communicating that through the interagency process?

11 A Yes.

12 Q Up the chain to the President and so forth?

13 A Yes.

14 Q Okay. And did you have an opportunity to communicate that
15 up the chain once you did get home?

16 A We communicated it before we got home.

17 Q Okay. So relatively quickly, that message was communicated
18 back to President Trump and his top aides?

19 A Yes.

20 Q Okay. Do you know if that information was well-received?

21 A By whom?

22 Q By President Trump and his top aides. Did you get any
23 feedback or word of feedback?

24 A Could you restate the question or repeat the question,
25 please?

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1 Q Did you -- well, maybe I should start with who passed that
2 information on, was that you or Ambassador Bolton or both of you?

3 A Ambassador Bolton.

4 Q Okay. And do you know whether Ambassador --

5 A I passed some of the information along, too.

6 Q Okay. And did you get any feedback that these are good,
7 positive first steps?

8 A So we -- I called back to my team. I told them to provide
9 some updates to the prep materials that we had prepared for the
10 President for what we then believed would be his meeting with President
11 Zelensky.

12 When it became clear, because of the hurricane, that the President
13 would not travel to Warsaw, I made sure to convey that information to
14 the Vice President's staff.

15 Q And the next part of the trip was going to Warsaw?

16 A We went from Ukraine, Moldova, Belarus, to Warsaw.

17 Q You were in the meeting between the Vice President and
18 President Zelensky?

19 A Yes.

20 Q Can you recall generally the message Vice President Pence
21 communicated to President Zelensky?

22 A Yes.

23 Q What was that?

24 A It was to convey U.S. support for Ukraine. It was to convey
25 President Trump's focus on President Zelensky's -- well, not

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1 necessarily President Zelensky's -- President Trump's focus on
2 corruption reform in Ukraine.

3 It was also to convey President Trump's concern that the United
4 States ought not be the only country providing security assistance to
5 Ukraine.

6 Q Did the Ukrainians raise the issue of support, financial
7 support at that point?

8 A Yes.

9 Q And what do you remember of that?

10 A They were frustrated. They were surprised by the public
11 disclosure on or about the 28th. And they were looking for clarity
12 from the Vice President about why there was a hold, what the review
13 was looking at.

14 Q Okay. And did the Vice President try to encourage them that
15 the hold would be lifted?

16 A He tried to encourage them that -- to continue to hold true,
17 that the United States supports Ukraine, and that they should continue
18 to do as much as possible to gain more support from the Europeans and
19 to continue the corruption reform agenda.

20 Q Okay. Did he attempt to allay their concerns about whether
21 the aid would be delivered? Because we're coming up on the end of the
22 fiscal year. To the best of your recollection?

23 A There was only so much he could say.

24 Q Okay. Did he make any commitments to the Ukrainians during
25 that meeting?

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1 A No.

2 Q Okay.

3 A Well, yes, he made one. He would relay what he believed was
4 a very positive meeting, the content of that meeting, to President
5 Trump.

6 Q Okay. In short order?

7 A Yes.

8 Q Okay. Do you know if the Vice President did that?

9 A Yes.

10 Q And did you get any readout of how that conversation went --

11 A Yes.

12 Q -- or the President received it?

13 A Yes.

14 Q In a positive way?

15 A I did receive a readout.

16 Q Was the President positive at that point or was he still
17 skeptical?

18 A Still skeptical.

19 Q Was the President's skepticism, in part, based on our allies,
20 their support of Ukraine financially?

21 A Yes.

22 Q Okay. So he was still concerned that our allies could do
23 more?

24 A Yes.

25 Q And he was still concerned by his general issue with using

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1 U.S. taxpayer dollars overseas?

2 A To the best of my understanding.

3 Q During the Warsaw visit Ambassador Sondland, I guess, had
4 a sidebar with Yermak?

5 A Yes. Ukrainian Presidential Adviser Yermak.

6 Q Did you witness that exchange?

7 A I witnessed it, yes.

8 Q Okay. And were you part of the exchange or did you just see
9 it occur?

10 A I saw it occur.

11 Q Okay. And what did you learn about that exchange? I guess
12 Ambassador Sondland told you what he told Yermak?

13 A He came -- he essentially walked across a, you know, a -- I
14 don't know how to describe the room. He walked across the space and
15 he briefed me on what he said he had said to Mr. Yermak.

16 Q Okay. What did he tell you?

17 A He told me that in his -- that what he communicated was that
18 he believed the -- what could help them move the aid was if the
19 prosecutor general would go to the mike and announce that he was opening
20 the Burisma investigation.

21 Q And this occurred after the Vice President's meeting?

22 A Yes.

23 Q So the Vice President had just met with President Zelensky?

24 A Yes.

25 Q And the word "Burisma" wasn't -- didn't come up?

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1 A No.

2 MR. CASTOR: Are you going to interrupt me?

3 MR. BITAR: No. Just for the record, when you mentioned -- when
4 the witness mentioned "Burisma," he put quotation marks in the air.
5 I just want to make sure that that's in the --

6 MR. MORRISON: I meant by that the Burisma bucket.

7 MR. BITAR: Understood. Thank you.

8 MR. CASTOR: Sorry. I didn't mean to --

9 MR. BITAR: No, no. It was just to make sure the record's
10 accurate.

11 MR. CASTOR: Okay, fair enough. Believe it or not, there have
12 been some back-and-forths that maybe led to some questions on my part.
13 So I apologize to my colleague.

14 BY MR. CASTOR:

15 Q Getting back to the Vice President's meeting, the word
16 "Burisma" didn't come up in it?

17 A It did not.

18 Q The name Biden was not mentioned?

19 A It was not.

20 Q Whether Hunter Biden or former Vice President Biden?

21 A No form of Biden.

22 Q The word "CrowdStrike" didn't come up?

23 A It did not.

24 Q Any specific investigation?

25 A No, not to the best of my recollection.

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1 Q Any investigation relating to the run-up to the 2016
2 election?

3 A No.

4 Q Okay. So the meeting ends and that's the definitive, you
5 know, U.S. position at this point. The Vice President just
6 communicated with the President of Ukraine, right?

7 A Yes.

8 Q So did you have any idea why Ambassador Sondland felt it was
9 necessary to go and track Mr. Yermak down?

10 A No. But, in fairness, I also didn't know why Ambassador
11 Sondland was in the meeting.

12 Q Okay. Ambassador Sondland didn't consult you prior to doing
13 that, did he?

14 A No.

15 MS. VAN GELDER: Doing what?

16 MR. CASTOR: Going to speak with Yermak. Fair enough.

17 MR. MORRISON: Yes, he did consult with me about going to the
18 meeting.

19 BY MR. CASTOR:

20 Q Okay. And what did you tell him?

21 A He said he wanted to have a seat in the meeting. And I said,
22 okay, Gordon, I'll see what I can do.

23 Q Okay. And did you help him get a seat in the meeting?

24 A No.

25 Q Okay. How did he get a seat in the meeting?

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1 A I do not know.

2 Q Okay. Did you ever have any communications with him in that
3 timeframe about not doing something of this sort, of going up and having
4 these communications with Yermak?

5 A No.

6 Q Okay. When he came back to you and related what he just
7 exchanged with Mr. Yermak, did you give him any feedback, such as, why
8 did you do that? Or did you just -- or you were just receiving?

9 A I took it on board and immediately started thinking about
10 who I wanted to call about it.

11 Q Okay. And who did you call about it?

12 A Ambassador Bolton, Ambassador Taylor. And I made sure
13 to -- there were no NSC lawyers on this trip. I made sure to
14 communicate the same to the lawyers when I got back.

15 Q Okay. And you just related the communication?

16 A Yes.

17 Q And your concern about it?

18 A Yes.

19 Q Okay. And did any of those parties give you any advice or
20 recommendations on how to handle it, or was it just noting it for the
21 file?

22 A Ambassador Bolton's direction, consistent with my instinct,
23 was make sure the lawyers are tracking.

24 Q Okay. At any point did you feel comfortable telling
25 Ambassador Sondland that maybe what he was doing here wasn't helpful?

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1 A I didn't -- I didn't deem it would result in anything.

2 Q Okay. Had you ever, before this point, had you ever tried
3 to moderate some of his tendencies?

4 A On -- yes.

5 Q And how did you try to do that?

6 A So staying within the scope of the inquiry, I would just -- on
7 issues that I thought were in my purview, I would offer him counsel
8 on what others in the interagency were doing that he should factor into
9 his instinct or his impulse, or I would tell him that I thought there
10 was perhaps a more effective way to get it done than he was
11 contemplating.

12 Q And he wasn't a career diplomat, right?

13 A No.

14 Q He's somebody coming from outside of government. He's a
15 hotelier. Is that right?

16 A As I understand it from press reporting.

17 Q Okay. And do you think some of these issues with Ambassador
18 Sondland related to the fact that he just wasn't a professional diplomat
19 and hadn't really been steeped in the art of diplomacy?

20 A When Fiona started talking to me about the portfolio, and
21 then when I met with Ambassador Sondland on 10 July, I found -- he
22 represented to me that his mandate from the President was to go make --

23 MS. VAN GELDER: Who?

24 MR. MORRISON: Sorry, Ambassador Sondland.

25 That his mandate from the President was to go make deals. And

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1 he expressed -- this is in the 10 July meeting -- he expressed his
2 frustration that he felt that on occasion Fiona thwarted him, and she
3 didn't tell him she was going to do that.

4 And Fiona's original advice was just steer clear of Gordon. And
5 I said I thought what would be more effective and the approach I would
6 pursue was I'd rather have him inside the tent, you know, rather than
7 outside the tent. And so I wanted to know what he was doing and do
8 my best to spy, you know, problems as opposed to being ignorant.

9 BY MR. CASTOR:

10 Q Okay. And did you have any success whatsoever? Those are
11 noble things that, you know, you want to achieve, but did you have any
12 success, do you think?

13 A I think so, but the examples I would offer are outside the
14 scope of the inquiry and --

15 Q Okay. So you had a relatively amicable relationship with
16 him?

17 A That's what I saw it, and I believe I had it.

18 Q Okay. Did he ever understand that -- I mean, the
19 interagency process and the coordination role that the National
20 Security Council performs is -- you know, has its complexities. Do
21 you think he appreciated that?

22 A No.

23 Q Okay. And did you ever try to help him understand that if
24 he's having communications with the Ukrainians about issues where
25 there's, you know, a great level of complexity involved he might foul

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1 something up?

2 A Yes. Well, I'm sorry, please restate the question or re-ask
3 the question.

4 Q That there's complexities involved here, and if he doesn't
5 fully apprise himself of these complexities involving all the different
6 interagency components he might foul something up?

7 A So specific to Ukraine --

8 Q Right.

9 A -- I will say that I did. I was very transparent with him,
10 for example, with respect to trying to schedule meetings with the
11 President, that I was not going to do that with him. I was going to
12 do that through Bill Taylor. He was our chief of mission. He's the
13 appropriate conduit. He should be having those discussions with the
14 Ukrainians.

15 Q Or Ambassador Bolton, the front office of the NSC, right?

16 A What about Ambassador Bolton?

17 Q If there's going to be meetings scheduled with the President.

18 A If there would be meetings scheduled with the President, yes,
19 I'd expect Ambassador Bolton --

20 MS. VAN GELDER: Can we identify which President we're having
21 meetings with?

22 BY MR. CASTOR:

23 Q I'm sorry. President Trump.

24 A If we're talking about a meeting between President Trump and
25 a foreign head of state or head of government, I would first make sure

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1 Ambassador Bolton supported such an engagement. And if he did, then
2 I would endeavor to help schedule it, and I would do that through the
3 chief of mission, Bill Taylor.

4 Q Okay. Tell us about your experience with Ambassador Volker.

5 A I had known Kurt for some time before we both found ourselves
6 serving in the Trump administration. And in the course of the Trump
7 administration, I met with him two or three times. I talked to him
8 two or three additional times.

9 Q And he had a little bit more experience than Ambassador
10 Sondland?

11 A Yes. He was our perm rep to NATO.

12 Q Right. And did you ever have any communications with
13 Ambassador Volker about Ambassador Sondland's operations here?

14 A Yes.

15 Q And what do you remember telling Ambassador Volker?

16 A I told him what I was aware of happening as had been related
17 to me largely by Ambassador Sondland, but also by Ambassador Taylor.

18 And I asked Kurt: Kurt, what's your involvement here? What's
19 your role here? What do you think of what's going on? And he expressed
20 his concerns about what he saw going on. And we both agreed that it
21 was problematic, and we were attempting to follow as best we could the
22 normal policy process to achieve the right outcomes.

23 Q Did you ever ask Ambassador Volker to attempt to moderate
24 Ambassador Sondland's activities?

25 A No.

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1 Q Okay. Did he ever suggest to you affirmatively that he was
2 doing his best with the Ambassador Sondland aspect of this?

3 A I'm hesitating, because I'm struggling to recall exactly how
4 we discussed what he was trying to do.

5 I don't recall how he described any attempt to modulate Gordon.

6 Q Okay. Did you see Ambassador Volker as someone that might
7 be able to modulate Ambassador Sondland, or was he beyond Ambassador
8 Volker's ability to influence?

9 A I saw Kurt as a like-minded advocate for U.S.-Ukrainian
10 relations, and I wanted to chiefly understand what his role in this
11 side process was, because of -- I'd heard his name by both Ambassador
12 Sondland and Ambassador Taylor as being involved, and I wanted to
13 understand for myself what he was doing.

14 Q And what did you come to learn that he was doing?

15 A That he was trying not to get involved in what -- what he
16 was doing. He saw that it was -- it was problematic.

17 Q And you never heard Ambassador Volker advocate for any sort
18 of investigation into Vice President Biden, did you?

19 A I did not.

20 Q Or Hunter Biden?

21 A I did not.

22 Q Did you ever hear Ambassador Volker advocate for any sort
23 of specific investigation of a U.S. person?

24 A I did not.

25 Q Getting back to the Warsaw visit, you had a meeting at the

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1 hotel, not in a hotel room, but with Mr. Danylyuk?

2 A I did.

3 Q And what can you tell us about that meeting?

4 A There were a couple topics. The one I will discuss is
5 the -- he wanted to discuss the security assistance. He wanted to
6 share his President's state of mind as to his confidence in the
7 credibility of U.S. support for what Ukraine was doing in the security
8 space chiefly. And so that's why I went over to meet with him.

9 Q Okay. And were you able to -- did he -- were you able to
10 allay his concerns that the security assistance would be forthcoming?

11 A No.

12 Q Did you try to do that?

13 A I tried to explain to him, based on what I thought a foreigner
14 needed to know about what was going on and President Trump's general
15 approach to foreign assistance.

16 Q Okay. And you were still hopeful at this point the aid would
17 be released?

18 A Yes.

19 Q And did you in any way signal to him that you were hopeful
20 the aid would be released, given the bipartisan support for it?

21 A I tried to frame it more from the perspective of he -- I did
22 not think he needed to despair. I did not feel comfortable pledging
23 to him that the aid would be released, or I did not feel comfortable
24 foreshadowing a positive outcome, but I also tried to let him know -- I
25 tried to assure him that we were still in the review process and there

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1 was still time.

2 Q Okay. And did you relay to him that you were supportive of
3 the aid being released?

4 A No.

5 Q Okay. Moving forward to after the Warsaw visit on September
6 7th, Ambassador Taylor relates in his opening statement on page 12 that
7 you described a phone conversation that I guess was related to you from
8 Ambassador Sondland. This is the third paragraph on page 12.

9 A Yes.

10 Q Ambassador Taylor writes, "Mr. Morrison said that he had a
11 sinking feeling after learning about this conversation from Ambassador
12 Sondland."

13 Let me ask you a question first. Was this the first time you had
14 a sinking feeling after talking to Ambassador Sondland?

15 A No.

16 Q Okay. What do you remember Ambassador Sondland telling you
17 on this day?

18 A If I recall correctly -- so we're talking 2 days later,
19 September 7th. So this is after, I believe -- so this was, I think,
20 the conversation where -- I don't know if this was the first
21 conversation or the second conversation I had after 1 September with
22 Gordon, but this was a conversation where Gordon related that
23 both -- the President said there was not a quid pro quo, but he further
24 stated that President Zelensky should want to go to the microphone and
25 announce personally -- so it wouldn't be enough for the prosecutor

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1 general, he wanted to announce personally, Zelensky personally, that
2 he would open the investigations.

3 Q Okay. Was this Ambassador Sondland talking?

4 A I was relating to Ambassador Taylor my conversation with
5 Ambassador Sondland.

6 Q And do you think -- was Ambassador Sondland -- had he related
7 to you that the President had said this?

8 A Yes.

9 Q Okay. And you had a sinking feeling about this. Could you
10 explain why?

11 A Well, it's September 7th. September 30th is coming. I was
12 growing pessimistic that we would be able to see the tumblers align
13 to get the right people in the room with the Presidents to get the aid
14 released.

15 I also did not think it was a good idea for the Ukrainian President
16 to -- at this point I had a better understanding -- involve himself
17 in our politics.

18 Q And did you communicate that to Ambassador Sondland when
19 he -- did you try to urge Ambassador Sondland that these types of
20 discussions were not helpful?

21 A Well, he was transmitting to me a conversation he had with
22 the President. I mean, he'd already had the conversation with the
23 President.

24 Q Right. But did you provide him any feedback, like if this
25 comes up again, we shouldn't be doing this?

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1 A No.

2 Q You spoke again with -- I'm sorry, Ambassador Taylor on the
3 following day spoke on the phone with Ambassador Sondland. Was that
4 ever related to you?

5 A I'm sorry, repeat that.

6 Q On the following day, September 8th --

7 A Yeah.

8 Q -- Ambassador Taylor writes: Ambassador Sondland and
9 I -- meaning Ambassador Taylor -- spoke on the phone and he related
10 that President Trump had suggested that he needed to clear things up
11 with President Zelensky.

12 A I was not aware at the time that this happened.

13 Q Okay. Did you ever have any communications with Ambassador
14 Taylor about this?

15 A About the phone call on September 8th?

16 Q Yes.

17 A Not that I recall, because this would soon be superseded by
18 the decision to release the aid.

19 Q Okay. Did you know at this point in time that Ambassador
20 Taylor had begun to work his own channel, expressing his concern about
21 the separate process, as you describe?

22 A I guess I'm not necessarily familiar with what you're
23 describing.

24 Q Are you aware that Ambassador Taylor expressed concerns up
25 his own chain of command about Ambassador Sondland?

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1 A No.

2 Q Okay. Did he ever relate to you that he had a communication
3 with Ambassador Bolton during the Warsaw trip?

4 A Yes.

5 Q Okay. And what do you remember from that communication?

6 A He described for me that --

7 MS. VAN GELDER: Who's "he"?

8 MR. MORRISON: I'm sorry, fair point.

9 Ambassador Taylor described for me that his conversation with
10 Ambassador Bolton, where essentially Ambassador Bolton suggested to
11 Ambassador Taylor: If I were you, I would send a first-person cable
12 back to Secretary Pompeo, describing to him your concerns about the
13 impact of failing to provide the aid to Ukraine.

14 BY MR. CASTOR:

15 Q Okay. Did you ever come to learn whether Ambassador Taylor
16 sent that cable?

17 A I did.

18 Q Okay. And did Ambassador Taylor ever tell you about it or
19 did you just learn from public reports?

20 A He told me about it.

21 Q Okay. And at this point, was Ambassador Taylor
22 getting -- did he ever talk to you about possibly resigning?

23 A Yes.

24 Q Okay. And what was -- what were those communications?

25 A He -- so this -- I mean, I forget exactly when, but he had

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1 a conversation about, has there been a change in policy? And I said
2 it remained to be seen. And he said that he had explained to Secretary
3 Pompeo when agreeing to take the post that if our policy was not going
4 to be clear support for Ukraine, Ukrainian security, that he could not
5 serve in the post and he would resign.

6 Q And did you do anything with that information? Did you try
7 to alert Ambassador Bolton or anybody that we need to keep Ambassador
8 Taylor on the team here?

9 A I kept -- so I would tell Ambassador Bolton -- I don't know
10 that I ever specifically referenced a conversation I had with
11 Ambassador Taylor with Ambassador Bolton except for possibly the
12 conversation on September 7th, because -- I think it was September
13 7th -- because it discussed when Ambassador Sondland -- in that
14 conversation, Ambassador Taylor discussed that Ambassador Sondland had
15 told him: No, I don't actually think it will be enough for the
16 prosecutor general to say it. I think the President is going to want
17 to hear from the President. I made a mistake.

18 So I remember having that discussion with Ambassador Taylor.

19 And -- I'm sorry, was that responsive?

20 Q I think so. But did you ever put your head together with
21 Ambassador Bolton or other officials about now Ambassador Taylor has
22 some real concerns about this -- you describe it as a separate process.

23 A Uh-huh.

24 Q Ambassador Taylor calls it an irregular process.

25 A Uh-huh.

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1 Q Different people here have characterized it differently.

2 So did you have any -- did you try to communicate to anybody at
3 the State Department or up the NSC chain of command, like, Ambassador
4 Taylor has some serious concerns here, we should do something to
5 alleviate them?

6 A Well, I -- in traveling to Ukraine, I spent some time talking
7 to Ambassador Bolton about who Ambassador Taylor is and about our
8 conversations and about Ambassador Taylor's sense of what was happening
9 on the ground in Ukraine.

10 I don't recall if Ambassador Bolton was familiar with Ambassador
11 Taylor from prior government service. I don't recall that I ever
12 conveyed to Ambassador Bolton Ambassador Taylor's view that if there
13 had been a change in policy he would have to resign.

14 Q Okay. During your conversations with Ambassador Bolton at
15 this time did you signal to him that what Ambassador Sondland was doing
16 was not helpful?

17 A I kept Ambassador Bolton -- on a few occasions, when there
18 had been some new development from Gordon, something new he briefed
19 me on that he was doing, I would brief Ambassador Bolton and make sure
20 Ambassador Taylor was tracking.

21 And so I had a number of conversations with Ambassador Bolton
22 where we strategized on how we would get the President to yes on the
23 security assistance, and we were both mindful in those discussions
24 about Gordon is this free radical out there.

25 Q And as it was getting closer to the end of the fiscal year,

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1 that free radical element could have turned real problematic, right?

2 A We were mostly focused on how do we see us getting this done.
3 Because it wasn't -- you know, in some respects, we weren't actually
4 focused on September 30th. We were focused on September 15th, because
5 of the notice-and-wait requirement on State Department assistance.

6 Q Okay. And did you ever make a determination, like, let's
7 get him out of this process so we can get this done?

8 A So I never made that determination, because I think at my
9 level I didn't think I could do that, because Ambassador Sondland
10 represented he had access to the President.

11 I think -- I do recall -- I know Ambassador Bolton was frustrated
12 with Ambassador Sondland's involvement in these issues -- frankly,
13 involvement in a lot of issues -- and we were both frustrated that
14 Ambassador Sondland's essentially direct boss didn't seem to be engaged
15 in reining him in.

16 Q And his direct boss was Secretary Pompeo?

17 A Yes.

18 Q Did you know if Ambassador Bolton tried to talk
19 to -- communicate with Secretary Pompeo?

20 A About Ambassador Sondland?

21 Q Yes.

22 A I do not.

23 Q Okay. Do you know if Secretary Pompeo was aware of these
24 concerns?

25 A Which concerns?

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1 Q About Ambassador Sondland involving himself in what you
2 described as a separate process.

3 A I am not aware.

4 Q Okay. Did you have any conversations with Counselor
5 Brechbuhl?

6 A About Ukraine?

7 Q About Ambassador Sondland.

8 A No.

9 Q Okay. Did you have any -- did you express your concern about
10 Ambassador Sondland's role to anybody at the State Department other
11 than Ambassador Taylor?

12 A No.

13 Q Okay. So you didn't have any discussions with George Kent
14 or --

15 A Not about Ambassador Sondland.

16 Q Assistant Secretary Reeker or Ambassador Reeker?

17 A Not about Ambassador Sondland in this process.

18 Q Okay. How about other elements of this separate process,
19 such as Rudy Giuliani?

20 A No.

21 Q Okay. And were there any other elements of this separate
22 process that you did discuss with Ambassador Reeker?

23 A No. What I discussed with Ambassador Reeker was, gosh,
24 Gordon is a problem.

25 Q Okay. Did he agree?

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1 A Yes.

2 Q Did everyone agree on that topic? Did anybody think he was
3 adding value here?

4 A Gordon did.

5 Q Did you -- when did you come to learn that there was this
6 statement that was being discussed with Mr. Yermak about
7 investigations?

8 MS. VAN GELDER: You asked the question: Did you? I mean, what
9 we're doing is not -- we've already agreed what we're doing is not
10 encompassing anything that is then in preparation of this.

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1 BY MR. CASTOR:

2 Q Sure.

3 Did you become aware that there was draft language of an
4 anticorruption statement that the Ukrainians were working on?

5 A I did become aware.

6 Q And when did you become aware of that?

7 A My clearest recollection of when I became aware is in
8 reviewing the public disclosure of Ambassador Volker's text messages.

9 Q Okay. So this is after he started?

10 A I was surprised to see my name in text messages that I was
11 not aware of.

12 Q Okay. Did you have any advance notice that these text
13 messages were being released?

14 A No.

15 Q So you were surprised when they were?

16 A My surprise was my name was in them.

17 Q Okay. And you were surprised -- were they your text
18 messages?

19 A No.

20 Q Okay. They were just referring to you in the text messages?

21 A Yes.

22 Q Is that the first time that you learned that there was a
23 discussion of an anticorruption statement being drafted by the
24 Ukrainians for possible issue?

25 A As near as I can recall, yes.

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1 Q Okay. So you weren't aware of this in real time?

2 A No.

3 Q Were you aware in real time that there was some discussion
4 of having President Zelensky give an interview where he would
5 communicate his anticorruption bona fides?

6 A Beginning September 1, when I heard from Ambassador
7 Sondland, yes, I was aware that there was that idea that, hey, he should
8 do this --

9 Q Okay.

10 A -- from Ambassador Sondland.

11 Q And did you have any concern about that?

12 A Yes.

13 Q And did you communicate your concern to Ambassador Sondland?

14 A I communicated my concern to Ambassador Taylor, because I
15 wanted him to be in a position to take action to advise the Ukrainians
16 not to do it.

17 Q Okay.

18 A And I communicated my concerns to Ambassador Bolton, who
19 directed me to communicate them to NSC Legal.

20 Q Okay. And ultimately, there was no interview, correct?

21 A Correct.

22 Q So that was a good result?

23 A Yes, for the time.

24 Q Were you comfortable with any aspect of this public statement
25 or public affirmation that Zelensky, you know, make at the behest of

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1 U.S. -- you know, the U.S. Government?

2 A So keeping in mind when I learned about a statement, I was
3 not comfortable with any idea that President Zelensky should allow
4 himself to be involved in our politics.

5 Q Okay. But going back to the sidebar that Sondland had with
6 Yermak in Warsaw?

7 A Going back to it, was I comfortable with --

8 Q Well, I want to just refer you back to the sidebar --

9 A Yes.

10 Q -- Sondland had with Yermak. At that time, Sondland is
11 trying to get the Ukrainians to do something public, correct?

12 A Yes.

13 Q With regard to investigations?

14 A Yes.

15 Q And I guess my question is, did you have a concern with
16 anything related to, you know, investigations, or was it just specific
17 investigations?

18 A My concern was what Gordon was proposing about getting the
19 Ukrainians pulled into our politics.

20 Q Okay. So if the Ukrainians had issued a generalized
21 statement about anticorruption efforts and reform, that would have been
22 okay with you?

23 A They had, in fact.

24 Q Okay. So it's only when they get into Burisma and 2016 and
25 the Bidens and so forth that it became problematic in your mind?

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1 A Yes.

2 Q Going back to the spring of 2019, there were a number of
3 narratives circulating in the media with Rudy Giuliani and John Solomon
4 and The Hill relating to some of these issues that we discussed about
5 the black ledger, about specifically Ambassador Yovanovitch. Did
6 you -- when did you first come to know about these issues and their
7 impact?

8 A The first I've ever heard of a black ledger is you just now.

9 Q Okay. So you're unfamiliar with the issue relating to Paul
10 Manafort?

11 A I'm aware of Paul Manafort. I'm aware of, you know, the
12 prosecution about Paul Manafort. I'm aware he was doing business up
13 until a point in Ukraine.

14 Q Okay. I'll just say one more thing and I'll turn it over.
15 Were you aware of an investigative journalist in the Ukraine,
16 Serhiy Leschenko, that published information about the black ledger?

17 A No.

18 MR. CASTOR: Okay. My time is up.

19 MR. GOLDMAN: Why don't we take a half-hour break for lunch? Is
20 that good? And we'll return at 12:45.

21 [Recess.]

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1 [12:53 p.m.]

2 THE CHAIRMAN: Let's go back on the record. Forty-five minutes
3 to Mr. Noble.

4 BY MR. NOBLE:

5 Q So, Mr. Morrison, I'd like to go back to -- I believe in the
6 last round you referenced a July 10th meeting with Ambassador Sondland.
7 Was that at the White House?

8 A Yes.

9 Q And can you just tell us what happened during that meeting,
10 what you discussed with Ambassador Sondland?

11 A Yes. It wasn't -- there was no particular policy
12 discussion. It was mostly -- by that point, it was fairly well-known
13 I was succeeding Fiona.

14 And Ambassador Sondland came in and just made clear he did not
15 believe he had a constructive relationship with Fiona, her office, the
16 NSC overall, and he was -- he hoped that that was -- that this would
17 be an opportunity to turn the page and have what he would believe to
18 be a more constructive relationship.

19 Q Did he say anything about how he came to be involved in
20 Ukraine, given that he's the Ambassador to the EU? Did he explain where
21 he was getting his authority from?

22 A I don't recall if he explained in that meeting, but I do
23 recall Ambassador Sondland making clear that he was involved in Ukraine
24 because the President wanted him involved in Ukraine.

25 Q Do you know whether Ambassador Bolton ever spoke to the

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1 President, President Trump, about Ambassador Sondland and his
2 involvement and your concerns about his involvement? Just the fact
3 of the conversation, whether there was a conversation or not.

4 MS. VAN GELDER: Whether he knows?

5 MR. NOBLE: Exactly.

6 MR. MORRISON: Between Ambassador Bolton and the President about
7 Ambassador Sondland?

8 BY MR. NOBLE:

9 Q Exactly.

10 A I am not aware.

11 Q Okay. What about any conversation between Ambassador
12 Bolton and the President about Rudy Giuliani and his role in Ukraine?

13 A I am not aware.

14 Q I want to just ask you a quick question about something else
15 that's in Ambassador Taylor's testimony.

16 On page 6 of his opening statement, if you go down to the third
17 paragraph, it states that on July 10th, Ambassador Taylor had
18 conversations with Oleksandr Danylyuk and Andrey Yermak.

19 Oh, I'm sorry, next paragraph. The same day, July 10th, he met
20 with President Zelensky's chief of staff, Andriy Bohdan and then
21 Foreign Policy Adviser to the President and now Foreign Minister Vadym
22 Prystaiko, who told Ambassador Taylor that they had heard from Mr.
23 Giuliani that the phone call between the two Presidents was unlikely
24 to happen and that they were alarmed and disappointed. Ambassador
25 Taylor said he relayed their concerns to Counselor Brechbuhl.

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1 Did Ambassador Taylor ever tell you that Mr. Giuliani was having
2 such communications directly with Ukrainian officials? Because here
3 he says he alerted at least Counselor Brechbuhl as of July 10th. Would
4 he have ever alerted you, or did he ever alert you to these
5 conversations?

6 A I have no clear recollection of him inform -- of Ambassador
7 Taylor telling me about Mr. Giuliani's engagements with Ukrainian
8 officials. We were chiefly focused on Ambassador Sondland's
9 engagements with Ukrainian officials.

10 Q Fast-forwarding a little bit to August, following up on
11 something that you testified about earlier, you said that there was
12 something that prompted you to want to shield your people who are
13 involved in Ukraine policy, or something to that effect?

14 A Uh-huh.

15 Q Can you explain to us what prompted you to, you know, have
16 those concerns or want to shield your people?

17 A It -- not precisely. It may have just been the accumulation
18 of data points, but at some points I just became concerned that this
19 parallel process was going to turn into something -- and here we
20 are -- and I wanted to keep my people focused on their mission and not
21 have them dragged into anything if I felt like I could handle it.

22 Q So there was nothing that you can recall in particular that
23 prompted this concern at a particular date?

24 A It was -- it was -- so there were the two things I referenced.
25 It was, you know, I had been advised when I took over the shop by Dr.

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1 Hill and her deputy and others in the office about Alex's judgment.
2 Alex was the director responsible for Ukraine. So I wanted to manage
3 very carefully his involvement.

4 But I also, you know -- I made sure that I was the one to handle
5 the engagements with Ambassador Taylor, I didn't defer them down to
6 my deputy or to Alex, because I just -- I had concerns that this issue,
7 the injection of this parallel process, it just -- I was concerned about
8 it.

9 Q Who was your deputy?

10 A John Erath.

11 Q Was he your deputy -- oh, to this day?

12 A Yes.

13 Q Did you inherit him from Dr. Hill?

14 A Yes. Well, yes.

15 Q So to speak?

16 A Yes.

17 Q Okay. So I'd like to ask you about a series of the
18 interagency meetings to discuss the security assistance.

19 So I believe there initially was a sub-PCC meeting on July 18th.
20 You wouldn't have attended that meeting, correct?

21 A No.

22 Q Okay. Did you get a readout after that meeting happened?

23 A Yes.

24 Q Who did you get the readout from?

25 A Alex.

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1 Q Okay. What did he tell you?

2 A That at his level, the departments and agencies were aligned,
3 that they -- that everyone supported the ongoing disbursement of the
4 security-sector assistance.

5 Q Did he tell you that there had been an announcement made at
6 the sub-PCC about the hold?

7 A I think he indicated that OMB was present at the sub-PCC,
8 and they had elaborated on what we had already heard about the hold
9 and the extent of the hold, that it covered all dollars, DOD and
10 Department of State, and it was -- it was beyond funds not yet obligated
11 to include funds that had, in fact, been obligated but not yet expended.

12 Q When was the first time you learned about the hold?

13 A So I don't have a clear recollection. This was not a
14 scheduled meeting between Dr. Kupperman and myself. But it was
15 some -- it was on or about 15 July.

16 Q Okay. And what did Dr. Kupperman tell you about the hold?

17 A Only that OMB had -- the chief of staff had informed OMB -- I
18 should be clear -- the chief of staff's office had informed OMB that
19 it was the President's direction to hold the assistance.

20 Dr. Kupperman stated that we owe the President the views of the
21 interagency, make sure all the departments and agencies are aligned
22 as to the importance of the aid, in order to provide the President on
23 up through the interagency process the endorsement of the interagency
24 behind the continuation of the aid.

25 Q And are you aware that by that point, July 15th, when you

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1 learned that, the Department of Defense, in consultation with the
2 Department of State, had already certified that Ukraine had met the
3 preconditions to receive the aid under the National Defense
4 Authorization Act?

5 A I don't know when I became aware of that. It might have been
6 at the PCC I chaired. But I did become aware of that.

7 Q Okay. Let's talk about the PCC you chaired. When did that
8 take place?

9 A I believe it was 23 July.

10 Q Okay. And did anyone from OMB participate at that meeting?

11 A Yes.

12 Q Who were the representatives of OMB?

13 A There were two personnel from OMB. I don't -- I did not
14 bring with me their names.

15 Q Okay. What, if anything, did the -- either of the reps from
16 OMB say about the hold at that meeting?

17 A That the hold had been imposed by the chief of staff's office,
18 and they had been informed it was at the direction of the President.

19 Q What were the views of the other interagency participants
20 at the meeting?

21 A That the aid is essential to Ukraine's security, the U.S.
22 relationship with Ukraine, and it should be released at the earliest
23 opportunity.

24 Q Was there any reason provided by the OMB reps or anyone else
25 at the meeting for the hold?

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1 A No.

2 Q Where did you -- what were the do-outs or next steps decided
3 at the PCC?

4 A We would have a Deputies Committee meeting.

5 Q Was there any discussion of the legality or illegality of
6 the hold at the PCC meeting?

7 A Yes.

8 Q What was -- can you explain what was discussed?

9 A Because of the nature of the appropriations, is it actually
10 legally permissible for the President to not allow for the disbursement
11 of the funding.

12 Q And what law would be possibly violated if the
13 disbursement --

14 A I'm going to hesitate from providing a legal opinion. I know
15 there were various views. And up until the release of the assistance
16 there were various views as to whether or not there was, in fact, a
17 legal problem.

18 Q Okay. Who was raising concerns that there may be a legal
19 problem?

20 A OSD.

21 Q That's Office --

22 A Office of the Secretary of Defense.

23 Q DOD, okay. And did they raise concerns about possible
24 violations of the Impoundment Act?

25 A Yes.

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1 Q So you said the next step was going to be a deputies meeting.

2 Was there a deputies meeting?

3 A There was.

4 Q When did that take place?

5 A I don't recall exactly.

6 Q Was it on or about July 26th, a few days within the PCC?

7 A About a week later.

8 Q Okay. And did you participate in that meeting?

9 A Yes.

10 Q Can you tell us what happened at that meeting?

11 A Deputies endorsed that the principals meet and recommend to
12 the President the prompt disbursement of the funding, among other
13 things, but the only one that's within the scope of this meeting.

14 Q Do you know whether the NSC ever issued a statement of
15 conclusions after the deputies meeting?

16 A We did.

17 Q And the agreed next steps were to recommend a principals
18 meeting?

19 A Yes.

20 Q Okay. Do you know whether the principals meeting ever took
21 place?

22 A It did not.

23 Q Why not?

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1 [1:05 p.m.]

2 MR. MORRISON: Ambassador Bolton and I discussed launching a
3 Principals Committee meeting, and as a result of that discussion, we
4 opted not to do it.

5 BY MR. NOBLE:

6 Q Going back to the deputies meeting for a minute, was there
7 any reason provided at that time that meeting for the hold?

8 A I believe at that meeting OMB represented that -- and the
9 Chief of Staff's Office was present -- that the President was concerned
10 about corruption in Ukraine, and he wanted to make sure that Ukraine
11 was doing enough to manage that corruption.

12 Q Okay. Who were the representatives from OMB and the Chief
13 of Staff's Office at the deputies meeting?

14 A To the best of my recollection, OMB was represented by Mike
15 Duffey and the Chief of Staff was represented by Rob Blair.

16 Q Was there a separate PCC meeting on July 31st?

17 A Yes.

18 Q There was. Did you attend that PCC meeting?

19 A I chaired it.

20 Q Okay. What was the topic of the meeting?

21 A It's beyond the scope of this inquiry.

22 Q Okay. Did the issue of the freeze on Ukraine assistance come
23 up at that PCC meeting?

24 A Yes.

25 Q Okay. Can you tell us what was discussed about the

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1 assistance?

2 A What was the status in getting it released.

3 Q Okay. And did anybody provide a report at that meeting?

4 A I did.

5 Q What did you report?

6 A It had not yet been released.

7 Q Okay. Did you know why?

8 A At that point, we were still waiting for an opportunity for
9 principals to engage the President.

10 Q Okay. Why did you and Ambassador Bolton decide not to
11 convene the principals meeting?

12 MS. VAN GELDER: That's a deliberative process that we are not
13 going to -- someone else is going to have it to decide if he can answer
14 that. But it is true that, as a result of that, there was no meeting.

15 THE CHAIRMAN: You know, at this point, let me just state for the
16 record, we don't recognize that deliberative process privilege. But
17 we will add this to the list that we can discuss at a break.

18 MS. VAN GELDER: I appreciate that.

19 BY MR. NOBLE:

20 Q At some point, did the idea of drafting a Presidential
21 decision memorandum on the frozen Ukrainian assistance arise?

22 A Yes.

23 Q Whose idea was it to draft the memo?

24 A Ambassador Bolton.

25 Q Okay. Did he instruct you to draft the memo or have your

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- 1 staff draft the memo?
- 2 A Yes.
- 3 Q Okay. Was the memo drafted?
- 4 A Yes.
- 5 Q Who drafted it?
- 6 A Alexander Vindman was the principal author. I was the final
7 authority. It went through the normal NSC coordination process to
8 prepare such a document for the President.
- 9 Q And what was the recommendation in that memo?
- 10 A That he release the aid.
- 11 Q Okay. Did Mr. Vindman, or Colonel Vindman make that
12 recommendation?
- 13 A It was, at that point, the deputies-endorsed position.
- 14 Q Okay. And you agreed with that position?
- 15 A Yes.
- 16 Q Okay. Do you know whether the memo was ever provided to the
17 President?
- 18 A I do.
- 19 Q When was it -- was it provided?
- 20 A No.
- 21 Q The memo was never provided to the President?
- 22 A No.
- 23 Q Okay. Why not?
- 24 A Because Ambassador Bolton decided not to.
- 25 Q Why didn't Ambassador Bolton want to provide the memo to the

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1 President?

2 A I think I'll let Ambassador Bolton speak to that point when
3 he appears before you.

4 MS. VAN GELDER: We can put this on the list.

5 MR. NOBLE: Okay. We'll add that to the list too, I guess.

6 THE CHAIRMAN: Can I just ask for clarification, but you do know
7 the reason why Ambassador Bolton made the decision not to provide that
8 memo to the President?

9 MR. MORRISON: I do, Chairman.

10 THE CHAIRMAN: Okay. Thank you.

11 BY MR. NOBLE:

12 Q Do you recall the date that the memo was finalized?

13 A I mean -- so I would say it was final and ready for the
14 President on 15 August when Ambassador Bolton initialed it.

15 Q Okay. Yeah, that was my question, so thank you. And are
16 you aware that Ambassador Bolton had a meeting with the President the
17 next day at Bedminster?

18 A Yes.

19 Q Okay. What was that meeting about?

20 A Outside the scope of this discussion.

21 Q It was about Afghanistan?

22 A It's been reported in the press.

23 Q Okay. Do you know who else attended that meeting, what other
24 principals attended that meeting?

25 A I do.

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1 Q Can you tell us?

2 A So I know some of them. I'm not going to -- I did not brush
3 up on this detail in preparing to appear today. But I believe General
4 Dunford participated by secure video teleconference. I believe Acting
5 Secretary Shanahan participated. I believe that -- I know the National
6 Security Advisor did. I believe the White House Chief of Staff did.
7 I believe the Secretary of State did.

8 Q And do you know whether or not they discussed the ongoing
9 hold on the Ukrainian assistance?

10 A I do.

11 Q Do you know what they discussed? Was it a discussion amongst
12 themselves, or was it a discussion with the President? Was it a
13 discussion amongst the principals themselves, or was it discussion
14 between the principals and the President?

15 [Discussion off the record.]

16 MR. MORRISON: So, I'm sorry. I --

17 MR. NOBLE: Okay. Hold on.

18 [Discussion off the record.]

19 BY MR. NOBLE:

20 Q Okay. I apologize. Yeah, so my question was, was there a
21 discussion amongst the principals about the Ukrainian assistance, not
22 involving the President? We'll just take it one step at a time. To
23 your knowledge.

24 A Yes.

25 Q Okay. And --

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1 A So let me step back, and I may, if I have the prerogative,
2 ask the court reporter -- because I want to make sure I heard your
3 preceding question correctly. Did you ask me am I aware of whether
4 or not they discussed Ukraine assistance with the President at that
5 time?

6 Q I may have phrased it that way, so let's just --

7 A That's the way I --

8 Q Yeah, let's just make the record clearer. So do you
9 know -- well, one step at a time. Do you know whether the principals
10 at Bedminster had a discussion about the Ukraine assistance?

11 MS. VAN GELDER: Among themselves.

12 MR. NOBLE: What's that?

13 MS. VAN GELDER: Among themselves.

14 BY MR. NOBLE:

15 Q Among themselves, yes.

16 A I do know that they had a discussion among themselves.

17 Q Okay. And do you know whether they raised that issue with
18 the President at Bedminster?

19 A I do know that they did not.

20 Q Okay. Do you know why not?

21 A Because the other subject matter of that meeting consumed
22 all the time.

23 Q Okay. Do you know whether it was Ambassador Bolton's
24 intention to raise the issue, given that he had just signed off on the
25 memo --

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1 A He was --

2 Q -- at the meeting?

3 A He wanted to be prepared to raise it if the opportunity to
4 presented itself.

5 Q Okay. And so, at that meeting, it ultimately -- that issue
6 did not come up on the 16th?

7 A Not with the President.

8 Q Not with the President. And then, at some point thereafter,
9 is that when Ambassador Bolton decided not to raise the issue or to
10 give the memo to the President?

11 A He decided not to raise it on the 16th because of the other
12 subject matter.

13 Q Okay.

14 A And we then proceeded to look for another opportunity to
15 raise it.

16 Q Okay. And that's when you -- you said you and Ambassador
17 Bolton had a conversation, and the decision was made not to give the
18 memo to the President.

19 A No. I said Ambassador Bolton and I discussed whether or not
20 to pursue a Principals Committee meeting. And I said I was aware of
21 why Ambassador Bolton opted not to provide the PDM to the President.

22 Q Okay.

23 Did you take any steps, following Ambassador Bolton's signing off
24 on the memo, to try to get this issue -- to tee it up for the President
25 again?

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1 A Yes.

2 Q What steps did you take?

3 A I proceeded to coordinate among my interagency peers to see
4 if we could establish when the right group of principals would be in
5 the same place at the same time that we could get them in with the
6 President.

7 Q Okay. And were you ever able to coordinate the principals
8 in that way to tee up a meeting?

9 A No.

10 Q Okay. Was it just a scheduling issue, or was there some
11 other issue?

12 A Just a scheduling issue.

13 Q Okay.

14 Do you know whether Ambassador Bolton ever had a one-on-one
15 conversation with the President about the frozen assistance after
16 August 15th?

17 A Yes.

18 Q Did he?

19 A Yes.

20 Q What about Secretary of State Pompeo? Do you know whether
21 he ever had a one-on-one meeting or another meeting with the President
22 about the Ukrainian assistance after August 15th?

23 A Based on open-source reporting and, I believe, Ambassador
24 Taylor's statement, I understand that Secretary Pompeo had a meeting
25 with the President wherein he took Ambassador Taylor's first-person

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1 cable to discuss the Ukraine topic with the President.

2 Q Okay. Do you know whether or not that in fact occurred?

3 A No.

4 Q Yeah. So Ambassador Taylor's memo, I believe, was
5 transmitted --

6 A The first-person cable.

7 Q The first-person cable -- did I say "memo"?

8 A Yes, sir.

9 Q I apologize. The cable, the first-person cable, was
10 transmitted on August 29th. Is that right?

11 A That sounds correct.

12 Q Okay. And did you get a copy of it at that time?

13 A I did.

14 Q Okay. Were you on the distribution?

15 A No.

16 Q Okay. What did you do when you received a copy of the cable?

17 A I reviewed it, and I shared it with Ambassador Bolton.

18 Q Okay. And then you said that it's been publicly reported
19 that Secretary of State Pompeo -- or Ambassador Taylor said that
20 Secretary of State Pompeo took the memo to the White House, to a meeting
21 at the White House.

22 A Yes.

23 Q Do you know when that meeting occurred?

24 A No.

25 Q Okay. Do you know anything about that meeting, like what

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1 happened at that meeting?

2 A No. I'm not aware that the meeting occurred. I only have
3 what Ambassador Taylor said.

4 Q Okay. So you don't have any independent, personal knowledge
5 that Pompeo brought the cable to the White House, met with the
6 President, and --

7 A I'm not trying to be cute. I know --

8 Q Yeah.

9 A -- Secretary Pompeo has, whenever he and the President are
10 in town at the same time, has a one-on-one lunch with the President.

11 Q Okay.

12 A Could it have come up in that occasion? Perhaps. I am not
13 aware that it did or which lunch he brought it up in, if ever.

14 Q Okay. So your only knowledge is just from what you read in
15 Ambassador Taylor's statement --

16 A Correct.

17 Q -- that that meeting occurred?

18 A Correct.

19 Q Okay.

20 So, sticking with that cable, the idea, the genesis of that cable
21 was Ambassador Taylor's conversation with Ambassador Bolton in Kyiv,
22 correct?

23 A That was the impetus for sending the cable.

24 Q The impetus. Did you participate in that conversation
25 between Ambassador Taylor and Ambassador Bolton --

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1 A No.

2 Q -- in Kyiv? Now, did you -- you helped prepare for
3 Ambassador Bolton's visit to Kyiv?

4 A Yes.

5 Q Okay. And, in doing so, did you speak with Ambassador Taylor
6 as part of that preparation?

7 A Yes.

8 Q Okay.

9 I want to go back to the text messages, if we could, and turn to
10 page 28. And if you go to August 27th at 7:34 a.m. -- these are text
11 messages between Bill Taylor and Kurt Volker. At 7:34, Bill Taylor
12 writes, "Bolton said he talked to you and Gordon briefly, nothing
13 specific. What should they talk about? Tim says Bolton wants to stay
14 out of politics."

15 I'm assuming "Tim" is a reference to you?

16 A I would assume.

17 Q Do you recall a conversation with Ambassador Taylor where
18 you conveyed that Ambassador Bolton wanted to stay out of politics?

19 A I don't recall a specific conversation, but that strikes me
20 as something I would have said, because I also explained to him I wanted
21 to stay out of politics.

22 Q And what did you mean by staying out of politics?

23 A We wanted to stay away from the Gordon channel.

24 Q Did you also want to stay away from the Burisma bucket of
25 issues, as you've referred to them?

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1 A Yes.

2 Q Okay. And I believe you testified earlier that you
3 perceived -- or you believe that if President Zelensky were to make
4 a public announcement about investigating the Burisma bucket of issues,
5 that that would have entangled him in U.S. domestic politics. Is that
6 right?

7 A I became concerned about that.

8 Q So was that kind of the same concern that you were conveying
9 to Ambassador Taylor that he is paraphrasing here?

10 A I don't recall precisely when I told Ambassador Taylor that
11 Ambassador Bolton wants to stay out of politics, but that strikes me
12 as a reasonable conclusion.

13 Q Okay.

14 And the Burisma bucket of issues, that was what Dr. Hill had warned
15 you about during your transition period. Is that right?

16 A Correct.

17 Q Okay. And it's fair to say also that the Burisma bucket of
18 issues were referenced in the President's July 25th call with President
19 Zelensky?

20 A It's more -- I mean, it references content from that call.
21 It's more -- the way I think about the Burisma bucket of issues is it's
22 Burisma, the Ukrainian firm, it's Hunter Biden, it's the election
23 server and CrowdStrike and those issues.

24 Q Yeah. And at least several of those things were raised by
25 President Trump in his call with President Zelensky on July 25th, right?

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1 A Yes.

2 Q Okay.

3 So, on August 28th, Politico published an article about the U.S.
4 freeze. Were you familiar with that article?

5 A I saw it when it came out and any number of people sent it
6 to me.

7 Q Okay. And I believe you testified earlier that, in Warsaw,
8 the Ukrainians seemed surprised about the announcement of the freeze?

9 A I don't know that I said they were surprised. I know they
10 were concerned about it.

11 Q They were concerned about it.

12 A Yes.

13 Q Okay.

14 Now, in preparation for the Warsaw bi-lat between Vice President
15 Pence and President Zelensky, I believe you said that, after it became
16 known that President Trump was not going to attend, you helped prep
17 the Vice President or helped his staff prep the Vice President for that
18 meeting?

19 A I made sure -- Ambassador Bolton conducted the briefing of
20 the Vice President. I helped to make sure that he had all of the latest.
21 And I made sure that one of Vice President Biden's policy staffers --

22 MS. VAN GELDER: Whoa. I think you're a little --

23 MR. MORRISON: What did I say?

24 MS. VAN GELDER: Biden.

25 MR. MORRISON: Oh, excuse me. I stayed up late watching the

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1 game.

2 I made sure that Vice President Pence's staff were prepared based
3 on what we had seen in our discussions, including with President
4 Zelensky in Ukraine.

5 BY MR. NOBLE:

6 Q Okay. And which staff member was that?

7 A Jennifer Williams.

8 Q Was Keith Kellogg involved in preparing the Vice President
9 for the bi-lat?

10 A I can only speculate that he was.

11 Q Okay.

12 In advance of the Warsaw meeting, do you know whether the Vice
13 President knew about the conversation that President Trump had had with
14 President Zelensky on July 25th?

15 A I believe he did.

16 Q Do you know whether he had been provided a copy of the MEMCON?

17 A I don't have firsthand knowledge.

18 Q Do you have secondhand knowledge of that?

19 A I have a -- I have a faint recollection that he had been
20 provided and had on his plane a copy of the MEMCON.

21 Q On the plane to Warsaw?

22 A On his aircraft, yes.

23 Q Okay. Do you know who provided the Vice President with the
24 MEMCON or would have provided the Vice President with the MEMCON?

25 A I mean, no. His staff would have contacted the NSC Executive

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1 Secretary and asked for a copy for the Vice President.

2 Q I mean, is it typical that if the Vice President is meeting
3 with a foreign head of state that MEMCONS of recent conversations
4 between the President and that head of state would be included in a
5 briefing book for the Vice President?

6 A Yes.

7 Q Okay. Did you ever get a copy of the briefing package that
8 the Vice President received for the Warsaw bi-lat?

9 A No, but I helped Jennifer prepare parts of it.

10 Q Okay. Do you know whether she included the MEMCON from the
11 July 25th call?

12 A No. As I said, I believe -- I have a faint recollection that
13 she told me the Vice President reviewed it on the plane. And it's
14 usually the case that when there's a head-of-state phone call, the Vice
15 President would receive a copy of the MEMCON as soon as it's available
16 the next day in his PDB.

17 Q Okay. What's "PDB," for the record?

18 A The President's daily briefing from the Intelligence
19 Community.

20 Q Okay.

21 So I want to ask you some more questions about the conversation
22 that Ambassador Sondland reported to you that he had with Andrey Yermak
23 on the sidelines of the Warsaw bi-lat. And I just want to find that
24 in Ambassador Taylor's statement. Page 10.

25 So -- and you testified about this earlier in questioning by my

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1 colleague. So can you just tell us, when did this conversation between
2 Ambassador Sondland and Mr. Yermak occur? How long after the bi-lat
3 between the Vice President -- our Vice President and President
4 Zelensky?

5 A About 5 minutes.

6 Q Oh, it was like, it happened right afterward?

7 A So the Vice President and his delegation left the
8 facility -- this is on the second floor, mezzanine level of the Warsaw
9 Marriott. And it was in one of the meetings rooms. And so the Vice
10 President and his delegation departed, President Zelensky and his
11 delegation departed, and some of the lesser people stayed behind.

12 Q There are no lesser people. There are other people left
13 behind, right?

14 A Mere mortals.

15 Q Mere mortals. So who else was present? Who else remained?

16 A Secretary Perry and a number of his aides. And I only can
17 clearly recall Mr. Yermak and Ambassador Sondland and myself.

18 Q Did you see Ambassador Sondland speaking to Andrey Yermak?

19 A I did.

20 Q Was anybody else speaking with them at the same time?

21 A Not that I can recall.

22 Q Okay. Do you know whether Ambassador Sondland ever told
23 anyone else about the conversation that he'd just had with Andrey
24 Yermak?

25 A I do not know.

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1 Q So, when he reported it to you, it was just you and Ambassador
2 Sondland speaking?

3 A I mean, they broke their conversation, and Gordon literally
4 walked over to me, said, this is what we talked about.

5 Q Okay. And during that conversation, as Ambassador Sondland
6 recounted it, he told Mr. Yermak that the security --

7 MS. VAN GELDER: Ambassador Taylor?

8 BY MR. NOBLE:

9 Q No, Ambassador Sondland told Mr. Yermak that the security
10 assistance money would not come until President Zelensky committed to
11 pursue the Burisma investigation. That's what Ambassador Taylor
12 wrote, and you say that's correct.

13 A No. I said I disagree. I recall Ambassador Sondland
14 telling me that what he conveyed to the Ukrainian Presidential advisor,
15 Mr. Yermak, was that the prosecutor general would be sufficient to make
16 the statement to obtain release of the aid.

17 Q Okay. And I believe you testified that that caused you
18 concern.

19 A Yes.

20 Q Is that right? Why did it cause you concern?

21 A Because, at that point, I saw an obstacle to my goal, as
22 directed to me, to get the process to support the President making the
23 decision to release the security assistance -- security-sector
24 assistance.

25 Q Okay. Why did you think that Ambassador Sondland's proposal

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1 would be an impediment to you achieving your policy goal?

2 A I mean, it was the first time something like this had been
3 injected as a condition on the release of the assistance. So it was
4 not something I had been tracking as part of our process for calculating
5 how do we get the President the information he needs to make the decision
6 that it was within American interest to release the assistance.

7 Q Okay.

8 So Ambassador Taylor, on the top of page 11, says that this was
9 also the first time that he had heard that the security assistance and
10 not just the White House meeting was conditioned on the investigation.

11 So are you saying that this was the first time that you'd ever
12 heard anyone say that the release the security assistance was going
13 to be conditioned on the Burisma bucket investigations?

14 A Yes.

15 Q Okay. And did you report what Ambassador Sondland told you
16 to anyone?

17 A Yes.

18 Q Who did you report it to?

19 A Well, beyond Ambassador Taylor, I reported it to Ambassador
20 Bolton. And when I got back to the States, I reported it to NSC
21 Legal -- John Eisenberg, Michael Ellis.

22 Q Okay. And when did you report it to Ambassador Bolton?

23 A About an hour or two after the debriefing by Ambassador
24 Sondland occurred.

25 Q Okay. And what was his reaction?

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1 A His reaction was: Stay out of it, brief the lawyers.

2 Q Okay. Did you understand what he meant by "stay out of it"?

3 A Fairly plain -- plain meaning.

4 Q What was --

5 A Stay out of it.

6 Q He's your superior, right? And he's saying, stay out of it.

7 So what do you take that to be, in terms of the instruction to you as
8 to how to handle this issue?

9 A Continue not to be engaged in this parallel track.

10 Q Okay. And did you think that was appropriate advice?

11 A Yes.

12 Q Why?

13 A Well, it comported with my instincts.

14 Q And what were your instincts?

15 A To stay out of this parallel track.

16 Q Okay. Fair enough.

17 And I believe you testified earlier that Ambassador Bolton told
18 you to report it to the lawyers to make sure the lawyers were tracking
19 it, correct?

20 A Correct.

21 Q But that just confirmed your own instinct that you should
22 report this to the lawyers. Is that right?

23 A Correct.

24 Q Okay. Why did you think the lawyers needed to be aware that
25 Ambassador Sondland was telling the Ukrainians that the release of the

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1 assistance was going to be conditioned on their announcement of the
2 Burisma-bucket-related investigations?

3 A Because we -- my role -- Ambassador Sondland doesn't work
4 for me. My role is to report it up to my chain of command, make sure
5 the President -- make sure NSC Legal -- the issue with Eisenberg and
6 Ellis is they're dual-hatted; they're also in the White House Counsel's
7 Office. So they are not just the NSC legal advisors; they are the
8 President's attorneys as White House counsel.

9 And we wanted to make sure that there was a record of what -- so
10 I will say I wanted to make sure, because I don't know precisely what
11 Ambassador Bolton wanted to make sure -- I wanted to make sure, in going
12 to the lawyers, that there was a record of what Ambassador Sondland
13 was doing, to protect the President.

14 Q And did you know whether Ambassador Sondland was working at
15 the direction of anyone else when he was conveying this message to the
16 Ukrainians?

17 A He did not -- no, I did not.

18 Q At that time. But, later on, I believe you -- Ambassador
19 Taylor recounts some conversations that Ambassador Sondland had with
20 the President concerning these investigations.

21 A I'm sorry. Please repeat that.

22 Q I'll -- maybe if we just go in order, it'll make more sense.

23 A Okay.

24 Q So let's fast-forward to the September 7th call. I believe
25 that's on page 12 of Ambassador Taylor's opening statement. So there,

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1 it's the third paragraph down. It says, 2 days later, on September
2 7th, Ambassador Taylor had a conversation with you in which you
3 described a phone conversation earlier that day between Ambassador
4 Sondland and President Trump.

5 And let me just stop you there. How did you know about this
6 conversation between Ambassador Sondland and President Trump?

7 A I believe because he called me not long after --

8 MS. VAN GELDER: He?

9 MR. MORRISON: He, Ambassador Sondland, called me not long after
10 to let me know of it.

11 BY MR. NOBLE:

12 Q Okay. And was this one of the calls that you were able to
13 confirm that Ambassador Sondland did have with President Trump?

14 A No.

15 Q You were not able to confirm it one way or the another?

16 A I don't know that I tried to. I think I had just other things
17 going on that morning.

18 Q Okay.

19 Ambassador Taylor says that you said that he -- you -- had a
20 sinking feeling after learning about this conversation from Ambassador
21 Sondland. According to you, President Trump told Ambassador Sondland
22 that he was not asking for a quid pro quo, but President Trump did insist
23 that President Zelensky go to a microphone and say he is opening
24 investigations of Biden and 2016 interference and that President
25 Zelensky should want to do this himself.

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1 Is that an accurate recitation of what you told Ambassador Taylor
2 on September 7th?

3 A Yes.

4 Q Okay. Do you recall anything else about the conversation
5 with Ambassador Taylor? Did you tell him anything else about what
6 Ambassador Sondland and President Trump had discussed?

7 A I mean, not to my knowledge. I believe what's related here
8 by Ambassador Taylor is correct.

9 Q Okay. Do you recall anything else about the conversation
10 that you had with Ambassador Sondland when he was telling you about
11 his conversation with the President?

12 A I'm sorry, I don't. If there's more, please ask; maybe it'll
13 jog my memory. But no.

14 Q No, I mean, I'm asking you what you recall. Was this --

15 A I think this is an accurate retelling of what my conversation
16 was like with Gordon as I related it to Ambassador Taylor.

17 Q How long was your conversation with Ambassador Sondland?

18 A Not very long.

19 Q So you just don't recall anything else that Ambassador
20 Sondland told you during that phone call?

21 A I do not.

22 THE CHAIRMAN: Can I -- if I could. And I apologize, I was
23 absent, I think, when you covered this the first time around.

24 MR. MORRISON: Sir.

25 THE CHAIRMAN: If I understand your testimony, in the

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1 conversation with Ambassador Sondland, you know, 5 minutes after he
2 talked with Mr. Yermak, Ambassador Sondland told you that he had
3 conveyed to Mr. Yermak that the military aid wouldn't be released until
4 the -- was it the Attorney General?

5 MR. MORRISON: The prosecutor general.

6 THE CHAIRMAN: -- prosecutor general announced these Burisma
7 bucket investigations. Is that right?

8 MR. MORRISON: Yes, sir.

9 THE CHAIRMAN: In a subsequent conversation with
10 Mr. Sondland that my colleague was asking about that you would later
11 discuss with Ambassador Taylor, did Ambassador Sondland represent that
12 it wasn't just the prosecutor general but it had to be President
13 Zelensky who committed to these investigations?

14 MR. MORRISON: Yes, sir. That had happened a couple days
15 earlier.

16 THE CHAIRMAN: So, at some point following the Warsaw
17 conversation you had with Ambassador Sondland, Ambassador Sondland
18 told you that the President had conveyed to him that it wasn't enough
19 for the prosecutor general to make this representation, that it had
20 to come from President Zelensky?

21 MR. MORRISON: No, sir. As I recall, I had, I think on September
22 1st and on September 2nd, conversations with Ambassador Taylor. On
23 September 1st, I related to Ambassador Taylor what Ambassador Sondland
24 related to me of his conversation with Mr. Yermak.

25 I believe that same day or early the next morning -- part of the

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1 difficulty in remembering this is my phone and email were set to eastern
2 time, and I was in Warsaw, and Ambassador Taylor was in Kyiv. So, in
3 terms of trying to recreate by email when I was setting up these calls,
4 it's a little challenging.

5 Ambassador Sondland had called after I'd spoken to Ambassador
6 Taylor to inform Ambassador Taylor that he screwed up -- he, Ambassador
7 Sondland, screwed up -- in telling that to Mr. Yermak, that it would
8 need to be coming from the President of Ukraine. And --

9 THE CHAIRMAN: And --

10 MR. MORRISON: -- Ambassador Taylor related that to me the next
11 day.

12 THE CHAIRMAN: Okay. So let me just break this down a bit. The
13 conversation about screwing up, that the statement had to come from
14 President Zelensky, not just the prosecutor general, how did you learn
15 about that? Did Ambassador Sondland tell you that?

16 MR. MORRISON: Ambassador Taylor told me that on Monday,
17 September 2nd.

18 THE CHAIRMAN: And he was relating to you what Ambassador
19 Sondland had told him?

20 MR. MORRISON: Yes.

21 THE CHAIRMAN: Okay. Let me yield back to Mr. Noble.

22 Oh. And did Ambassador Taylor tell you where Ambassador Sondland
23 had learned that the statement had to come from President Zelensky,
24 not just the prosecutor general?

25 MR. MORRISON: He did not.

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1 THE CHAIRMAN: Okay. And did Ambassador Sondland ever convey to
2 you why he felt that he had spoken mistakenly in thinking that the
3 prosecutor general's statement would be enough?

4 MR. MORRISON: He did not.

5 THE CHAIRMAN: Okay.

6 BY MR. NOBLE:

7 Q For clarity -- hopefully we can find some clarity -- I
8 believe you testified you had two separate conversations with
9 Ambassador Sondland after September 1st. Is that right?

10 A That sounds correct. Yes.

11 Q So one we know from Ambassador Taylor's statement that it
12 occurred on September 7th. Do you know the date of the other one, the
13 other conversation that you had with Ambassador Sondland? Was it
14 before or after September 7th?

15 A So I talked to Ambassador Sondland on September 1st.

16 Q Uh-huh.

17 A And then I talked again to Ambassador Sondland on September
18 7th.

19 Q Okay. So it was just the in-person meeting in Warsaw and
20 then the telephone conversation on September 7th. Those are the two
21 conversations that you've been referring to?

22 A Yes.

23 Q Okay. Just want to make sure we're not --

24 A For Ambassador Sondland.

25 Q Yeah. Were there any others?

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1 A With Ambassador Sondland?

2 Q With Ambassador Sondland in this timeframe.

3 A September?

4 Q Yeah, like, after September 1st, after Warsaw.

5 A None for which I have records. That's not to say that he
6 didn't -- I had made the mistake of giving Ambassador Sondland my work
7 cell phone number. So, again, sometimes these conversations would
8 occur and they weren't formally scheduled so they weren't on my calendar
9 so I can't reproduce for you that they occurred.

10 MR. NOBLE: I think the chairman has a followup.

11 THE CHAIRMAN: Yeah. Sorry.

12 So you had one in-person discussion with Ambassador Sondland, and
13 then you had a phone call with him several days later.

14 MR. MORRISON: Yes.

15 THE CHAIRMAN: And what did Ambassador Sondland tell you in the
16 phone call?

17 MR. MORRISON: In the phone call, he told me that he had just
18 gotten off the phone -- the September 7th phone call -- he told me he
19 had just gotten off the phone with the President.

20 I remember this because he actually made the comment that it was
21 easier for him to get a hold of the President than to get a hold of
22 me, which led me to respond, "Well, the President doesn't work for
23 Ambassador Bolton; I do," to which Ambassador Sondland responded, "Does
24 Ambassador Bolton know that?" But that's why I have a vivid
25 recollection of this.

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1 And he wanted to tell me what he had discussed with the President.

2 THE CHAIRMAN: And what did he tell you?

3 MR. MORRISON: He told me, as is related here in Ambassador
4 Taylor's statement, that there was no quid pro quo, but President
5 Zelensky must announce the opening of the investigations and he should
6 want to do it.

7 THE CHAIRMAN: Okay. I think that clarifies things then.

8 So, in Warsaw, Ambassador Sondland tells you that he's conveyed
9 to Yermak the prosecutor general has to make these statements. He
10 later conveys to you after talking with the President several days later
11 that the requirement is actually that Zelensky has to commit to these
12 investigations.

13 MR. MORRISON: Yes. And I had already heard that from Ambassador
14 Taylor.

15 THE CHAIRMAN: Thank you.

16 And that's the end of our time. Unless you need a break, we'll --

17 MR. MORRISON: I'm fine, sir.

18 THE CHAIRMAN: Okay. The time is with the minority for
19 45 minutes.

20 BY MR. CASTOR:

21 Q You said when you first heard the name "Burisma" you went
22 and googled it?

23 A I did.

24 Q Were there any other -- did you google "CrowdStrike"?

25 A I did not.

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1 Q Did you know anything about CrowdStrike at that point?

2 A What I recall Dr. Hill discussing with me was not CrowdStrike
3 but the 2016 server. And I did not know what that meant.

4 Q Did you google that topic?

5 A No. I found enough to understand the general idea of what
6 she was talking about when I googled "Burisma."

7 Q Okay. Was there anything else that you looked into? I
8 asked you at the end of the last round whether you were aware of this
9 black ledger issue relating to Paul Manafort, and you said you were
10 not.

11 A I was not.

12 Q Okay. Were there any other issues that you looked into?

13 A Not at the time that I googled "Burisma."

14 Q Okay. Subsequent to that?

15 A Subsequent to it, you know, I looked more into understanding
16 what -- trying to understand what the CrowdStrike issue was, trying
17 to understand what the 2016 server was. Obviously, I became more
18 interested in what these things were when I knew the President raised
19 them.

20 Q Did you ever look into any of the issues relating to the
21 prosecutor general, Lutsenko?

22 A No.

23 Q Okay. Did you ever look into any of the news accounts or
24 tweets that related to Ambassador Yovanovitch before her recall?

25 A No.

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1 Q Were you aware of the issues preceding her recall?

2 A No. I was aware she was recalled; I was not aware of why.

3 Q Okay. And did you have any discussions about those topic
4 areas with Colonel Vindman?

5 A I think I had conversations with Colonel Vindman and
6 Mr. Erath about, why is Bill Taylor not the actual U.S. Ambassador?
7 Why is he the CDA, the Charge d'Affaires? And that's -- they both
8 responded, essentially, "Because Ambassador Yovanovitch had been
9 recalled early."

10 Q Okay. And so that was the first you learned of it?

11 A Yes.

12 Q Did they relate anything else to you about that situation?

13 A Not that I recall.

14 Q Did Colonel Vindman ever tell you that he had, you know,
15 looked into any of these issues?

16 A No, not that I recall.

17 Q Or that he had authoritative sources on these issues?

18 A No.

19 Q Okay.

20 During your transition, Dr. Hill brought up issues of judgment
21 relating to Colonel Vindman?

22 A Yes.

23 Q Can you elaborate on that at all?

24 A First, I just want to be clear that Alex is a patriot who
25 has literally bled for this country.

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1 But, in my experience in government, not everybody is cut out for
2 the policy process. You often find with -- and these people are on
3 the NSC. You often find with CIA analysts who get detailed that they
4 can't get out of the analytical role into developing policy. State
5 Department personnel who get promoted based on their proficiency in
6 writing reporting cables can't get out of that role into making policy.

7 So not everybody is cut out for the policymaking process, and
8 Alex, I think, was in that category.

9 Q Did you ever have any discussions with him when you took over
10 the job about your expectations for him reporting to you?

11 A No. At that point, I had the concerns raised by Dr. Hill
12 and Mr. Erath. I also had been advised by other personnel within the
13 directorate of their concerns about Alex. And I set about to keep an
14 eye on Alex and form my own conclusions.

15 Q Okay. And what were your conclusions when you formed them?

16 A That he did not always exercise the best judgment in terms
17 of the policymaking process and -- the policy process.

18 Q Did he have an understanding that you were in his chain of
19 command?

20 A Yes.

21 Q Were there any instances where he went outside of his chain
22 of command and didn't keep you looped in?

23 A Well, we've talked about one.

24 Q Can you -- was this a persistent problem?

25 [Discussion off the record.]

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1 MR. MORRISON: Yeah, I mean, I think I'm -- as counsel advised,
2 I think I'm going to limit it to the one instance that was within the
3 scope of the inquiry today.

4 MR. CASTOR: Okay. Was that unusual, though?

5 MS. VAN GELDER: That answers the question. With all due
6 respect, Mr. Castor, if we're only dealing with what happened in
7 Ukraine, saying "was that the only time" answers a question as to
8 whether there were other times, which goes down that slippery slope.

9 BY MR. CASTOR:

10 Q Did you see Colonel Vindman's opening statement before the
11 committees?

12 A Yes.

13 Q In his opening statement, he talks about his -- how he views
14 the chain of command as being very important. Did you see that?

15 A I saw his statement.

16 Q Okay. And the one instance that we know of related to
17 Ukraine, he did not follow the chain of command. And so I guess the
18 question is, was that consistent with your experience with him or was
19 that unusual?

20 A As I mentioned, Dr. Hill's management and leadership style
21 is different than mine. In my opinion, some bad habits had been created
22 when she was in charge that --

23 Q Did you try to correct them?

24 A -- I set about trying to correct.

25 Q Okay. What were those bad habits?

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1 A I did not find that there was the habit of keeping the senior
2 director in charge of things -- keeping the senior director informed
3 about things that the senior director should've been informed about.

4 Q Okay. And did that prove problematic at any point?

5 A Yes.

6 Q Can you describe?

7 MS. VAN GELDER: It is something that we're going to say that
8 going into it would go down the idea of whether or not there was any
9 rumor or anything about who he talked to that might lead to his
10 speculation of who he thought the whistleblower was, which we are not
11 going to answer because it's outside the scope.

12 MR. SWALWELL: Mr. Chairman, just for the record, did the court
13 reporter get that?

14 THE REPORTER: Yes.

15 MS. VAN GELDER: I'm from Boston. They get everything.

16 MR. SWALWELL: Thanks.

17 BY MR. CASTOR:

18 Q Did you have any concerns with his trustworthiness?

19 A No.

20 Q I believe you did mention there -- was there any instances
21 where he tried to access information outside of his lane?

22 A Not that I could confirm firsthand.

23 Q Okay. But you heard that secondhand?

24 A Yes.

25 Q And can you tell us anything about that, or does that fall

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1 under the same objection?

2 A Yes.

3 MS. VAN GELDER: We're making the same objection.

4 BY MR. CASTOR:

5 Q The issues of judgment that Dr. Hill related to you, did they
6 become -- were you able to correct those issues of judgment after you
7 had a chance to work with him as his direct report?

8 A It was a work in progress.

9 Q Uh-huh. And did that work in progress at any point get
10 stalled?

11 A Well, I'm resigning from the NSC. So that'll stall it.

12 Q At what point did you determine that you wanted to -- I think
13 you said it was mid-August when you determined that these events might
14 lead to congressional hearings or something of that sort?

15 A I don't know that I said they would lead to congressional
16 hearings. I think I said it just became clear to me, as I considered
17 these matters, that this could wind up becoming, you know, a problem
18 that I wanted to, as best I could, shield my people from so they could
19 continue to be focused on the mission, and that I felt early in, with
20 respect to Alex, because I was trying to help mentor Alex, that I thought
21 it best for me to personally handle the security assistance
22 issue -- security-sector assistance.

23 Q Okay. Were there other elements of the Ukraine portfolio
24 that you also handled separately from him?

25 A One.

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1 Q What was that?

2 A I can't speak to it here.

3 Q Okay.

4 MR. CASTOR: I want to make sure that our Members get a chance
5 to ask questions.

6 MR. ZELDIN: When you say you can't speak to it, is it because
7 of a classification issue?

8 MR. MORRISON: It's a classification issue, and it's beyond the
9 scope of this inquiry. So probably more the beyond the scope.

10 MR. MEADOWS: Mr. Morrison, I want to get personal for just a few
11 seconds and express two things.

12 One is, when we knew that we were going to have this deposition
13 this morning starting at 8 o'clock, I think it was -- the question was,
14 well, why so early and why 8 o'clock? And the reason that was given
15 was really because you wanted to make sure you were available for your
16 family, and I just want to applaud that.

17 MR. MORRISON: Thank you, Congressman.

18 MR. MEADOWS: It just -- in this city, so many times, family gets
19 put on the back burner. And I just want to -- I just want to say thank
20 you.

21 MR. MORRISON: Thank you, Congressman.

22 MR. MEADOWS: Secondly, I think it's a shame that you're going
23 to be leaving the NSC. You've been direct with your answers today.
24 You've been precise with your answers. And I candidly wish you all
25 the best in your future career, but it is the Federal Government's loss

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1 that you're leaving.

2 And so, on those two personal notes, I want to just circle back
3 a little bit on one area. It's my understanding that you were actually
4 in the meeting with the Vice President and President Zelensky in Warsaw.
5 Is that correct?

6 MR. MORRISON: Yes, sir, it is.

7 MR. MEADOWS: And so, in those conversations -- and I know they've
8 been covered; I just want to make sure I'm clear. Because we've got
9 Ambassador Sondland and we've got the Vice President actually having
10 conversations in Warsaw. Is that correct?

11 MR. MORRISON: Yes, sir.

12 MR. MEADOWS: And as you were in those meetings with the Vice
13 President and President Zelensky, did investigating the Bidens come
14 up at all?

15 MR. MORRISON: In the bi-lat between Vice President Pence and
16 President Zelensky?

17 MR. MEADOWS: Yeah.

18 MR. MORRISON: No, it did not.

19 MR. MEADOWS: Did President Zelensky at that point know that the
20 aid was being withheld?

21 MR. MORRISON: He did, sir.

22 MR. MEADOWS: And so there was no indication from the Vice
23 President at all that the aid was being held up, waiting for an
24 investigation into the Bidens or Burisma or -- he didn't bring that
25 up at all?

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1 MR. MORRISON: Not at all, sir.

2 MR. MEADOWS: And you're confident of that?

3 MR. MORRISON: One hundred percent, sir.

4 MR. MEADOWS: Because I would think, as, you know, we're hearing
5 a whole lot about what Ambassador Sondland said and may have said and
6 may have heard and directions that may have happened, and yet in your
7 briefing with the Vice President, in your -- go ahead.

8 MR. MORRISON: Sir, I want to let you finish your question, but
9 I just -- I hope I was clear. I did not pre-brief the Vice President.

10 MR. MEADOWS: Okay. So you actually helped their staff
11 pre-brief -- did you prepare their staff?

12 MR. MORRISON: I prepared their staff, and I assisted them in
13 preparing their briefing materials for the Vice President.

14 MR. MEADOWS: And that gets back to the other point about you
15 being very precise in all of this. You were able to correct me on
16 misspeaking, and I appreciate the precision.

17 So, in that, with that same degree of precision, do you think that
18 there is any way that President Zelensky left the meeting with the Vice
19 President with an understanding from the Vice President that the aid
20 was somehow conditioned upon an investigation into Burisma or the
21 Bidens at all?

22 MR. MORRISON: No, sir.

23 MR. MEADOWS: And you're 100 percent confident of that?

24 MR. MORRISON: One hundred percent, sir.

25 MR. MEADOWS: With that, again, I just want to say thank you, and

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1 I'll yield to another Member.

2 MR. MORRISON: Thank you, sir.

3 MR. MEADOWS: Mr. Morrison, can I ask one followup question that
4 my colleague -- so did the pause of aid or the hold on aid come up during
5 the discussion between the Vice President and President Zelensky?

6 MR. MORRISON: It did, sir.

7 MR. MEADOWS: And so it actually came up; they knew it was on a
8 hold. And yet there was not a condition placed on that from the Vice
9 President's point of view in that meeting that you witnessed
10 personally?

11 MR. MORRISON: Correct, sir.

12 MR. MEADOWS: Okay. I'll yield back.

13 BY MR. CASTOR:

14 Q Colonel Vindman's tenure at the NSC, he's on a 1-year term,
15 followed by a second 1-year term? Are you aware?

16 A To be honest, I don't know. I think he might have been on
17 2-year orders originally.

18 Q Okay. Was there any discussion about maybe having him move
19 on to a different part of government or return to the Army?

20 A Um --

21 Q If it wasn't a fit?

22 A So, originally, Alex was not brought in to handle Ukraine.
23 He was brought in to handle Russia. This precedes me. But there were
24 other staffing -- I'll call them "snafus" that wound up leading to
25 excess coverage on Russia, below the required coverage on Ukraine. And

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1 so Alex was asked to handle the Ukraine/Belarus/Moldova portfolio.

2 Q Were there any trips to these countries in the last -- since
3 July 25th that Colonel Vindman was scheduled to travel on?

4 A No.

5 Q Were there any trips to these countries?

6 A Yes.

7 Q And was he excluded from travel for any reason?

8 A He was not excluded. He just was not included.

9 Q Okay. Did he ask to be included?

10 A He did.

11 Q And what was the reason given that he was not included?

12 A I did not think his presence was required. We had an
13 aircraft for Ambassador Bolton that we had from the G-7 to Ukraine,
14 Belarus, Moldova, to Warsaw. And, in my estimation, it was not worth
15 the seat on the plane and the hotel expenses -- and, frankly, there
16 were no hotel rooms available in Biarritz -- at the G-7 to bring him.
17 I did not think it was in the taxpayers' interest to pay for him to
18 come over separately on commercial air when, by, you know, good
19 preparation, we could make sure that Ambassador Bolton had the material
20 he needed for successful visits.

21 Q Okay. Did Colonel Vindman give you any feedback about that
22 decision?

23 A Yes.

24 Q And what form did the feedback take?

25 A He personally appealed to me.

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1 Q Okay. Did he send you an email?

2 A I don't recall an email. I recall an in-person
3 conversation.

4 Q Okay. And did the conversation get heated?

5 A No.

6 Q And did you articulate the reasons to him?

7 A Yes.

8 Q And did he accept them?

9 A I don't know if he accepted them, but he didn't have a choice.

10 Q Okay. And did he ever express to you that he felt cut out
11 of, you know, areas that were, you know, within his policymaking?

12 A Yes.

13 Q And what were those concerns that he related to you?

14 A He was concerned that, by not being included in certain
15 discussions, the trip, he would be seen -- he would be less effective
16 because he would be seen by the interagency as not being relevant.

17 Q And did you think that was the case?

18 A I thought the reasons I had for not including him outweighed
19 his concerns.

20 Q Okay.

21 MR. CASTOR: Yes, Mr. Jordan.

22 MR. JORDAN: Thank you, Steve.

23 Mr. Morrison, did he make an appointment? Did he walk into your
24 office? Did you go see him?

25 MR. MORRISON: I think he walked into my office. He said what

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1 he wanted to talk about. I said I was busy. I asked him to make an
2 appointment. And I made sure John Erath was present when we had that
3 appointment.

4 MR. JORDAN: Did he walk into your office on other occasions and
5 express some displeasure at decisions you had made regarding him?

6 MR. MORRISON: Yes.

7 MR. JORDAN: So this was common or happened several times? How
8 would you describe it?

9 MR. MORRISON: So I had an open door, unless I was busy, and so
10 it was not uncommon for my team to walk in. Depending upon the issue,
11 I would tell them to come back because for whatever reason I wanted
12 to have them come back --

13 MR. JORDAN: But you didn't have a policy -- so people could walk
14 in --

15 MR. MORRISON: Yes.

16 MR. JORDAN: -- and talk to you about concerns, part of your team.
17 If time permitted, you'd deal with the concerns at that time, or would
18 you always then -- or is that not the case? Would you always say, no,
19 make an appointment?

20 MR. MORRISON: Well, in the matter of Alex and the trip, for
21 example, or the question about being excluded, I've been around long
22 enough to know, on potential personnel actions, you want a witness.

23 MR. JORDAN: Okay.

24 MR. MORRISON: So I made sure he came back when I had a witness.

25 MR. JORDAN: Did you do that with other members of your team?

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1 MR. MORRISON: I did not have complaints from other members of
2 my team. So, sir, the answer is no.

3 MR. JORDAN: So, I mean -- and I, like you, Mr. Morrison, I
4 appreciate the service Colonel Vindman has given to our country and
5 the sacrifice he has made. But I think in the last -- or since you've
6 been here today, you've talked about Colonel Vindman. There was issues
7 of judgment, that he operated outside his lane. He didn't adhere to
8 the chain of command. Was not included, specifically excluded -- I
9 guess, to your use your language, was not included on certain trips.
10 And there was an area of Ukraine that you kept him restricted from being
11 a part of, and you said you couldn't get into that.

12 Did Mr. Vindman -- did he talk too much?

13 MR. MORRISON: I had concerns that he did not exercise
14 appropriate judgment as to whom he would say what.

15 MR. JORDAN: Okay.

16 Steve?

17 MR. CASTOR: Mr. Roy?

18 MR. PERRY: Can I --

19 MR. CASTOR: Mr. Perry. I'm sorry.

20 MR. PERRY: Sticking with Colonel Vindman, I just have an
21 affinity for him because I, too, served in uniform and I understand
22 his circumstances. I think maybe as a person that's interested in
23 following the chain of command, et cetera -- and those standards are
24 very important to every single one of us. They're inbred into us.

25 Do you think that he -- I don't know how to put -- maybe he was

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1 disappointed in the change of how his autonomy -- or maybe his own
2 perceived autonomy under Fiona Hill, when you came in, do you think
3 that that was a point of friction? Did you sense that at some point?
4 Or do you think he just understood intuitively that there was a new
5 sheriff in town, so to speak? Or --

6 MR. MORRISON: Congressman, I don't know that I can speak to his
7 reaction being based on a change in management or if it was merely a
8 result of him chafing in terms of how I wanted to use, you know, the
9 resource that he was.

10 MR. PERRY: Okay. Fair enough. All right. Thanks.

11 MR. CASTOR: Mr. Roy?

12 MR. ROY: All I was going to do is take 30 seconds to underscore
13 what Congressman Meadows said about appreciating your service and
14 appreciating your being here. And, you know, we overlapped in the
15 Senate when I was with John Cornyn and you were with Senator Kyl.

16 MR. MORRISON: Yes, sir.

17 MR. ROY: And that's been over a decade ago since we've engaged,
18 but it's good to see you again here in the public service. And I wish
19 I could get to my kids' trick-or-treating tonight and see my 10-year-old
20 son playing James Bond, of all things, in a tuxedo and carrying a plastic
21 martini glass, running around, but I'm going to miss that. So --

22 THE CHAIRMAN: As long as your son is not dressed up as me, I'm
23 happy.

24 MR. ROY: There's a joke in there somewhere, but I'll let that
25 go, but I appreciate that, Mr. Chairman.

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1 The only thing I will say, something I did want to follow up on
2 just to make sure I heard correctly -- and I'm sorry, because we've
3 been in and out and, you know, putting all this together -- was with
4 respect to the conversation with Mr. Sondland about what the President
5 said to him on September 7th, that conversation, that you did not
6 confirm that that conversation took place. You either didn't try or
7 were unable to confirm that the conversation took place between the
8 President and Mr. Sondland?

9 MR. MORRISON: Yes, sir. I'm sorry, I don't remember if it was
10 September 7th or September 8th, but I recall that being an especially
11 busy day, which led to the jocular exchange. And I was not able to
12 confirm that he did actually speak with the President on that particular
13 occasion.

14 MR. ROY: Okay.

15 And then the only other thing is, with respect to the
16 characterization of the phone call from Mr. Sondland to yourself and
17 the description in Mr. Taylor's statement provided, when he
18 describes -- in the wording in his statement that it was his opening
19 investigations of Biden and 2016 election interference, did you hear
20 that jointly or separated? Or how would you characterize the nature
21 of that expression from Mr. Sondland about the nature of that
22 conversation?

23 MR. MORRISON: On September 7th or September 8th, whichever it
24 was?

25 MR. ROY: Uh-huh.

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1 MR. MORRISON: As I recall what Ambassador Sondland related to
2 me, the President had stated to Ambassador Sondland, "There is no quid
3 pro quo, but I want to hear it from President Zelensky. He should want
4 to say it."

5 MR. ROY: That's the specific language that you remember hearing?

6 MR. MORRISON: That's the specific language I remember hearing
7 from Ambassador Sondland.

8 MR. ROY: Okay. Thank you.

9 MR. MEADOWS: Mr. Morrison, so I want to come back. I've thought
10 of a couple of other -- it's not a "Columbo" moment. I'm not trying
11 to catch you in it, but I've thought of a couple other questions as
12 it relates to the Vice President meeting with President Zelensky in
13 Warsaw.

14 I don't have a full characterization of that meeting. Would you
15 characterize that conversation between President Zelensky and Vice
16 President Pence as a cordial conversation between two world leaders?

17 MR. MORRISON: Yes, sir, absolutely. It was -- as I recall, it
18 was really the one meeting that the Vice President was adamant he take.
19 He was very eager to speak to President Zelensky and do his best to
20 convey to President Zelensky his, the Vice President's, support and
21 the support of the United States for President Zelensky and the reform
22 agenda he was undertaking in Ukraine.

23 MR. MEADOWS: So the message was very clear from the Vice
24 President. He was insisting on meeting personally, not sending
25 someone else in his place to meet with the President to express -- would

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1 you characterize it as a new solidarity between the United States and
2 the Ukraine in terms of their new government's willingness to fight
3 corruption? Or what would it --

4 MR. MORRISON: Congressman, the way I'd prefer to frame it, if
5 it's okay, is: There were a number of bi-lats we had planned for
6 President Trump. Vice President Pence was adamant that he keep the
7 bi-lat with President Zelensky. And, as I understand it, it was
8 because he wanted to convey, as best he could, American support and
9 his personal support for what President Zelensky was trying to do.

10 MR. MEADOWS: All right. So it would not surprise you if the Vice
11 President of the United States came back and advised the President that
12 this relationship is one that he could trust based on the conversation
13 that you witnessed. Would that surprise you?

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1 [2:05 p.m.]

2 MR. MORRISON: Sir, I am aware that he did.

3 MR. MEADOWS: You're aware that he did?

4 MR. MORRISON: Yes.

5 MR. MEADOWS: So you're aware that the Vice President came back
6 and told the President that it was a good meeting and that we should
7 normalize any relationship with Ukraine?

8 MR. MORRISON: To the best of my knowledge, the Vice President
9 made that phone call to the President that same night.

10 MR. MEADOWS: Okay. I'll yield back.

11 MR. JORDAN: And, Mr. Morrison, the fact that the meeting went
12 well didn't surprise you, did it?

13 MR. MORRISON: No, sir.

14 MR. JORDAN: Because I think you'd said earlier today that you
15 felt that once President Zelensky got with either President Trump or
16 Vice President Pence, I think you said you thought they would hit it
17 off.

18 MR. MORRISON: Yes, sir.

19 MR. JORDAN: And that's exactly what happened.

20 MR. MORRISON: Yes, sir.

21 MR. JORDAN: And this happens on -- early in September.

22 MR. MORRISON: The Vice President's bi-lat with President
23 Zelensky was 1 September.

24 MR. JORDAN: And then the Vice President comes back and tells the
25 President that, hey, this Zelensky guy is a good guy, or something to

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1 that effect, talks about the meeting and the interaction they had.

2 MR. MORRISON: Yes, sir, essentially.

3 MR. JORDAN: And then it's just a few days after that that the
4 aid actually happens and is released.

5 MR. MORRISON: Sir, to my knowledge, the President determined to
6 release the aid the evening of September 11th. That information was
7 conveyed to the interagency the morning of September 12th, so there's
8 a few days gap. But yes, sir.

9 MR. JORDAN: Great. Thank you.

10 BY MR. CASTOR:

11 Q The meeting that you had with Colonel Vindman and John Erath,
12 was that the first time that you had asked John Erath to sit in a meeting
13 with you and Colonel Vindman?

14 A Based on the nature of the meeting, I felt it was appropriate
15 to have my deputy present because it was a meeting in the nature of
16 a personnel action.

17 Q Okay. And had you had any other meetings like that with John
18 Erath and Colonel Vindman?

19 A So I made a habit of including my deputy in meetings because
20 he was my backstop. If I was unable to attend something because I was
21 called into something else, I wanted my deputy to be fully informed
22 about what I was doing so that he could step in without skipping a beat.

23 Q Okay. But were there any other personnel-related meetings
24 like that?

25 A Not to my knowledge.

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1 Q Okay. There's been some questions here with other witnesses
2 about whether Kash Patel got involved with the Ukraine portfolio. Do
3 you know anything about that?

4 A Only what I've read in the press.

5 Q Okay. And you know Kash Patel?

6 A I do.

7 Q And he's a -- what's his area of responsibility at NSC?

8 A When he came to the NSC he was a director in the Directorate
9 For International Organizations. He is now a senior director in the
10 Counterterrorism Directorate.

11 Q Okay. And to your knowledge, he doesn't have any
12 Ukraine-related involvement?

13 A Correct.

14 Q Did Dr. Hill --

15 A I should say, my firsthand knowledge. I am, of course, aware
16 of certain press reports.

17 Q Okay. And what are the press reports that you're aware
18 of -- or what did you learn in the press about this issue?

19 A I'm not sure I learned anything in the press about this issue.
20 I'm aware of press reporting. I don't have any firsthand knowledge.
21 I'm not trying to be cute. I don't have any firsthand knowledge. I
22 can't vouch for the veracity or the credibility of the reporting. But
23 the public reporting is that he has somehow been involved in Ukraine
24 and has had a direct line to the President.

25 Q And you're not aware of that, right?

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1 A I have no firsthand knowledge.

2 Q Okay. There was a meeting in the Oval Office before you
3 assumed Dr. Hill's responsibilities on, I believe it was May 23th,
4 where Ambassador Sondland, Ambassador Volker, Senator Johnson briefed
5 the President on their visit to President Zelensky's inaugural. Are
6 you familiar with that meeting?

7 A I'm not sure I'm familiar with that meeting.

8 Q There's been an allegation raised that Colonel Vindman was
9 excluded from that meeting. Do you know anything about that?

10 A It's not uncommon for directors not to be included in
11 meetings with the President. It's the senior director's job. But I
12 have no firsthand knowledge of that meeting.

13 Q Okay. To the best of your knowledge, Kash Patel is somebody
14 with integrity?

15 A Yes.

16 Q And you have had no issues with Kash Patel during your joint
17 service with him at NSC?

18 MS. VAN GELDER: Excuse me, I believe that we've already
19 established that Kash Patel is outside the scope of his testimony today.

20 MR. CASTOR: Okay. I wish he was outside the scope of these
21 proceedings, but we've had a lot of questions about him.

22 MS. VAN GELDER: He's already said he has no dealings with Kash
23 Patel.

24 BY MR. CASTOR:

25 Q Okay. But he's a colleague of yours on the NSC, right? I

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1 mean --

2 A He is.

3 Q Okay. And so you've never had any dealings with him
4 whatsoever?

5 A I have.

6 Q Okay. Have they been positive?

7 MS. VAN GELDER: Let's keep it to the inquiry. It's a slippery
8 slope when we start going into what could be personnel actions and other
9 issues.

10 MR. CASTOR: Okay. I think I'm pretty much done. I think I'll
11 yield back.

12 THE CHAIRMAN: Would you like to take a short break or should we
13 keep going?

14 MR. MORRISON: I'm fine to keep going, Chairman.

15 THE CHAIRMAN: Okay. I'm just going to ask a few questions, then
16 turn it over to my House colleagues before we go back to Mr. Goldman.

17 Do you know whether Colonel Vindman had consulted with the legal
18 counsel about concerns over what you've described as the Burisma bucket
19 of issues prior to your arrival at the NSC?

20 MR. MORRISON: I have no firsthand knowledge, sir.

21 THE CHAIRMAN: If he had been advised by the legal adviser to
22 raise those concerns directly with him and not discuss them with others,
23 would you still believe that he should discuss those issues with you?

24 MR. MORRISON: Chairman, I would expect somebody to have advised
25 me that there was that conduit in which I was not involved.

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1 THE CHAIRMAN: But you would agree that if he was following the
2 advice of the legal counsel, he would not be violating the chain of
3 command?

4 MR. MORRISON: Yes, sir, I would agree.

5 THE CHAIRMAN: Now, I know Mr. Patel had a promotion of some kind?

6 MR. MORRISON: Yes, sir.

7 THE CHAIRMAN: Prior to his promotion, what was his position?

8 MR. MORRISON: Sir, he was the director in the Directorate on
9 International Organizations.

10 THE CHAIRMAN: And how does that compare to your position?

11 MR. MORRISON: I mean, there's special assistants who are
12 administrative staff. There's directors in the policy lane. There's
13 directors, there's the senior director, and then there's the Deputy
14 National Security Advisor and the National Security Advisor.

15 THE CHAIRMAN: And would his position be above yours? Below
16 yours? Equivalent to yours?

17 MR. MORRISON: Below, sir.

18 THE CHAIRMAN: Below your position?

19 MR. MORRISON: As a director, yes, sir.

20 THE CHAIRMAN: If he did involve himself in Ukraine matters,
21 should that have gone through you?

22 MR. MORRISON: Yes, sir.

23 THE CHAIRMAN: So if he involved himself in Ukraine matters, he
24 would have been outside of his chain of command?

25 MR. MORRISON: Sir, in my opinion, as the Senior Director for

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1 European Affairs, if he engaged in policy on Ukraine and he did not
2 advise me, that would be a process foul.

3 THE CHAIRMAN: And so that would be outside the chain of command
4 in a way that would be a process foul?

5 MR. MORRISON: Sir, I don't know that I see this as a chain of
6 command issue. He does not report to me. He's not in my chain of
7 command. It would be a process foul.

8 THE CHAIRMAN: But if he's working on Ukraine, he should be in
9 your chain of command, correct?

10 MR. MORRISON: No, sir, not necessarily. There could be Ukraine
11 counterterrorism issues or Ukraine issues related to the U.N. Security
12 Council or International Organizations when he was assigned to that
13 directorate that he could be engaged in, but as the regional senior
14 director, I should be aware of that. It's my responsibility to attempt
15 to be aware of everything the United States is doing in Ukraine. In
16 that, I'm assisted by people like Alex.

17 THE CHAIRMAN: And if you're not advised of that, that can be a
18 problem because it means that your decisionmaking is not as informed
19 as it should be?

20 MR. MORRISON: Well, I blanch that I make decisions. My policy
21 recommendations, my ability to work with the interagency, the ability
22 of the United States to not be in a situation where the right hand is
23 engaging Ukraine without the left hand knowing what's going on and
24 therefore we look confused to the Ukrainians, for example, the process
25 exists to prevent that.

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1 THE CHAIRMAN: Okay. I want to follow up on some of the questions
2 about the Vice President.

3 I think you said that you would expect that the Vice President
4 would have been given a record of the call that President Trump had
5 with President Zelensky since he was very soon thereafter going to a
6 meeting with President Zelensky. It would be part of his
7 presidential -- the vice presidential daily brief?

8 MR. MORRISON: Yes, sir. At that point the idea of the Vice
9 President meeting with President Zelensky was not planned. But it's
10 the normal process for a head of state call for a copy of the transcript
11 to be made available to the Vice President the next available day.

12 THE CHAIRMAN: I know there have been questions raised, and I'm
13 not going to ask you to comment on the veracity of them, about whether
14 the President reads his daily brief or doesn't read his daily brief.
15 Do you have any reason to believe that the Vice President doesn't read
16 his daily brief?

17 MR. MORRISON: Sir, the Vice President is known to be a voracious
18 reader of his daily brief.

19 THE CHAIRMAN: So you would imagine that the call record would
20 have been in his daily brief and that he would have read it?

21 MR. MORRISON: It is the normal practice for it to have been in
22 the daily brief. I cannot speak authoritatively that it was in his
23 daily brief the next available day after the July 25th call, but I
24 attempted to say that it was my understanding he had access to it while
25 he was flying over to Warsaw.

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1 THE CHAIRMAN: Now, that bilateral meeting that the Vice
2 President participated in, that was a fairly large number of people,
3 was it not?

4 MR. MORRISON: The Zelensky-Pence bi-lat?

5 THE CHAIRMAN: Yes.

6 MR. MORRISON: Yes, sir, we had a large delegation.

7 THE CHAIRMAN: So how large was the delegation? Was it -- I
8 mean, I don't need an exact number, but was it two or three dozen people?

9 MR. MORRISON: There were two rows of seat on the U.S. side. I
10 think there was only one row of seats on the Ukrainian side. It was
11 a large U.S. delegation.

12 THE CHAIRMAN: So maybe 20 to 30 people?

13 MR. MORRISON: I would say more like a dozen, maybe -- I would
14 say about a dozen.

15 THE CHAIRMAN: So you said two rows of representatives from the
16 United States?

17 MR. MORRISON: Yes, sir.

18 THE CHAIRMAN: And how many people in each row?

19 MR. MORRISON: So about six or seven.

20 THE CHAIRMAN: Okay. So that would be about 12 to 14 on the U.S.
21 side?

22 MR. MORRISON: I don't think the second row was a complete row,
23 sir, but I recall we had two rows, they had one row. And sometimes
24 it was -- it can be embarrassing in these circumstances how much bigger
25 our side is than the opposite country side.

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1 THE CHAIRMAN: So it sounds like you're talking about the
2 neighborhood of 10 to 20 people, then.

3 MR. MORRISON: Sir, I think it was closer to about 12.

4 THE CHAIRMAN: Okay.

5 MR. MORRISON: Oh, in the meeting overall?

6 THE CHAIRMAN: Yes, in the meeting overall.

7 MR. MORRISON: Yes, sir, probably about -- probably about 20.

8 THE CHAIRMAN: Okay. So you're saying that in the meeting with
9 20 people present, Vice President Pence did not bring up the Burisma
10 bucket of issues. Is that right?

11 MR. MORRISON: That is correct, sir.

12 THE CHAIRMAN: But immediately after that large meeting there's
13 a private meeting between Ambassador Sondland and Mr. Yermak where he
14 does bring up the Burisma bucket of issues, right?

15 MR. MORRISON: Yes, sir.

16 THE CHAIRMAN: And then immediately after that he goes and tells
17 you about it?

18 MR. MORRISON: Yes, sir.

19 THE CHAIRMAN: Mr. Engel, do you have questions?

20 MR. ENGEL: I have no questions at this time. Thank you.

21 THE CHAIRMAN: Okay. Mrs. Maloney?

22 Mr. Swalwell.

23 MR. SWALWELL: Thank you, Chairman.

24 And thank you, Mr. Morrison, for coming in.

25 Following up on the chairman's question, one reasonable

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1 conclusion could be that the Vice President did not wish to bring up
2 that bucket you've described in front of such a large audience. Is
3 that right?

4 MR. MORRISON: Sir, I don't want to speculate on why.

5 MR. SWALWELL: Is it also a reasonable conclusion that perhaps
6 the Vice President thought it would be wrong to bring up those issues?

7 MR. MORRISON: Sir, again, I prefer not to speculate why the Vice
8 President conducted the meeting the way he did.

9 MR. SWALWELL: Well, the Vice President's job is to carry out the
10 policy priorities of the President. You would agree to that?

11 MR. MORRISON: Yes, sir.

12 MR. SWALWELL: And if the Vice President read the call record as
13 a voracious reader, as you described, it's pretty clear in that call
14 record that a priority of the President of the United States is for
15 the President of Ukraine to investigate the Bidens. Is that right?

16 MR. MORRISON: These issues were raised in the MEMCON, yes, sir,
17 and the phone call.

18 MR. SWALWELL: So if Vice President Biden in his first
19 face-to-face meeting with --

20 MS. VAN GELDER: Vice President Pence.

21 MR. SWALWELL: Sorry. If Vice President Pence in his first
22 face-to-face meeting with President Zelensky about a month after the
23 July 25th call does not bring up a central priority of the President's,
24 is that the Vice President failing to carry out the President's
25 priorities?

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1 MR. MORRISON: Sir, I listened to the July 25th phone call, and
2 I never raised these issues either.

3 MR. SWALWELL: Why not?

4 MR. MORRISON: I did not consider them to be within my area of
5 responsibility, my lane.

6 MR. SWALWELL: Did you think they were wrong?

7 MR. MORRISON: Sir, they were not issues I would have raised.

8 MR. SWALWELL: But were they wrong?

9 MR. MORRISON: Sir, I did not make that judgment at the time.

10 MR. SWALWELL: But I'm asking you to make the judgment now. Are
11 they wrong?

12 MR. MORRISON: Sir, I did not make that judgment at the time.

13 MR. SWALWELL: But at this time today, do you believe they are
14 wrong?

15 MR. MORRISON: Sir, I have not come to that judgment, and I did
16 not make that judgment at the time.

17 MR. SWALWELL: You referenced that Ambassador Bolton spoke with
18 President Trump about the security assistance, but I didn't hear you
19 talk about what was discussed. Do you know what they discussed?

20 MS. VAN GELDER: I believe that that is for later to be determined
21 how we get around that.

22 MR. SWALWELL: Okay. Were you -- well, let me ask you, I asked
23 you if it's wrong for the President to bring up those investigations.
24 Is it right for him to bring up those investigations with President
25 Zelensky?

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1 MR. MORRISON: Sir, it's the President's choice what he raises
2 with a foreign leader.

3 MR. SWALWELL: At any point after the July 25th phone call, were
4 you aware that a whistleblower complaint was in the works?

5 MR. MORRISON: I'm sorry, sir. What timeframe are we talking
6 about?

7 MR. SWALWELL: At any point after the July 25th phone call, were
8 you aware?

9 MR. MORRISON: When news of the whistleblower complaint became
10 public, I became aware.

11 MR. SWALWELL: But were you aware internally --

12 MR. MORRISON: No, sir.

13 MR. SWALWELL: -- by any way?

14 MR. MORRISON: No, sir.

15 MR. SWALWELL: Are you aware of anyone else being aware
16 internally before it became public?

17 MS. VAN GELDER: With all due respect, Congressman, I believe
18 that if it's good for the goose, it's good for the gander. And when
19 we start saying we can't go into who the whistleblower was or what we
20 were aware of when the whistleblower was, that that would be beyond
21 the scope of this testimony.

22 MR. SWALWELL: If the investigations into Burisma, the Bidens,
23 and 2016 were not policy priorities, what would you describe them as?

24 MR. MORRISON: Issues on the President's radar, issues that had
25 his attention. But these were not issues that the policy process was

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1 working on.

2 MR. SWALWELL: And who is more important, the policy personnel
3 or the President?

4 MR. MORRISON: Sir, the President is the President.

5 MR. SWALWELL: What does that mean?

6 MR. MORRISON: That means we all serve at his pleasure.

7 MR. SWALWELL: I'll yield back.

8 THE CHAIRMAN: Representative Speier.

9 MS. SPEIER: Thank you, Mr. Chairman.

10 Thank you, Mr. Morrison.

11 At one point you referenced that this was right after the 9/1
12 meeting, and you reported to Mr. Bolton and to Mr. Taylor about this
13 condition now before the aid was going to be made available. And
14 Mr. Bolton said, stay out of this, and you took it to the lawyers at
15 NSC. And I scribbled down what you said, and something to that effect
16 that you wanted to make sure there was a record of what Sondland had
17 said to protect the President.

18 MR. MORRISON: Correct.

19 MS. SPEIER: So you wanted to protect the President from what?

20 MR. MORRISON: And, Congresswoman, I'm still not completely
21 certain that this was coming from the President. I'm only getting this
22 from Ambassador Sondland.

23 And so if Ambassador Sondland is doing this, and I am not entirely
24 certain that there's any involvement here of the President, I want to
25 make sure there's a record. And to my way of thinking, that record

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1 should go through the lawyers, especially White House counsel, about
2 what I am seeing and hearing and learning about.

3 MS. SPEIER: But let's, for discussion purposes, if in fact the
4 President didn't know about this, as you are trying to protect him by
5 reporting it to the lawyers, are you saying then that you thought it
6 was unjust, illegal, inappropriate for the aid to be conditioned on
7 this public statement by Mr. Zelensky?

8 MR. MORRISON: Ma'am, there's a reason I framed it as two
9 processes. The proper process that I was a part of includes an
10 extraordinary number of lawyers. We do not develop options for the
11 President that are not legal. This other process that, as far as I
12 know, chiefly only involved Ambassador Sondland, Mr. Giuliani
13 evidently, does not have that kind of protection.

14 Ambassador Bolton is fond of saying that the process is your
15 protection. So part of what I'm trying to do here in talking to the
16 lawyers is making sure they're aware of what Mr. Sondland is doing.
17 And he's saying the President is aware, but I'm still not entirely
18 certain that he is.

19 MS. SPEIER: All right. When the issue came up at that bilateral
20 meeting with Vice President Pence and President Zelensky, and President
21 Zelensky asked why was the security assistance being withheld, what
22 did Vice President Pence say?

23 MR. MORRISON: He focused on President Trump's concerns, that
24 President Trump wanted to make sure that Ukraine was making progress
25 on its corruption reform agenda. And he made the points -- I'm sorry,

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1 excuse me -- the Vice President made the point to President Zelensky
2 that President Trump believed the Europeans should be doing more about
3 matters in Europe, and given that security assistance, security-sector
4 assistance to Ukraine was entirely American, the President believed
5 that the Europeans should be contributing more in security-sector
6 assistance.

7 MS. SPEIER: And what did President Zelensky say to that?

8 MR. MORRISON: He agreed -- President Zelensky agreed with Vice
9 President Pence that the Europeans should be doing more. As I recall,
10 he related to Vice President Pence conversations he'd been having with
11 European leaders about getting them to do more.

12 And he stated his strong commitment and some of the things he had
13 been doing -- this was 2 or 3 days after Ambassador Bolton and I, among
14 others, had been in Ukraine meeting with President Zelensky -- even
15 in those 2 or 3 days, what President Zelensky and his Servant of the
16 People Party in the Rada had done on the corruption reform agenda.

17 MS. SPEIER: And he didn't say anything about he was pursuing an
18 investigation? He didn't use that word?

19 MR. MORRISON: He who, ma'am?

20 MS. SPEIER: Pardon he?

21 MR. MORRISON: He who, ma'am?

22 MS. SPEIER: I'm sorry. President Zelensky.

23 MR. MORRISON: No, ma'am. I have no recollection that he raised
24 any of the Burisma investigation.

25 MS. SPEIER: Or just used the word "investigation"?

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1 MR. MORRISON: No, ma'am, I have no recollection that he did.

2 MS. SPEIER: When our colleagues on the other side were
3 making -- asking you questions about Lieutenant Colonel Vindman, you
4 made a point of saying he was a patriot. And then there were a series
5 of questions asked that, from my view, were attempting to undermine
6 him as someone who is doing his job.

7 So why don't you tell us a little bit about the work that you
8 observed of Lieutenant Colonel Vindman that were indeed exemplary.

9 MR. MORRISON: Ma'am, I'm limited based on the scope of the
10 inquiry to talk about matters related to security assistance. I think
11 I know as well as you do Lieutenant Colonel Vindman's bio, which makes
12 clear that he is a tremendous patriot.

13 He has been deployed to conflict zones. He has been wounded and
14 shed blood for his country, been awarded the Purple Heart. There
15 should be no imputation that Colonel Vindman is anything other than
16 an absolute patriot.

17 MS. SPEIER: Well, I know, but --

18 MS. VAN GELDER: I ask for your indulgence. May I speak to my
19 client?

20 [Discussion off of the record.]

21 MS. VAN GELDER: I apologize.

22 MS. SPEIER: So on this issue area, I mean, you would -- would
23 you not agree that he's an expert?

24 MR. MORRISON: I think he knew his portfolio, yes, ma'am.

25 MS. SPEIER: And you're aware that he has been working on this

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1 issue, if I am remembering my notes here, since 2008 he has been a
2 foreign area officer in Eurasia. You're aware of that?

3 MR. MORRISON: Well, ma'am, he was recruited to come to the NSC
4 because he was a Russia expert. We had a staffing under Dr. Hill, we
5 had a staffing requirement that he not come over -- that he not do the
6 Russia portfolio because she had a need at the time for a Ukraine
7 officer. And he's Ukrainian, so it seemed like a good fit at the time.

8 MS. SPEIER: And he certainly got good job performances, I
9 presume?

10 MR. MORRISON: I never did an employee review of him.

11 MS. SPEIER: So the issue that was raised about chain of command,
12 I just want to come back to it. He had the right, did he not, to go
13 directly to the attorney in the NSC to raise his concerns about that
14 telephone call?

15 MR. MORRISON: Yes.

16 MS. SPEIER: On July 25th?

17 MR. MORRISON: Yes.

18 MS. SPEIER: So it was not that he was not following the chain
19 of command, as it was suggested by colleagues on the other side of the
20 aisle?

21 MR. MORRISON: Well, ma'am, it's my view, as his supervisor, he
22 should have brought his concerns first to me since I was also going
23 to NSC Legal with those concerns. We didn't necessarily need to both
24 do it. If we had coordinated better, you know, the chain of -- if he
25 had come to me as I would have expected, that's the issue.

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1 MS. SPEIER: But, again, there was no -- he didn't violate any
2 rules by going to the attorney?

3 MR. MORRISON: He did not violate any formal rules.

4 MS. SPEIER: All right. I yield back.

5 THE CHAIRMAN: I just have a couple followup questions before I
6 pass it on to Mr. Heck.

7 You mentioned one of the reasons why after the Warsaw discussions
8 you had with Ambassador Sondland you went to the legal counsel to
9 document that conversation to protect the President. Is that right?

10 MR. MORRISON: That was among my motivations, yes, Mr. Chairman.

11 THE CHAIRMAN: In case what Ambassador Sondland said had not been
12 authorized by the President.

13 MR. MORRISON: Mr. Chairman, that is one of the concerns I had
14 about the way Ambassador Sondland undertook what he understood to be
15 his portfolio.

16 THE CHAIRMAN: But did you understand also at the time you took
17 this action that if, in fact, Ambassador Sondland was acting at the
18 direction of the President, you were also creating a paper trail
19 incriminating the President?

20 MR. MORRISON: Well, sir, you could make that argument, yes.

21 THE CHAIRMAN: Now, I think you testified earlier that Ambassador
22 Sondland told you in Poland that he had told Yermak that the prosecutor
23 general needed to commit to these investigations to get the military
24 aid, right?

25 MR. MORRISON: Yes, sir.

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1 THE CHAIRMAN: And then it was subsequently on the phone where
2 he came back to you, Ambassador Sondland that is, and said, no, the
3 prosecutor general is not going to be sufficient, President Zelensky
4 has to commit to that, right?

5 MR. MORRISON: Yes, sir. He related the President told him there
6 was no quid pro quo, but President Zelensky had to do it and he should
7 want to do it.

8 THE CHAIRMAN: Okay. Now, was there anyone in a position to give
9 Ambassador Sondland instructions about what Ukraine needed to do apart
10 from the President?

11 MR. MORRISON: Yes.

12 THE CHAIRMAN: And who would that be?

13 MR. MORRISON: Sir, there were a number of actors.

14 THE CHAIRMAN: And I'm not talking about in the sort of normal
15 scheme of things, because we've already discussed this as a regular
16 channel. But in your experience, apart from the President or perhaps
17 Ambassador Bolton, was there anyone giving Ambassador Sondland
18 instructions that he was to convey to Ukraine?

19 MR. MORRISON: So, sir, I'm sorry, I may not understand your
20 question. In a proper process the Acting Assistant Secretary of State
21 Reeker would have --

22 THE CHAIRMAN: Yeah. I'm not asking about the proper process.
23 I'm asking about the improper process.

24 MR. MORRISON: Yes, sir.

25 THE CHAIRMAN: And that is, in your experience, apart from the

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1 President, was anyone in a position to tell Ambassador Sondland you
2 can do this or you can't do that?

3 MR. MORRISON: Sir, in the context of what I understood to be the
4 parallel process, Ambassador Sondland believed and at least related
5 to me that the President was giving him instruction.

6 THE CHAIRMAN: So if Ambassador Sondland acknowledged making an
7 error in originally saying that the prosecutor general could make this
8 commitment and later corrected and said, no, according to the
9 President, it has to be President Zelensky, there would have been nobody
10 else other than the President that could've raised the bar that way?

11 MR. MORRISON: Sir, something I was thinking about earlier when
12 I was answering your related question was, it could have been as simple
13 as Ambassador Sondland thought more about it and decided, no, this won't
14 work for some reason, because there was no discipline in how he was
15 carrying out what he understood to be his responsibilities.

16 THE CHAIRMAN: And he understood his responsibilities to be doing
17 what the President asked him to do?

18 MR. MORRISON: He related to me he was acting -- he was discussing
19 these matters with the President.

20 THE CHAIRMAN: And, in fact, every time you went to check to see
21 whether he had, in fact, talked to the President you found that he had
22 talked to the President?

23 MR. MORRISON: Yes, Mr. Chairman.

24 THE CHAIRMAN: And in Poland, after the vice presidential
25 delegation meeting, when Ambassador Sondland goes to have that private

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1 conversation with Mr. Yermak and tells him about the conditioning of
2 the aid, remind me what Mr. Yermak's position was in relationship to
3 Zelensky.

4 MR. MORRISON: Sir, I mean, frankly, he was probably somewhat
5 akin to me. He was a Presidential adviser on American issues, America
6 issues.

7 THE CHAIRMAN: And is it reasonable to expect that after
8 Ambassador Sondland told Yermak that the aid would not happen unless
9 there was the commitment to these investigations, then Mr. Yermak, as
10 the adviser to Zelensky, would have promptly told Zelensky about this?

11 MR. MORRISON: Sir, if I take the parallel that he's something
12 like me, he might have had one or two layers between him and the
13 President that he would have gone to first. But I somewhat hesitate
14 to speculate too much about where he would have gone next.

15 THE CHAIRMAN: But that message would have gotten to President
16 Zelensky in short order, you would expect?

17 MR. MORRISON: It may, sir, I simply can't say.

18 THE CHAIRMAN: Well, that's not the kind of thing you would keep
19 from the President of Ukraine, would it, if you were his adviser,
20 particularly when he raised that in the meeting with the Vice President?

21 MR. MORRISON: Well, he didn't raise -- sir, he didn't raise it
22 in the meeting with the Vice President. He raised it after the meeting
23 with the Vice President.

24 THE CHAIRMAN: Well, I'm talking about Zelensky. Zelensky
25 raises the aid in the meeting with Vice President Pence?

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1 MR. MORRISON: Yes, sir.

2 THE CHAIRMAN: Immediately after the meeting his adviser, and as
3 I understand the top adviser to Zelensky, has this conversation with
4 Ambassador Sondland?

5 MR. MORRISON: Yes, sir.

6 THE CHAIRMAN: It's on the subject of what he just -- Zelensky
7 just talked to Pence about. You would expect that Yermak would
8 communicate that to Zelensky, would you not?

9 MR. MORRISON: Sir, he -- I'm sorry. He may have. I don't know
10 for a fact. He could've gone to another level, and that other level
11 said, no, this is crazy, keep it away from the President.

12 THE CHAIRMAN: Do you have any reason to believe that's the case?

13 MR. MORRISON: Sir, I don't have any reason to believe on either
14 side of the coin what he did with that information.

15 THE CHAIRMAN: And in your position and understanding the role
16 that Mr. Yermak plays, your testimony is you can't venture a guess as
17 to whether that critical piece of information, that critical
18 conditionality would have been shared by Mr. Yermak with his boss?

19 MR. MORRISON: Sir, if it were me and I was -- I'm applying this
20 to me -- I would have gone to Danylyuk first and talked to him before
21 anything went to the President.

22 THE CHAIRMAN: Well, I'm not sure that it is equivalent --

23 MR. MORRISON: Yes, sir.

24 THE CHAIRMAN: -- in your position with one of President
25 Zelensky's top advisers.

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1 But I will now recognize Mr. Heck.

2 MR. HECK: No questions at this time, Mr. Chairman.

3 THE CHAIRMAN: I can't see who's behind Mr. Heck.

4 Mr. Cicilline?

5 MR. CICILLINE: Mr. Morrison, in your testimony just a few
6 moments ago you said, I think, the President can talk to a foreign leader
7 about anything he wants. Was that your testimony?

8 MR. MORRISON: Yes, sir, effectively.

9 MR. CICILLINE: But you recognize that there are some
10 conversations a President could have that would be inappropriate,
11 right?

12 MR. MORRISON: Yes, sir.

13 MR. CICILLINE: Illegal?

14 MR. MORRISON: Yes, sir.

15 MR. CICILLINE: Undermine our national security?

16 MR. MORRISON: Yes, sir.

17 MR. CICILLINE: So when you say a President can talk about
18 anything he wants, it doesn't mean that you would characterize every
19 conversation that a President has with a foreign leader as acceptable?

20 MR. MORRISON: Acceptable as to what standard, sir?

21 MR. CICILLINE: Well, you said a -- what did you mean when you
22 said a President can talk about anything he wants with a foreign leader?

23 MR. MORRISON: I know of no -- no one could tell him he can't do
24 it. A lawyer could tell him you shouldn't do it, it's illegal, but
25 ultimately the President is the President.

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1 MR. CICILLINE: Well, I mean, ultimately the President can utter
2 the words. But as a national security expert you recognize, of course,
3 there are things that a President could say in a conversation with a
4 foreign leader which would undermine our national security, right?

5 MR. MORRISON: Yes, sir.

6 MR. CICILLINE: That would undermine the integrity of our
7 elections, right?

8 MR. MORRISON: Yes, sir.

9 MR. CICILLINE: That would be contrary to U.S. policy?

10 MR. MORRISON: Yes, sir.

11 Well, sir, with respect to the last, if the President says it,
12 it may no longer be incompatible with U.S. policy. He may have just
13 articulated a new U.S. policy.

14 MR. CICILLINE: So your view is a President can -- let me strike
15 that.

16 There are no limits to what a President of the United States can
17 say to a foreign leader on a telephone that you would consider
18 inappropriate, inadvisable, illegal, or contrary to our national
19 security interests?

20 MR. MORRISON: Sir, your -- the President can choose to raise
21 whatever he wants, even if there is --

22 MR. CICILLINE: Even if it's illegal?

23 MR. MORRISON: Even if there is a legal opinion that it is
24 illegal, he could still choose to raise it. He could choose --

25 MR. CICILLINE: And then he would be -- he or she would be

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1 accountable for that conduct, correct?

2 MR. MORRISON: Yes, sir.

3 MR. CICILLINE: Okay. No further questions.

4 THE CHAIRMAN: So I take it from that you don't subscribe to the
5 view that if a President says it or does it, it can't be a violation
6 of law?

7 MR. MORRISON: I'm not a legal expert, sir.

8 THE CHAIRMAN: Do you have to be a legal expert to express an
9 opinion on that?

10 MR. MORRISON: Sir, there are, dating back to law school, which
11 for me now is over 12 years ago, there are varied opinions on this
12 matter.

13 THE CHAIRMAN: You don't think the President is above the law,
14 do you?

15 MR. MORRISON: Sir, I think there are -- there is foreign
16 law -- foreign policy and law with respect to foreign affairs and there
17 is domestic policy, and I think I fall within the camp of the President
18 is pretty much the ultimate authority on matters of foreign policy under
19 Article II.

20 THE CHAIRMAN: Well, I'm not asking you about foreign policy. Do
21 you believe the President of the United States is above the law?

22 MR. MORRISON: I do not believe the President of the United States
23 is above the law as articulated by the Constitution.

24 THE CHAIRMAN: Mrs. Demings.

25 MRS. DEMINGS: Thank you, Mr. Chairman.

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1 And, Mr. Morrison, thank you for being here with us today.

2 That was an interesting exchange. Being someone who enforced the
3 law for 27 years, the President is not above the law, Constitution or
4 otherwise.

5 I just want to very quickly ask you, when you talked about going
6 to see the NSC lead counsel about your concern about the content of
7 the July 25th call, and I believe you said your main concern was about
8 the call being leaked because of the political environment in D.C.,
9 who did you, if you could please clarify for me, who did you speak with
10 before you went to see the legal counsel about your concern?

11 MR. MORRISON: Ma'am, I articulated in my statement three
12 concerns about what would happen if it leaked.

13 MRS. DEMINGS: No, I'm just asking, who did you speak with,
14 because that was the issue for Lieutenant Colonel Vindman about him
15 not speaking to you. Who did you speak with before you went to see
16 the lead counsel about your concern about the call?

17 MR. MORRISON: No one, ma'am.

18 MRS. DEMINGS: You spoke to no one. And who do you report to?

19 MR. MORRISON: The Deputy National Security Advisor and the
20 National Security Advisor.

21 MRS. DEMINGS: Okay. All right. Thank you.

22 Thank you, Mr. Chair.

23 THE CHAIRMAN: Mr. Welch.

24 MR. WELCH: No questions, Mr. Chairman.

25 THE CHAIRMAN: Ms. Eleanor Holmes Norton?

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1 Then I will hand it back to Mr. Noble.

2 BY MR. NOBLE:

3 Q I want to go back to your September 7th conversation with
4 Ambassador Taylor, on page 12 of Ambassador Taylor's statement. We
5 already went over this, but I did want to ask you, that after you had
6 this conversation with Ambassador Sondland, you reported that call or
7 that conversation as well to both Ambassador Bolton and the NSC lawyers,
8 correct?

9 A Yes, sir, correct.

10 Q And that would be Mr. Eisenberg and Mr. Ellis?

11 A Correct.

12 Q Okay. So am I right that this was at least the third time
13 that you had reported conversations relating to the Ukraine matter to
14 the NSC lawyers?

15 A At least.

16 Q Okay. Do you recall any other occasions that you went to
17 the NSC lawyers aside from -- I believe, just so we can account for
18 it on the record, I believe you had the July 25th conversation about
19 the President's phone call.

20 A And it may have been two conversations.

21 Q Two conversations that day, okay. And then you had the
22 conversation, I believe, after you returned from Warsaw. You told the
23 lawyers about the conversation you'd had with Ambassador Sondland on
24 the 1st. Is that right?

25 A Yes.

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1 Q And then you also told them about this conversation you had
2 with Ambassador Sondland, I believe it was on, is it the 7th,
3 September 7th?

4 A Yes.

5 Q Okay. So any other times you went to the NSC lawyers on
6 Ukraine matters --

7 A Yes.

8 Q -- that you can recall? What were the other occasions?

9 MS. VAN GELDER: I think, following Chairman Schiff's admonition
10 not to let people ask questions that might eventually get to the
11 whistleblower's identity.

12 THE CHAIRMAN: Can you repeat the question for me?

13 MR. NOBLE: Sure. The question was, aside from the
14 conversations you had with the NSC lawyers that we've discussed already
15 today, were there other occasions that he went to the NSC lawyers to
16 discuss Ukraine-related matters?

17 MR. MORRISON: Yes.

18 MS. VAN GELDER: Can we put a caveat, nonpersonnel?

19 THE CHAIRMAN: Yes. You should not answer that question in any
20 way that you believe would relate to the whistleblower. But outside
21 of that universe you -- the identity of the whistleblower, outside of
22 that universe.

23 MR. MORRISON: There was one other occasion where I spoke with
24 the lawyers about Ukraine-related matters, but I will not get into the
25 substance.

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1 THE CHAIRMAN: Okay.

2 BY MR. NOBLE:

3 Q We'll talk and maybe we'll come back to that.

4 So I want to go back just as a reference point to the text messages
5 quickly. On page 53, it's the last page, this is a text message group
6 involving Gordon Sondland, Bill Taylor, and Kurt Volker.

7 And do you see up at the top on September 8th at 11:20 a.m.,
8 Ambassador Sondland writes: Guys, multiple convos with Ze -- which
9 I take to mean Zelensky -- and POTUS -- which I take to mean the
10 President of the United States.

11 Now, we've already talked about the conversation that Sondland
12 had with President Trump on or about September 7th that he related to
13 you on September 7th, right?

14 A Yes.

15 Q That was the one that Ambassador Taylor wrote about in his
16 statement on page 12?

17 A I'm sorry. Sometimes I get confused about these
18 conversations.

19 So we've already talked about the conversation that Ambassador
20 Taylor had with me on September 7th, where I was talking about a
21 conversation I had had with Ambassador Sondland, which I believe was
22 earlier that day.

23 Q Okay. And that was the conversation that Ambassador
24 Sondland had had with President Trump?

25 A That's what he related to me, yes.

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1 Q Okay. Did he -- the question is, did he, Ambassador
2 Sondland, tell you about any of the conversations that he had with
3 President Zelensky around this time?

4 A I don't know that I recall a particular conversation that
5 Ambassador Sondland related to me he had with the Ukrainian President.
6 I think I would remember that because that would -- it's raising my
7 attention now.

8 I know, and I've earlier today talked about my concerns when
9 Ambassador Sondland would say he was talking to Ukrainian officials,
10 but Ambassador Taylor, our chief of mission, was not aware.

11 Q Okay. So maybe it might be helpful to look at Ambassador
12 Taylor's statement on page 12 in the next paragraph.

13 A Uh-huh.

14 Q About in the middle it says -- and this is a call that -- or
15 this is a conversation that Ambassador Taylor is relating that he had
16 with Ambassador Sondland.

17 And he says: Ambassador Sondland said that he had talked to
18 President Zelensky and Mr. Yermak and told them that although this was
19 not a quid pro quo, if President Zelensky did not, quote, "clear things
20 up," end quote, in public, we would be at a, quote, "stalemate."

21 And then Ambassador Taylor said he understood a stalemate to mean
22 that Ukraine would not receive the much-needed military assistance.

23 And then Ambassador Taylor also -- Ambassador Sondland also said
24 that this conversation concluded with President Zelensky agreeing to
25 make a public statement in an interview with CNN.

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1 And my question is, did you have a conversation with Ambassador
2 Sondland around this time where he relayed to you this conversation
3 he had with President Zelensky about doing an interview on CNN?

4 A No. But, I'm sorry, I guess where I'm still confused is
5 did -- okay. I see. Right. Ambassador Sondland said that his
6 conversation concluded with President Zelensky.

7 Q Sure. Yeah, take your time to review that.

8 A Yeah. No, this is the first I would have heard of this.

9 Q Okay. So, yeah, my --

10 A And, again, this is not involving me. This is involving --

11 Q Right.

12 A -- Ambassador Sondland and Ambassador Taylor.

13 Q Yeah. And my question was, did you have similar
14 conversations with Ambassador Sondland where he relayed that he had
15 spoken to President Zelensky and President Zelensky had agreed that
16 he was going to go on CNN to make the announcement about the Burisma
17 investigation?

18 A No.

19 Q Did you have any conversations with anyone about President
20 Zelensky making a statement on CNN or other network about the
21 Burisma-related investigation?

22 A I had conversations with Ambassador Taylor about what I was
23 hearing from Ambassador Sondland that he believed the President wanted
24 President Zelensky to go public. And Ambassador Taylor and I agreed
25 that Ambassador Taylor should counsel President Zelensky not to do it.

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1 Q Okay. And do you know --

2 A Or counsel Ukrainian officials not to do it.

3 Q Right. And do you know if Ambassador Taylor, in fact,
4 counseled the Ukrainians not to do it?

5 A I believe he did, and I believe he said so in his statement
6 at some point.

7 Q And why did you and Ambassador Taylor agree that President
8 Zelensky shouldn't do that?

9 A Because we agreed that we did not want to see the President
10 of Ukraine -- really any Ukrainian official -- take a step which we
11 believed at this point would clearly inject them in our politics.

12 Q Okay. I want to ask you about the September 11th meeting
13 where it was decided to lift the freeze on the assistance.

14 A Okay.

15 Q Do you know who participated in that meeting?

16 A My understanding, because I was not there, was that it was
17 the President, it was the Vice President, it was Senator Portman, and
18 it was Chief of Staff Mulvaney.

19 Q Okay. Do you know when the meeting occurred on
20 September 11th?

21 A I believe it was the afternoon or the evening of
22 September 11th. I'm basing that off of Dr. Kupperman hearing from the
23 chief of staff's office around 8 p.m. that night that the hold was
24 lifted.

25 Q Okay. And where did the meeting take place?

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1 A I don't know. I assume the Oval, but I don't know.

2 Q Okay. Do you know what was discussed at the meeting?

3 A I believe Senator Portman was relating, and I believe the
4 Vice President as well, related their view of the importance of the
5 assistance. The Vice President was obviously armed with his
6 conversation with President Zelensky, and they were -- they convinced
7 the President that the aid should be disbursed immediately.

8 Q Do you know whether the Burisma bucket of investigations came
9 up during that --

10 A I do not.

11 Q -- meeting?

12 So I just want to establish who wasn't there. To your knowledge,
13 Ambassador Bolton didn't participate in that meeting?

14 A He did not, to my knowledge.

15 Q And Secretary of State Pompeo didn't, wasn't there?

16 A To my knowledge, he was not.

17 Q And what about Deputy National Security Advisor Kupperman,
18 was he there? Was he acting at that time, I guess, on September 11th?

19 A September 11th, I guess, he was because it was -- Monday,
20 September 9th was Ambassador Bolton went home reportedly having
21 delivered a letter of resignation. And I think, if I'm correct, the
22 Tuesday was September 10th. That was when we saw a tweet indicating
23 that Ambassador Bolton had been terminated.

24 Q Okay. And, in any event, Dr. Kupperman wasn't at that
25 meeting, to your knowledge?

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1 A Not to my knowledge.

2 Q Okay. And Defense Secretary Esper wasn't there?

3 A I'm not 100 percent confident Secretary Esper was yet
4 Secretary of Defense. I don't remember for a fact. We had a few in
5 that era. But to my knowledge, he was not there. The Secretary or
6 Acting Secretary was not there.

7 Q Okay. Do you know why the President made the decision to
8 lift the freeze at that time?

9 A I do not. Based on what I had been told, and it's not first
10 person, obviously, it's second and third person, it was -- the case
11 was made to the President that it was the appropriate and prudent thing
12 to do.

13 Q Okay. And who told you that?

14 A Dr. Kupperman. I believe Jennifer Williams related to me
15 what she'd heard from her channel, her system, per the Vice President.
16 Yes, those people.

17 Q Okay. So Dr. Kupperman and Jennifer Williams?

18 A Yes.

19 Q To the best of your recollection?

20 A Yes.

21 Q Okay. Were you aware that on September 9th the Intelligence
22 Committee, the Foreign Relations Committee, and the Committee on
23 Oversight had launched an investigation into Trump and Giuliani's
24 efforts to push the Ukrainians to investigate the Burisma bucket of
25 investigations?

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1 A I think maybe we -- the executive branch, the White House
2 had received a letter on that day, and I think I recall seeing it.

3 Q Okay. Did you have any discussions with folks at the NSC
4 about that?

5 A I think it may have been discussed in a staff meeting.

6 Q Who was present at that staff meeting?

7 A If I'm correct about the staff meeting, all of the NSC senior
8 directors, Doctor -- maybe, if it was the 9th, Ambassador Bolton was
9 still in the seat. If I'm remembering it correctly, I believe it was
10 discussed in the 10 a.m. Monday senior directors meeting. I'm sorry,
11 there's a lot of meetings, so I may not be remembering the right meeting.

12 Q Okay. Do you remember what --

13 A It may have happened the following week.

14 Q Do you remember what was said about the investigation in sum
15 and substance?

16 A That further guidance would come from NSC Legal as to what
17 NSC Personnel's responsibility was to be prepared for however the
18 President decided to respond to the letter.

19 Q Okay.

20 MR. NOBLE: Yeah. I believe my time is up.

21 THE CHAIRMAN: Mr. Morrison, do you need a break for the restroom
22 or anything, or do you want to keep plugging along?

23 MR. MORRISON: Keep going, sir.

24 THE CHAIRMAN: Okay. Good man.

25 Mr. Castor, 45 minutes.

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1 MR. JORDAN: So, Mr. Morrison, in the last hour in the majority
2 you said there were four times you went to the counsel's office: after
3 the July 25th call, after the Warsaw meeting between the Vice President
4 and President Zelensky, and then after the September 7th Ambassador
5 Sondland call. And then there was another time that you went. And
6 the other time, I just want to be clear, was related to the subject
7 matter of today's deposition?

8 MR. MORRISON: Yes.

9 MR. JORDAN: And can you give me the date that that was? I know
10 you can't say --

11 MR. MORRISON: I can't recall the date, sir.

12 MR. JORDAN: Was it -- so we did them in sequence, the 25th of
13 July, September 1st, September 7th. Was it after that?

14 MR. MORRISON: It was after -- it was after the -- it was after
15 the security assistance was released.

16 MR. JORDAN: So after September 11th. You got an idea of the
17 date?

18 MR. MORRISON: Sir, unfortunately, I do not.

19 MR. JORDAN: Okay. Thank you.

20 BY MR. CASTOR:

21 Q The September 7th conversation, there was a question, I
22 think, about whether you were able to in some cases verify whether
23 Ambassador Sondland had actually talked to the President?

24 A Yes.

25 Q And there were some instances where you weren't able to

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1 verify an actual conversation occurred?

2 A So, okay, sometimes it was because, for example, on
3 September -- I think it was September 7th -- whatever I was -- I was
4 exceptionally busy that morning, and I simply did not have the ability
5 to reach out to the Sit Room, the White House Sit Room, to find out
6 did they have any -- did -- you know.

7 On July 25th, I was able to confirm through the White House Sit
8 Room and another staffer that that call had occurred between the
9 President and Ambassador Sondland. I did not have the bandwidth to
10 do that on September 7th, for example.

11 Q Okay. So you were never able to verify if that call
12 happened?

13 A I was never able to verify whether Ambassador Sondland did
14 indeed speak to the President that morning.

15 Q Okay. Going back to the MEMCON. If I understood you
16 correctly, and this was early in today, so if I'm getting anything
17 wrong, please correct me, I don't mean -- I'm not -- there was nothing
18 unusual about the preparation of the MEMCON? Did you say that? Or
19 did it follow the regular process?

20 A So the MEMCON itself was being prepared in the usual way
21 except for the fact that I flagged for Mr. Eisenberg and Mr. Ellis that
22 I thought we should reduce access to that package.

23 Q Okay. And you provided definitive testimony on what
24 happened in Exec Sec and whether there was a mistake or not. But the
25 actual preparation of the document --

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1 A It followed, as near as I can recall, the normal process.

2 Q Okay. And had any staffer had edits or corrections you had
3 an open door to discuss possible edits?

4 A Yes.

5 Q And ordinarily if any staffer -- and I think I asked you this
6 before -- if a staffer that was on the call and heard something and
7 had notes and wanted an edit, you would ordinarily install that edit
8 as the final authority?

9 A So I had myself in the posture before the MEMCON would be
10 closed, so to speak, and sent off to the Exec Sec folks to process and
11 then be sent to Ambassador Bolton for him to sign off that the package
12 was ready. I had to have the final set of eyes on it.

13 And so I would review any edits proposed by anybody else who was
14 on the MEMCON. So in this case I believe it was chiefly my directorate
15 and NSC Legal. It may have been the case that the Energy Directorate
16 was on the MEMCON because we do a lot with Ukraine on energy. But I
17 don't recall that they had any edits.

18 But I put myself in the place of I would be the final authority
19 to review any edits proposed before it would go off to Exec Sec.

20 Q Okay. Have you seen any of the public reporting about
21 Colonel Vindman's issues he raised with the MEMCON?

22 A Yes.

23 Q And how do you square what's been reported about what he said
24 with what --

25 A Different people have different recollections. I put in my

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1 statement that I believe the MEMCON is accurate and complete.

2 Q Okay. Are you familiar with a former DAS from the Defense
3 Department, Evelyn Farkas?

4 A Yes.

5 Q Were you aware of any effort that she was undertaking to get
6 information on Trump allies as it relates to Russia?

7 MS. VAN GELDER: I'm sorry, before he even answers that question,
8 I'm going to say that goes back to what we'll call the whistleblower
9 attempt, that information.

10 MR. CASTOR: This relates to the whistleblower, the --

11 MS. VAN GELDER: I believe that unless -- you can ask whether he
12 worked with her or had an issue with her, then that's totally within
13 your scope, sir. But if it's, have you worked with her and has she
14 tried to get information, then that's outside the scope of what he is
15 testifying for.

16 MR. CASTOR: Okay. We'll just go one at a time then.

17 MS. VAN GELDER: Okay. Sure.

18 BY MR. CASTOR:

19 Q You know DAS Farkas?

20 A DASD, yes.

21 Q Yeah. And how do you know her?

22 A I knew her when she was the deputy assistant secretary of
23 defense for -- I think that portfolio was RUE, Russia and Ukraine and
24 Eastern Europe, during the Obama administration.

25 Q Okay. You knew her just that way?

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1 A As a HASC staff member, I had reason to engage with her.

2 Q Okay. And is there anything about any communications that
3 you had with her in 2017 that you remember?

4 MS. VAN GELDER: Objection. The scope of this, by definition,
5 does not start in 2017. So I'm going to object it's out of scope. But
6 also unless it relates to the subject matter here, whatever -- if you
7 have a discussion relating to this then we'll take it on a case by case.

8 MR. CASTOR: Fair enough.

9 Any other Members?

10 I yield back.

11 THE CHAIRMAN: I think we have a few more questions and then we
12 should probably -- well, what I was going to say is I think we have
13 a few more questions. And then we should huddle with you and see if
14 we can resolve some of the questions that we've asked that you've
15 refused to answer on potential privilege issues.

16 I recognize Mr. Goldman.

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1 [3:05 p.m.]

2 BY MR. GOLDMAN:

3 Q You referenced earlier some conversations that you had with
4 Ambassador Volker about this alternative policy process or the shadow
5 policy process that Rudy Giuliani and Ambassador Sondland were
6 operating. When were those conversations that you had with Ambassador
7 Volker?

8 A I recall a specific one example early September, where Kurt
9 came by the office -- actually, I'm sorry, apologies -- early August,
10 where Kurt came by the office with some of his staff, and I had Colonel
11 Vindman and Mr. Erath accompanying me. And it was generally an update
12 on what Kurt was doing as Special Envoy for Ukraine Negotiations.

13 When the meeting -- when that subject had exhausted itself, I
14 asked for Kurt to have his staff leave. I asked my staff to leave.
15 And that's when I asked Kurt about what he knew of this parallel channel,
16 this parallel process.

17 And, based on the call, the President's phone call, based on what
18 Dr. Hill had related to me, I wanted -- I like to try to evaluate things
19 for myself. I wanted to evaluate one-on-one with somebody I'd known
20 for quite some time what was he tracking.

21 Q And you said early August. Do you have any more specificity?

22 A 2 August.

23 Q August 2nd?

24 A Yes.

25 Q Okay. And what did he say to you?

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1 A He said, yes, he was -- to the best of my recollection, he
2 said, yes, he was aware of what Gordon was doing. I think he said he'd
3 had some phone calls with Mr. Giuliani and that it was his practice
4 to try to stay out of the political side of it and simply keep focused
5 on reform in Ukraine.

6 Q And did the topic of these Burisma bucket of investigations
7 come up?

8 A I think the -- I don't recall the idea of an investigation,
9 per se, coming up. I recall the topic of Burisma, the topic of -- I
10 don't know that I specifically mentioned the server or he mentioned
11 the server issue or -- I certainly don't have any recollection of
12 CrowdStrike. That it was just generally, you know, what is your take
13 on what's going on here? How are you involved? And we both agreed
14 we really didn't want to be involved.

15 Q And what did he say about Mr. Giuliani?

16 A To the best of my recollection, he said that he'd had
17 conversations with Mr. Giuliani from time to time and that, you know,
18 Mr. Giuliani had a belief that Ukraine was somehow involved.

19 Q Ukraine was somehow involved?

20 A I'm sorry, that Ukraine was somehow involved in 2016, the
21 election.

22 Q And what did he -- what else did he say?

23 A I think that's effectively it. It was maybe a 10-minute
24 stay-behind.

25 Q Okay. Ten minutes is a long time. Did he give his -- did

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1 he indicate to you that he was also in touch with any Ukrainians on
2 this topic?

3 MS. VAN GELDER: The topic being the --

4 MR. GOLDMAN: The investigations.

5 MR. MORRISON: The Burisma bucket. No, I don't believe so. I
6 have no recollection of that if he did.

7 BY MR. GOLDMAN:

8 Q And what did he say about Ambassador Sondland's role?

9 A Yeah, I mean, I think we both agreed that Ambassador Sondland
10 was, you know, sort of a free radical. He was sort of out there,
11 engaging when he wanted, and it was not always possible to keep track
12 of what it is that he was doing and who he was talking to.

13 Q And so, as of August 2nd, after, you know, 2-1/2 weeks on
14 the job, you understood, yourself, that Sondland was, quote, "a free
15 radical," unquote?

16 A I mean, I had some reason to believe that, based on Dr.
17 Hill's, you know, warnings when we were doing the handoff.

18 Q And had you witnessed it yourself?

19 A Yes. Not on Ukraine, but yes.

20 Q Uh-huh. And what did Ambassador Volker say about Sondland's
21 connection with Giuliani?

22 A I think it was chiefly just that they were talking, that they
23 were engaging regularly on these issues.

24 Q And did Ambassador Volker reveal whether Ambassador Sondland
25 was also engaging with any Ukrainians?

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1 A Not that I can recall. I was really chiefly focused on
2 getting from Ambassador Volker what did he -- what was he involved in?
3 What was he seeing? Because I really only had what I'd heard at this
4 time from Dr. Hill. And I think this was the first time I was in a
5 position to talk to Ambassador Volker other than on an open phone line,
6 one-on-one.

7 Q Right. No, it makes perfect sense. You're trying to figure
8 out what's going on after this call. I guess I'm just -- what I'm
9 trying to understand is what Ambassador Volker described to you about
10 his experience with Ambassador Sondland related to Ukraine.

11 A And, again, all I can recall is, you know, he provided his
12 own -- he provided me with an additional confirmation that there was
13 this parallel channel and it was focused on this -- you know, there
14 were these Burisma issues. But I have no recollection of, you know,
15 Ambassador Volker speaking about any conversations that he, Ambassador
16 Volker, had with Ukrainian officials about this subject matter nor
17 Ambassador Volker telling me that Ambassador Sondland or Mr. Giuliani
18 were having conversations with Ukrainian officials about the subject
19 matter.

20 Q So he didn't tell you that Rudy Giuliani was in Madrid that
21 very day meeting with Andrey Yermak?

22 A Not that I can recall.

23 Q And that --

24 A On August 2nd?

25 Q Yeah. And that Ambassador Volker had actually arranged that

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1 meeting?

2 A I don't believe so.

3 Q Did he mention anything about the White House visit in that
4 meeting?

5 A I think that was in the main meeting, was, you know, where
6 were we on getting a White House visit set up.

7 Q And what did you say?

8 A I said it was in -- we had endorsed it, it was in the
9 scheduling process, and we were working to find an opportunity. I
10 mentioned to him -- I believe I mentioned to him that I was working
11 that with Bill Taylor.

12 Q Uh-huh. Did you ever hear from anyone that Rudy Giuliani
13 was weighing in on whether there should be a meeting or not?

14 A No, I don't think so.

15 Q But you were aware that Rudy Giuliani had regular
16 communications with President Trump, correct?

17 A I mean, I guess I'm not surprised, but I don't think I have
18 any firsthand knowledge of that.

19 Q And you said earlier that every time -- and that you also
20 understood that Ambassador Sondland had regular communications with
21 President Trump.

22 A Certainly, Ambassador Sondland related to me that he did.

23 Q Right. And every time that you checked to confirm whether
24 his representations of those conversations was accurate --

25 A And that's --

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1 Q -- they were, in fact, accurate.

2 A Sorry. Yes. Every time he told me he had a conversation
3 where I was able to search to see could I confirm that a call happened,
4 yes, I was able to confirm a call happened. I was not able to confirm
5 that Ambassador Sondland's representations about the substance of the
6 call were accurate.

7 Q No, I understand that. I just meant there was no time when
8 you did, you know, your background research to confirm whether or not
9 his representation about the fact of a call was wrong.

10 A Correct.

11 Q And you also said, by the way, on that July 25th call, when
12 you sought to confirm whether he did speak with President Trump, that
13 a staffer also told you that he did?

14 A Yes.

15 Q Who was the staffer?

16 A I believe it was [REDACTED]. [REDACTED] an assistant to the
17 President for scheduling, Presidential scheduling.

18 Q Okay. So [REDACTED] helps to schedule the phone calls, and so you
19 could reach out to [REDACTED] to --

20 A Well, [REDACTED] helps to schedule the President's schedule. [REDACTED]
21 doesn't necessarily schedule the President's -- all of the President's
22 phone calls.

23 Q Okay.

24 After that August 2nd conversation with Kurt Volker, did you have
25 any more conversations with Kurt Volker on this topic?

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1 A On the topic of the so-called Burisma bucket?

2 Q On the topic of the non-eastern-Ukrainian issues related to
3 Ukraine, non-war issues.

4 A No, I don't believe so.

5 Q Nothing?

6 A I don't believe so. I think I --

7 Q The White House visit?

8 A -- only had one more -- so I had one more meeting with Kurt,
9 which I think was before the U.N. General Assembly. And then, if I'm
10 not mistaken, Ambassador Volker may have resigned the day after the
11 U.N. General Assembly meeting. I remember Ambassador Volker several
12 times poking me to try to get himself a seat in the bi-lat, in the
13 POTUS-Zelensky bi-lat, and I did not support him getting a seat.

14 Q Did you have any discussions with him about the July 25th
15 call at any point, including in the UNGA?

16 A I don't know if I had a conversation -- I don't believe I
17 had a conversation with him at UNGA about the call. I believe I had
18 a conversation with him either immediately before or immediately after
19 the call, back to July 25th, about the call.

20 Q What do you remember about that?

21 A Yeah. So I'm just looking again at what I printed out on
22 my calendar. I had a conversation with him on Monday, July 22nd. And
23 I think it was -- it was an unclassified call. So I think it was only
24 Ambassador Volker checking in, "Hey, is there going to be a call? What
25 can you tell me about are we going to be able to land a call?"

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1 Q Okay. And that was the only other time. Did you -- oh,
2 sorry. Around the UNGA period, did you talk to him about the
3 whistleblower complaint at all?

4 A So, no. I mean, I just want to frame -- Kurt showed up for
5 the bi-lat at UNGA kind of by surprise. I was sort of -- I didn't
6 understand why he was there since we didn't get him a seat. He had
7 no seat in the meeting. And so I was chiefly surprised when he showed
8 up that he was even there.

9 Q And you didn't talk to him?

10 A No. He was pretty pissed off at me.

11 Q Okay.

12 What about Secretary Perry? Did you have any conversations with
13 Secretary Perry about Ukraine?

14 A Yes.

15 Q When? How many?

16 A Three, three at the most.

17 Q And do you recall approximately when they were?

18 A So one of them was before the Warsaw bi-lat.

19 Q Which he attended, right?

20 A He did attend the Warsaw bi-lat. So I talked to him before
21 the Warsaw bi-lat about an unrelated matter. I talked to him at the
22 Warsaw bi-lat about the bi-lat and an unrelated matter. And I talked
23 to him -- I mean, I talked to him at a couple PCs, frankly, I guess,
24 now that I'm thinking about it.

25 But, really, Ukraine was a related issue to other policy matters

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1 that we were working on. For example, I think I -- so, for example,
2 Nordstream 2. The impact of that pipeline affects Ukraine's --

3 Q Uh-huh.

4 A -- economy and energy security.

5 Q Well, let me ask you this way: Did you ever speak with
6 Secretary Perry about this alternative process that you've been talking
7 about today?

8 A No.

9 Q Did you ever speak to him about Rudy Giuliani's involvement
10 in Ukraine?

11 A No.

12 Q Did you ever speak to him about Ambassador Sondland and his
13 involvement in Ukraine matters?

14 A Yes.

15 Q When did you speak to him about that?

16 A In the run-up to the bi-lat, because Secretary Perry was
17 signing a trilateral memorandum of understanding on energy security
18 between the United States, Poland, and Ukraine, and Ambassador Sondland
19 claimed some credit for helping to negotiate that document.

20 Q And that was the topic of your discussion with Secretary
21 Perry?

22 A About Ambassador Sondland?

23 Q Yeah.

24 A Yes.

25 Q Were you aware that there's a nickname for Ambassador

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1 Sondland, Volker, and Perry?

2 A I am now.

3 Q What is it?

4 A It's been reported, and I have no firsthand knowledge, that
5 it's the three amigos.

6 Q Did you ever hear any of the three of them call themselves
7 that?

8 A I don't believe so.

9 Q So you never discussed with Secretary Perry any of these
10 Burisma bucket of investigations?

11 A I did not.

12 Q What about Ulrich Brechbuhl? Did you ever discuss Ukraine
13 with Mr. Brechbuhl?

14 A No.

15 Q What about George Kent? Did you have any occasion to speak
16 with him? I understand he's sort of a level below you.

17 A He would've been on various secure video teleconference
18 appointments. I think he would've come to one or more of the Ukraine
19 PCCs that we were running.

20 Q Uh-huh. Did you ever have any conversations with him where
21 he expressed concerns about the Sondland-Giuliani bucket of issues?

22 A I recall a PCC where he expressed concern about Ambassador
23 Sondland's role in Ukraine at all, but not any of the
24 investigation/Burisma bucket issues.

25 Q Was that a private conversation between the two of you?

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1 A No. It might've been during the PCC itself.

2 Q During the PCC, he announced to the whole room that he was
3 concerned about Ambassador Sondland's role?

4 A I think the way he framed it is just in terms of, we were
5 doing a status check. State, what have your engagements been with
6 Ukraine lately? Again, part of the object of the PCC is to make sure
7 everybody knows what everybody is doing. And I believe the way he
8 framed it was, "We understand Ambassador Sondland has been to Ukraine
9 lately, but we don't know why."

10 Q Okay.

11 And the last thing before we take a moment to talk to your lawyer,
12 you've described a little bit about general complaints that President
13 Trump had about Europe not providing enough security assistance to
14 Ukraine.

15 A Yes.

16 Q Are you aware that Europe provides a lot of economic
17 assistance to Ukraine?

18 A Roughly 15 billion euros, yes.

19 Q Right. That's quite a significant amount of assistance to
20 Ukraine, correct?

21 A Not security assistance.

22 Q Right. So your understanding is that President Trump
23 understood the nuance between security assistance money and economic
24 assistance?

25 A I know President Trump was concerned that the United States

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1 was essentially the only supporter of security-sector assistance to
2 Ukraine.

3 Q In any of your materials that you produced as part of this
4 process to, as you described it, to convince President Trump to release
5 the aid, did you ever authorize or include the fact that Europe provided
6 15 billion euros of economic assistance?

7 [Discussion off the record.]

8 MR. MORRISON: We made sure the President's briefing materials
9 were complete and accurate.

10 BY MR. GOLDMAN:

11 Q So is that a "yes"?

12 A We made sure the President's briefing materials were
13 complete and accurate. I don't want to get into what was and was not
14 in the President's briefing materials.

15 MR. GOLDMAN: Maybe now is a good time to discuss this.

16 THE CHAIRMAN: I just have one question, and then why don't we
17 huddle and see if we can resolve some privilege issues. And we'll stop
18 the clock, and then we'll go back on the clock and then see if the
19 minority has followup questions as well.

20 The last question I have is: Did Ambassador Sondland have an aide
21 or an assistant who worked with him on what we're describing as the
22 irregular channel issues? Someone that, to your knowledge, traveled
23 with him or that you could reach out to if you needed to contact him?

24 MR. MORRISON: No. It was always Gordon himself.

25 THE CHAIRMAN: Do you know who his staff was?

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1 MR. MORRISON: I engaged with the U.S. EU Mission staff on various
2 topics from time to time.

3 THE CHAIRMAN: And those staff, would they have been in Europe?

4 MR. MORRISON: He may from time to time have had an aide travel
5 with him. It's not uncommon for an Ambassador to have somebody help
6 them, you know, with baggage calls and things like that. But I don't
7 recall -- I mean, whenever we were in this -- most of my engagements
8 with Gordon were one-on-one, phone calls and such.

9 THE CHAIRMAN: Okay.

10 Why don't we recess for discussions, and we'll try to make them
11 quick, as we would like to get you out at a reasonable hour.

12 MR. MORRISON: Thank you, Chairman.

13 [Recess.]

14 THE CHAIRMAN: Okay. Let's go back on the record. And we can
15 continue the clock from here.

16 And I'm handing it over to Mr. Goldman.

17 MR. GOLDMAN: Thank you, Mr. Chairman.

18 BY MR. GOLDMAN:

19 Q Mr. Morrison, I'm going to go back to the circumstances
20 surrounding the freeze on the security-sector assistance. And you
21 said that, after the Deputies Committee meeting on July 26, you had
22 a conversation with Ambassador Bolton about holding a Principals
23 Committee meeting on the topic and that Ambassador Bolton decided not
24 to pursue a Principals Committee meeting on that topic. Is that
25 accurate?

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1 A Correct.

2 Q What was the reason that Ambassador Bolton gave you for not
3 holding the Principals Committee meeting?

4 A He believed that it was unnecessary, that he already had a
5 reasonable idea of where the principals were, and he wanted to get
6 directly to the President as early as possible in the most effective
7 way.

8 Q And where did he understand that the principals were?

9 A That they were all supportive of the continued disbursement
10 of the aid.

11 Q And, in fact, that was pretty much the unanimous position
12 of the entire interagency, right?

13 A It was the unanimous position of the entire interagency.

14 Q Uh-huh. And is it fair to say that, by the end of July, the
15 interagency generally believed that Zelensky had been, to that point,
16 true to his commitment for reform?

17 A What I would say is, the interagency believed it was
18 important to give Zelensky a chance. He had not yet really been able
19 to demonstrate that he would deliver, just because of when the Rada
20 would be seated, which didn't happen until the end of August.

21 Q When did he implement the high court for corruption
22 prosecution?

23 A I don't have that date in mind.

24 Q But it was before the Rada --

25 A That sounds right to me.

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1 Q And that was a fairly significant anticorruption move that
2 none of the previous Presidents had done. Is that right?

3 A Correct.

4 Q And so why did Ambassador Bolton want -- so, sorry. Did you
5 say that Ambassador Bolton wanted to try to get the President one-on-one
6 to discuss this issue?

7 A No.

8 Q What was it that he wanted to do rather than --

9 A He wanted to get the principals themselves in with the
10 President to convey their support directly.

11 Q I see. And what efforts did he take to convene that meeting?

12 A Well, that was the impetus behind drafting the PDM, having
13 it ready for him to take with him to Bedminster on 16 August, so that
14 if there was an opportunity to raise it with the President, he would
15 be prepared to have that instrument for the President to sign and
16 memorialize the release of the aid.

17 Q Got it. And did they have time in the meeting to present
18 it to the President?

19 A They did not.

20 Q You said that, prior to that meeting, you learned that the
21 principals gathered and did discuss Ukraine. Was that in Bedminster
22 as well?

23 A That's my understanding.

24 Q What did you learn about that discussion?

25 A I learned that they all represented to Ambassador Bolton that

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1 they were prepared to tell the President they endorsed the swift release
2 and disbursement of the funding.

3 Q Okay. And, by this time, by August 16th -- withdrawn.

4 Did Ambassador Bolton ever try to provide the PDM to the President
5 after the August 16th meeting?

6 A Not to my knowledge.

7 Q Why not?

8 A Well, it was August 16th. We were expecting the President
9 to meet with President Zelensky on 1 September. It's the middle of
10 August; it's about 2 weeks. I believe Ambassador Bolton did not think,
11 although I recall trying to figure out if we could, get the key
12 principals together with the President to get the decision made. We
13 quickly determined they were all over the place and some of them were
14 on vacation. So the next opportunity really would be Warsaw.

15 Q And did that opportunity arise in Warsaw?

16 A No.

17 Q Because the President didn't go?

18 A Correct.

19 Q And you also testified earlier that Ambassador Bolton did
20 have a one-on-one meeting with the President related to Ukraine
21 security assistance. Is that right?

22 MS. VAN GELDER: He never -- he never --

23 MR. GOLDMAN: He never answered. All right.

24 BY MR. GOLDMAN:

25 Q Did the President have a meeting with Ambassador Bolton, a

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1 one-on-one meeting, related to Ukraine security assistance?

2 A Yes.

3 Q When was that meeting?

4 A I don't recall exactly.

5 Q Before Warsaw?

6 A No, I don't think so.

7 Q After Warsaw?

8 A Well, so excuse me. It was before Warsaw. I hesitated
9 because I believe it was -- I believe it was also before Bedminster.

10 Q Oh, it was before Bedminster.

11 A Yes.

12 Q Okay. And can you describe for us whether there was a change
13 of course in your duties that flowed from that meeting? Were there
14 any instructions for you that flowed from that meeting?

15 A I was told to continue to look for opportunities to get the
16 principals together to have the direct, in-person conversation with
17 the President about this topic.

18 Q Did you understand, at that point, that the President was
19 open to releasing the security assistance, based on what you understood
20 occurred at that meeting?

21 A Ambassador Bolton's one-on-one meeting with the
22 President --

23 Q Yes.

24 A -- sometime prior to Bedminster?

25 Q Right.

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1 [Discussion off the record.]

2 MR. MORRISON: The President was not yet ready to approve the
3 release of the assistance.

4 BY MR. GOLDMAN:

5 Q And did you understand what the reason that he had was? Did
6 you have an understanding of that?

7 A I only --

8 Q From Ambassador Bolton?

9 A The extent of my recollection is that Ambassador Bolton
10 simply said he wasn't ready to do it.

11 Q Did you have any discussions with Ambassador Bolton about
12 any concerns that he had about the alternative process that you've been
13 describing here today?

14 A So there was the general concern Ambassador Bolton had about
15 Ambassador Sondland -- general, not specific to Ukraine. And there
16 was the specific concern we both shared about what we understood
17 Ambassador Sondland chiefly to be doing, about which my consistent
18 direction from Ambassador Bolton was, "Do not get involved, and make
19 sure the lawyers are tracking."

20 Q Do you recall the first time that you spoke to Ambassador
21 Bolton about that specific issue related to Ukraine?

22 A I believe it would've been around the 7 August -- was it 7
23 August? -- 7 August phone call.

24 Q With Ambassador Taylor?

25 A Ambassador Sondland. When did I -- I had an early -- what

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1 was the conversation I had with Ambassador Sondland?

2 [Discussion off the record.]

3 MR. MORRISON: So there was the general admonition from
4 Ambassador Bolton when I first took over and I told him about my first
5 non-Ukraine conversation with Ambassador Sondland, where he said, just
6 essentially, ignore him, don't talk to him.

7 And there was -- on Ukraine, the first conversation I would've
8 had with Ambassador Bolton about what Ambassador Sondland was doing
9 would've been on -- it was the September 1 call. And then, again, I
10 went over to his office after the September 7th call. So that's what
11 I'm trying to keep straight in my head.

12 BY MR. GOLDMAN:

13 Q So, even after you had the conversation with Kurt Volker in
14 your office on August 2nd, you didn't speak to Ambassador Bolton about
15 the topic of Ambassador Sondland and his efforts for a month?

16 A Not -- yeah, not yet.

17 Q Did you have any conversations with Ambassador Bolton about
18 his concerns about Rudy Giuliani or any concerns about Rudy Giuliani?

19 A No.

20 Q Did the names Igor Fruman and Lev Parnas ever come across
21 your desk?

22 A Not across mine, no.

23 Q Did John Eisenberg relay any concerns to you about this sort
24 of alternative process that we've been discussing here today? Or let
25 me put it this way: Did John Eisenberg ever relay to you any concerns

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1 about this pressure for these investigations?

2 A No.

3 Q Any concerns about -- did you discuss with him any concerns
4 about Ambassador Sondland and his efforts?

5 A Yes. Certainly after the 1 September phone call.
6 Certainly after the 7 September phone call.

7 Q Uh-huh. And what concerns did he raise, did he express to
8 you?

9 A I don't know that he -- I don't know that he relayed concerns
10 to me. I think it was more of a one-way briefing, one-way conversation.

11 Q He took it in?

12 A Yes.

13 Q Did he take notes?

14 A I don't recall. Sometimes I can recall him taking notes on
15 conversations we had; sometimes not. I think he was kind of like me,
16 in the case that he typically took notes when there was an action he
17 needed to take.

18 Q You said earlier that he indicated that the transfer of the
19 MEMCON to the highly classified system was a mistake. Do you know if
20 it was taken off of that system after that discussion that you had with
21 him?

22 A As of the third week of September, it was not -- it had not
23 been taken off.

24 Q Do you know why?

25 A No.

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1 Q Did you suggest that it be put back on the normal system with
2 restricted access?

3 A I don't know that I affirmatively suggested it. I think I
4 assumed that it would be moved down when we discovered that it was put
5 there by mistake.

6 Q Are you not able to restrict access, yourself, on the normal
7 portal?

8 A No. That's a function of the Executive Secretary. They
9 control those permissions.

10 Q But would you be able to direct the Executive Secretary to
11 restrict access?

12 A Yes.

13 Q So why didn't you just do that?

14 A I think I was looking for, sort of, a second opinion that
15 I was not overreacting.

16 Q In what way would you be overreacting?

17 A I guess I don't want to speculate. I just -- I thought it
18 appropriate to make sure they agreed with me that this was the kind
19 of thing that merited a more restricted access.

20 Q And I think my last question. I don't know if -- Chairman
21 Schiff may have a couple more. But do you know, during your tenure
22 at the NSC, whether the National Security Council ever provided any
23 information or material related to this Burisma bucket of
24 investigations to the President?

25 A I am not aware of any NSC material being provided to the

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1 President on this topic.

2 MS. VAN GELDER: "On this topic," you mean?

3 MR. MORRISON: The Burisma bucket.

4 BY MR. GOLDMAN:

5 Q Sorry. Did you say non-NSC material, or did you say NSC
6 material?

7 A If I did, I misspoke. I am not aware of any NSC material
8 being provided to the President on this topic.

9 Q And are you aware of any other material that has ever been
10 provided to the President on this topic?

11 A No. Well, with the potential exception of -- I'm not
12 necessarily aware, but one could speculate about what Ambassador
13 Sondland was providing the President. I mean, he pre-briefed him for
14 this July 25th call.

15 Q Right. Or Rudy Giuliani, for example.

16 A So I don't have any -- I don't have any knowledge of any
17 Giuliani-POTUS engagements. I said earlier I could speculate that
18 they did, because he's the President's personal attorney, but --

19 MR. GOLDMAN: Right. Okay.

20 THE CHAIRMAN: I just have a couple questions.

21 In the one-on-one meeting between Mr. Bolton and the President,
22 did the topic of the Burisma bucket of issues come up?

23 MR. MORRISON: Not that Ambassador Bolton discussed with me.

24 THE CHAIRMAN: And in the Bedminster principals meeting, do you
25 know whether anyone in that meeting brought up what you've described

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1 as the Burisma bucket of issues?

2 MR. MORRISON: Mr Chairman, not that I was ever informed.

3 THE CHAIRMAN: Okay.

4 Any other questions from Members?

5 Any questions from the minority?

6 MR. CASTOR: We're good. Thank you, sir.

7 THE CHAIRMAN: Well, we are remarkably on time, which, I have to
8 say, I'm shocked. Well, 10 minutes late, but by congressional time,
9 we're at least an hour early.

10 Mr. Morrison, thank you for your testimony today.

11 MR. MORRISON: Thank you, sir.

12 THE CHAIRMAN: And you are excused. And I know we have some other
13 business, I think, that Mr. Jordan wanted to raise, but thank you for
14 your testimony, and happy Halloween.

15 MR. MORRISON: Thank you, Chairman.

16 [Whereupon, at 4:09 p.m., the deposition was concluded.]

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[PkgNumberShort]

Declassified by order of the President

September 24, 2019

~~EYES ONLY~~
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MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(U)~~ Telephone Conversation with President Zelenskyy of Ukraine

PARTICIPANTS: President Zelenskyy of Ukraine
Notetakers: The White House Situation Room

DATE, TIME: July 25, 2019, 9:03 - 9:33 a.m. EDT
AND PLACE: Residence

~~(S//NF)~~ The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn't given much of a chance, and you ended up winning easily. It's a fantastic achievement. Congratulations.

~~(S//NF)~~ President Zelenskyy: You are absolutely right Mr. President. We did win big and we worked hard for this. We worked a lot but I would like to confess to you that I had an opportunity to learn from you. We used quite a few of your skills and knowledge and were able to use it as an example for our elections and yes it is true that these were unique elections. We were in a unique situation that we were able to

CAUTION: A Memorandum of a Telephone Conversation (TELCON) is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telecommunications connections and variations in accent and/or interpretation. The word "inaudible" is used to indicate portions of a conversation that the notetaker was unable to hear.

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Declassify On: 20441231

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achieve a unique success. I'm able to tell you the following; the first time, you called me to congratulate me when I won my presidential election, and the second time you are now calling me when my party won the parliamentary election. I think I should run more often so you can call me more often and we can talk over the phone more often.

~~(S//NF)~~ The President: [laughter] That's a very good idea. I think your country is very happy about that.

~~(S//NF)~~ President Zelenskyy: Well yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many many new people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.

~~(S//NF)~~ The President: Well it's very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it's something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn't do anything. A lot of the European countries are the same way so I think it's something you want to look at but the United States has been very very good to Ukraine. I wouldn't say that it's reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.

~~(S//NF)~~ President Zelenskyy: Yes you are absolutely right. Not only 100%, but actually 1000% and I can tell you the following; I did talk to Angela Merkel and I did meet with her. I also met and talked with Macron and I told them that they are not doing quite as much as they need to be doing on the issues with the sanctions. They are not enforcing the sanctions. They are not working as much as they should work for Ukraine. It turns out that even though logically, the European Union should be our biggest partner but technically the United States is a much bigger partner than the European Union and I'm very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

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~~(S//NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike... I guess you have one of your wealthy people... The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.

~~(S//NF)~~ President Zelenskyy: Yes it is very important for me and everything that you just mentioned earlier. For me as a President, it is very important and we are open for any future cooperation. We are ready to open a new page on cooperation in relations between the United States and Ukraine. For that purpose, I just recalled our ambassador from United States and he will be replaced by a very competent and very experienced ambassador who will work hard on making sure that our two nations are getting closer. I would also like and hope to see him having your trust and your confidence and have personal relations with you so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine. I just wanted to assure you once again that you have nobody but friends around us. I will make sure that I surround myself with the best and most experienced people. I also wanted to tell you that we are friends. We are great friends and you Mr. President have friends in our country so we can continue our strategic partnership. I also plan to surround myself with great people and in addition to that investigation, I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.

~~(S//NF)~~ The President: Good because I heard you had a prosecutor who was very good and he was shut down and that's really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to

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call you. I will ask him to call you along with the Attorney General. Rudy very much knows what's happening and he is a very capable guy. If you could speak to him that would be great. The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that. The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.

~~(S//NF)~~ President Zelenskyy: I wanted to tell you about the prosecutor. First of all I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

~~(S//NF)~~ The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, their incredible people.

~~(S//NF)~~ President Zelenskyy: I would like to tell you that I also have quite a few Ukrainian friends that live in the United States. Actually last time I traveled to the United States, I stayed in New York near Central Park and I stayed at the Trump

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Tower. I will talk to them and I hope to see them again in the future. I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also want to ensure you that we will be very serious about the case and will work on the investigation. As to the economy, there is much potential for our two countries and one of the issues that is very important for Ukraine is energy independence. I believe we can be very successful and cooperating on energy independence with United States. We are already working on cooperation. We are buying American oil but I am very hopeful for a future meeting. We will have more time and more opportunities to discuss these opportunities and get to know each other better. I would like to thank you very much for your support

~~(S//NF)~~ The President: Good. Well, thank you very much and I appreciate that. I will tell Rudy and Attorney General Barr to call. Thank you. Whenever you would like to come to the White House, feel free to call. Give us a date and we'll work that out. I look forward to seeing you.

~~(S//NF)~~ President Zelenskyy: Thank you very much. I would be very happy to come and would be happy to meet with you personally and get to know you better. I am looking forward to our meeting and I also would like to invite you to visit Ukraine and come to the city of Kyiv which is a beautiful city. We have a beautiful country which would welcome you. On the other hand, I believe that on September 1 we will be in Poland and we can meet in Poland hopefully. After that, it might be a very good idea for you to travel to Ukraine. We can either take my plane and go to Ukraine or we can take your plane, which is probably much better than mine.

~~(S//NF)~~ The President: Okay, we can work that out. I look forward to seeing you in Washington and maybe in Poland because I think we are going to be there at that time.

~~(S//NF)~~ President Zelenskyy: Thank you very much Mr. President.

~~(S//NF)~~ The President: Congratulations on a fantastic job you've done. The whole world was watching. I'm not sure it was so much of an upset but congratulations.

~~(S//NF)~~ President Zelenskyy: Thank you Mr. President bye-bye.

-- End of Conversation --

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iMessage
7/19/19, 4:48 PM

Mr Mayor — really enjoyed breakfast this morning. As discussed, connecting you here with Andrey Yermak, who is very close to President Zelensky. I suggest we schedule a call together on Monday — maybe 10am or 11am Washington time? Kurt

19179513862

Monday 10 to 11

Redacted

Ok, thank you

I will set up call — 10am — thanks - Kurt

Redacted



7/22/19, 8:29 AM

Redacted

Hello

Good morning — and congratulations! Looking forward to talking — in 90 min

Redacted

Thank you very much! And I'm waiting

19179513862

Call at 10 correct?

Yes

Redacted

Yes

7/22/19, 10:50 AM

Redacted

Thank you, Mr. Mayor for honest and productive conversation. I'm sure things will move quickly from today onwards and we will be able to take this relationship to a new level. If I may have your

kml
EXHIBIT
2
majority

 schedule, I will plan a trip to meet in person ASAP.

9/26/19, 10:34 AM

19179513862

 4:48pm

 Redacted

 I will leave today 3 pm

1299

iMessage

8/1/19, 9:55 AM

Hi Mr Mayor — hope all is well, and that things are on track to see Yermak in Madrid.

Am copying Gordon Sondland, a friend of POTUS who is our Ambassador to the EU. He is also helping on Ukraine and would love to catch up with you at some point.

As always, let me know if I can be helpful on anything - Kurt

15038058010

Thanks Kurt. Hi Mayor. Working on a number of time sensitive EU issues. Would welcome your take? I'm in Brussels but in DC and NY regularly. Gordon

8/1/19, 11:08 AM

19179513862

Seeing Yermak in Madrid tomorrow. Would like to meet with Gordon also.

I will be near Madrid over weekend

15038058010

Rudy, great. We met a while back in NY at one of Doug Ducey's events. Had a good talk. Roy Bailey was on the menu 😊. I will be in DC on the 12. Will you be there or in NY? Have a number of things for you to think about. Gordon

19179513862

I will probably be in NYC

15038058010

Bkfst @ Peninsula first thing on 8/12? Have to be in DC mid day.

19179513862

If I'm here will let you know as soon as I can

8/9/19, 11:27 AM

Hi Mr Mayor! Had a good chat with Yermak last night. He was pleased with your phone call. Mentioned Z making a statement. Can we all get on the phone to make sure I advise Z correctly as to what he should be saying? Want to make sure we

get this done right. Thanks!

15038058010



Good idea Kurt. I am on Pacific time.

19179513882



Yes can you call now going to Fundraiser at 12:30

15038058010



I will have state ops build a call.



State is calling now

8/11/19, 10:28 AM

Hi Rudy — we have heard bCk from Andrey again — they are writing the statement now and will send to us. Can you talk for 5 min before noon today?

19179513882



Yes just call

1301

iMessage with 19179513862

5/11/19, 10:04 AM

Hi Mr Mayor - Kurt Volker here. Good speaking w you yesterday. Call anytime up to about 4pm today if you want to follow up. Would like to brief you more about Zelensky discussion and also Russia-Ukraine dynamic.

This number is good for text and cell phone

7/10/19, 8:01 AM

Mr Mayor — could we meet for coffee or lunch in the next week or so? I'd like to update you on my conversations about Ukraine. I think we have an opportunity to get you what you need. Best - Kurt V

Yes I am so n way to Albania. I'll text some suggestions a little later

Great - thank you!

7/15/19, 2:53 PM

Dear Mr. Mayor -- are you back stateside? Let's talk or get together... Best - Kurt Volker

7/17/19, 12:00 PM

Checking in — are you stateside? Kurt V

7/17/19, 1:06 PM

Will be in DC this Friday

Great -- let's meet for breakfast or coffee?

Ok will let you know ASAP

7/18/19, 5:11 PM

Hi Mr Mayor — can I buy you breakfast tomorrow?

Suggest trump hotel - 7:30am or 8:00am?

8:00am is fine

Great — see you there — thanks - Kurt

7/19/19, 8:09 AM

Good morning! Am in the restaurant on the mezzanine. Kurt

7/26/19, 5:55 AM

Hi Mr Mayor — you may have heard— the President has a great phone call with the Ukrainian President yesterday. Exactly the right messages as we discussed.

Please send dates when you will be in Madrid. I am seeing Yermak tomorrow morning. He will come to you in Madrid.

Thanks for your help! Kurt

I will arrive on Aug 1 and until 5

Thank you

Great —I will tell Yermak and he'll visit with you there. Thanks!

8/4/19, 12:55 PM

Mr Mayor — how was your meeting with Andrey — do you have time for a call? Best - Kurt

It was excellent I can call a little later.

Great to hear. Maybe 3pm DC time?

8/4/19, 4:10 PM

Is now a good time to call?

8/7/19, 12:52 PM

Hi Rudy —hope you made it back safely. Let's meet if you are coming to DC. And would be good if you could convey results of your meeting in Madrid to the boss so we get a firm date for a visit. Best - Kurt

8/13/19, 9:57 AM

Mr mayor — trying to set up call in 5 min via state Dept. If now is not convenient, is there a time later today?

9/22/19, 8:35 AM

Kurt,
Thanks for the support. All I need is for you to tell the truth. You called me about Yermak and I reported back to you and Sondland, eg., a

conference call on Aug. 11. Three others before.
Really this is not hard just fair to affirm truth.
Rudy

Also Secretary seems not to know you put us
together. Straighten him out.

⑤

I certainly will let him know

Please send dates when you will be in Madrid. I am
seeing Yermak tomorrow morning. He will come to
you in Madrid.

Thanks for your help! Kurt

Kurt will you please get out a statement that State
connected me to Yermak and I reported back to
State on my conversations. Yermak has talked about
this to Press so it's now public information. All I'm
asking is to tell the truth. I can send you text chain if
you need to check your recollection.

Also have Sondland inform Pompeo he can say State
connected me with Ukraine official and was aware of
it.

9/22/19, 6:40 PM

Hi Rudy — sorry for delay — just spoke w Secretary
Pompeo — wanted to be sure we are coordinated.
We have a statement from Aug 22 that makes clear
it was coordinated — indeed, that I made the
connection between you and Yermak.



Was tweeted by NYTimes Ken Vogel at the time

STATE DEPARTMENT SPOKESPERSON STATEMENT
AUGUST 22, 2019

- The United States strongly supports Ukraine as it deepens its democracy, fights corruption, pursues economic reform, and improves its ability to defend itself against Russia's ongoing aggression.
- President Trump has invited President Zelenskyy to visit him at the White House, and both sides are working on the scheduling of such a meeting.
- We understand that the Ukrainian government taking shape under President Zelenskyy is committed to fighting corruption and other illegal activities and that investigations into such matters would be consistent within that overall approach.
- Ambassador Volter has confirmed that, at Presidential Advisor Andrew Yermak's request, Volter met Yermak in direct contact with Mr. Giuliani.
- Mr. Giuliani is a private citizen, and acts in a personal capacity as a lawyer for President

Trump. He does not speak on behalf of the U.S. Government. We would refer you to Mr. Giuliani for information about the content of Mr. Giuliani's conversations with Ukrainian officials.

@StenyHoyer JUST IN: The @StateDept, which facilitated @RudyGiuliani's communications with the Ukrainian gov't (during which he urged an investigation of @JoeBiden), says Giuliani "acts in a personal capacity as a lawyer for President TRUMP. He does not speak on behalf of the US Government."



Kenneth P. Vogel
twitter.com

Read 9/22/19

[1/27/19, 6:50:21 PM] Andrey Yarmak: Messages to this chat and calls are now secured with end-to-end encryption.

[1/27/19, 8:50:21 PM] Andrey Yarmak: Hello again, Yermak/Andrey

[1/27/19, 10:55:00 PM] Kurt Volker: Hi Andrey - thanks and see you soon. Best - Kurt

[1/27/19, 10:24:22 PM] Andrey Yarmak: Thank you

[1/27/19, 8:22:58 AM] Kurt Volker: Hi Andrey - are you back in Kyiv or still in Canada or US? When should we meet next week? Best - Kurt

[1/27/19, 4:25:11 PM] Andrey Yarmak: Hi, Kurt! Already back to Kiev. I will come on Tuesday 9 and till 12. I know that we will have meeting together with Mr. Daniluk on Wednesday 2 pm. But it will be great to meet with you personally for lunch or dinner during these days. Please let me know when it works for you. Best Andrey

[1/27/19, 7:10:37 PM] Kurt Volker: Hi Andrey - sorry for delay. Can we meet for dinner on Tuesday? 7pm? I am meeting Danlyuk for drinks at 5:30pm. I don't know if you are meeting together or separately, but maybe a separate dinner with the two of us would still be good.

[1/27/19, 10:02:42 AM] Andrey Yarmak: Hi Kurt, My plans will land at 9 pm. We can have late dinner or breakfast on Wednesday morning. It will be great to meet with you before our big meeting. Ho la you, I'm at your disposal at any time

[1/27/19, 10:03:42 AM] Andrey Yarmak: I will stay in Trump International Hotel

[1/27/19, 10:5:43 PM] Kurt Volker: Are you coming straight from Kyiv? That will be 10pm before you are de-wetown. I could do coffee Wednesday morning around 9:00am / 9:15am at trump hotel.

[1/27/19, 2:05:11 PM] Andrey Yarmak: Yes. Perfect, Wednesday, 9:15 am at Trump hotel

[1/27/19, 5:14:05 PM] Kurt Volker: Great - see you there

[1/27/19, 9:08:20 AM] Kurt Volker: Hi Andrey - get here early and ordered a coffee. No rush - see you in a bit. Kurt

[1/27/19, 9:10:19 AM] Andrey Yarmak: Hi Kurt, I'm 5 min

[1/27/19, 4:06:20 PM] Andrey Yarmak: Thank you for meeting and your clear and very logical position. Will be great meet with you before my departure and discuss. I feel that the key for many things is to be calm and ready to talk with him at any time. Please let me know when you can meet. Andrey

[1/27/19, 5:55:23 PM] Kurt Volker: Hi Andrey - sorry for delay - full evening. Can we talk by phone tomorrow between 11am and 12pm? I am flying to Dnipro at 12:45 but can talk before. Best - Kurt

[1/27/19, 5:58:20 PM] Andrey Yarmak: OK, thank you

[1/27/19, 12:28:00 PM] Kurt Volker: Hi Andrey - sorry for delay - are you available to talk? Kurt

[1/27/19, 12:35:14 PM] Kurt Volker: Let's talk Saturday after the Paris meeting.

[1/27/19, 12:36:10 PM] Kurt Volker: One more feedback from yesterday - I think Alex could have been more direct and political in his message. But still, the message got through and we will keep working.

[1/27/19, 8:24:49 PM] Andrey Yarmak: OK and thank you very much! Will inform you about meeting in Paris

[1/27/19, 8:32:43 AM] Kurt Volker: Hi Andrey - how was Paris? Can you talk today or tomorrow? Kurt

[1/27/19, 8:35:45 AM] Andrey Yarmak: Hi Kurt, You know much better. I think phone conversation between Presidents works. I talk tonight and can call you. What time?

[1/27/19, 8:37:28 AM] Kurt Volker: I will be 10 hours behind Kyiv. Mach here is 10pm Kyiv. Is that too late? Otherwise we could do tomorrow around 8am here / 6pm Kyiv

[1/27/19, 8:40:35 AM] Andrey Yarmak: Hi it's ok for you. 11:30 pm Kyiv and 1:30 pm you?

[1/27/19, 8:42:15 AM] Kurt Volker: Yes - perfect

[1/27/19, 8:38:20 PM] Kurt Volker: Hi Andrey - still ok?

[1/27/19, 8:44:23 PM] Kurt Volker: I think it is late for you - let's try tomorrow

[1/27/19, 4:26:35 PM] Andrey Yarmak: Now ok for you?

[1/27/19, 4:30:26 PM] Kurt Volker: In about 20 minutes? Just wrapping up a meeting

[1/27/19, 4:33:26 PM] Andrey Yarmak: OK

[1/27/19, 5:03:47 AM] Andrey Yarmak: KCR at tv. <https://analistarka.com/news/interview/60400.html>

◆

[1/27/19, 6:58:27 AM] Kurt Volker: Thanks Andrey - good interview. Having our long anticipated breakfast today - will let you know and try to connect you directly. Good luck this weekend and see you next week. Kurt

[1/27/19, 10:15 PM] Andrey Yarmak: Thank you Kurt

[1/27/19, 2:02:43 PM] Kurt Volker: Can I call you in about an hour?

[1/27/19, 3:22:42 PM] Andrey Yarmak: Yes, of course

[1/27/19, 8:37:30 AM] Kurt Volker: Also - please convey my best wishes and congratulations to the President! Great result!

[1/27/19, 8:37:50 AM] Andrey Yarmak: G! cress!

[1/27/19, 8:35:35 AM] Andrey Yarmak: One question, I have information about phone call from President Trump to President Zelenskyy at 5 pm Kyiv time today. Can you confirm it?

[1/27/19, 8:36:07 AM] Kurt Volker: I will check - maybe yes

[1/27/19, 8:38:07 AM] Andrey Yarmak: Its very good that our conversation with M-Mayor will be before it

[1/27/19, 8:47:51 AM] Kurt Volker: Yes - and I checked - call will not be today but White House will call Danlyuk to re-schedule it

[1/27/19, 10:44:16 AM] Kurt Volker: I think that was very useful - hope it all keeps moving. Suggest you send a text to follow up and get Madrid dates - best - Kurt

[1/27/19, 11:24:54 AM] Andrey Yarmak: Missed voice call

[1/27/19, 11:25:25 AM] Andrey Yarmak: Where you will be in Kiev?

[1/27/19, 11:25:23 AM] Andrey Yarmak: And thank you for conversation and your help!

[1/27/19, 12:02:47 PM] Kurt Volker: Hi - sorry I missed your call. I land in Kyiv late Wednesday and then early Thursday go to the East. Will be in Kyiv all day Friday

[1/27/19, 12:02:54 PM] Kurt Volker: Hope to meet with the President - also see you and others

[1/27/19, 12:02:40 PM] Andrey Yarmak: ◆

[1/27/19, 12:10:38 PM] Andrey Yarmak: What about late dinner Wednesday or breakfast Thursday?

[1/27/19, 12:10:01 PM] Andrey Yarmak: Sorry about Thursday I understand, you will go to the East

[1/27/19, 12:10:42 PM] Andrey Yarmak: Breakfast possible only Friday

[1/27/19, 12:10:43 PM] Andrey Yarmak: Please let me know about Wednesday and I will decide about Friday

[1/27/19, 12:40:05 PM] Kurt Volker: Hi - looks like midnight arrival on Wednesday, so let's try Friday breakfast.

[1/27/19, 1:43:15 PM] Andrey Yarmak: OK, great ◆

[1/27/19, 1:03:09 PM] Kurt Volker: Hi Andrey. I sent this to Danlyuk. Would also be happy to connect you if you and/or Prystyka is interested. "A friend of mine who is retired CIA - former station chief in Moscow, Islamabad, and Tallinn - will be visiting Kyiv this week. If you are interested in meeting him, I'll connect you. He has good contacts in US agencies still."

[1/27/19, 1:14:45 PM] Andrey Yarmak: Hi Kurt, Yes, please connect with me. Thank you

(7/23/19, 1:15:05 PM) Andrey Yermak: We have breakfast and lunch with Gordon Friday?
 (7/23/19, 1:15:54 PM) Andrey Yermak: And phone call between Presidents Thursday?
 (7/23/19, 1:18:52 PM) Kurt Volker: I am pretty sure the phone call is going forward for Thursday -- will keep monitoring
 (7/23/19, 1:19:38 PM) Kurt Volker: For Friday -- I would do 7:30am at the Hyatt. Alternatively, are you free Saturday morning?
 (7/23/19, 1:20:01 PM) Kurt Volker: I think yes on Friday lunch -- will check schedule as that
 (7/23/19, 2:27:33 PM) Andrey Yermak: Up to you, I'm with pleasure on Friday and Saturday. Phone call still not confirm
 (7/23/19, 2:31:49 PM) Andrey Yermak: When you can, let me know, I need 2 min by phone
 (7/23/19, 2:33:05 PM) Kurt Volker: Ok -- in about an hour?
 (7/23/19, 2:33:14 PM) Kurt Volker: And call now being set for Friday I think
 (7/23/19, 2:33:22 PM) Andrey Yermak: Super
 (7/23/19, 2:33:38 PM) Kurt Volker: And I'm told president Z now available Thursday to meet w me, so I will rearrange schedule
 (7/23/19, 2:33:54 PM) Andrey Yermak: Yes
 (7/23/19, 2:34:51 PM) Andrey Yermak: Let's discuss in hour
 (7/23/19, 2:35:10 PM) Kurt Volker: Ok
 (7/25/19, 8:38:45 AM) Kurt Volker: Good lunch - thanks. Heard from White House -- assuming President Z convinces trump he will investigate / "get to the bottom of what happened" in 2016, we will read down date for visit to Washington. Good luck! See you tomorrow - Kurt
 (7/25/19, 10:15:08 AM) Andrey Yermak: Phone call went well. President Trump proposed to choose any convenient date. President Zelenskyy chose 20.21.22 September for the White House visit. Thank you again for your help! Please remind Mr. Mayor to share the Madrid's dates
 (7/25/19, 10:15:42 AM) Kurt Volker: Great -- thanks and well do!
 (7/25/19, 5:22:26 AM) Kurt Volker: 190730 Deployment: Imelina + 2 pages attached. 00000075-190730 Deployment: Imelina.pdf
 (7/26/19, 5:25:23 AM) Kurt Volker: Hi Andrey -- good meeting! Here is the paper we did last year -- intended to be an annex to a UN Security Council Resolution about a peacekeeping force.
 (7/26/19, 5:25:00 AM) Kurt Volker: Also -- Rudy Giuliani says he arrives in Madrid on August 1 and departs August 5
 (7/27/19, 3:08:16 AM) Andrey Yermak: Good morning
 (7/27/19, 3:08:42 AM) Andrey Yermak: I will be in Hyatt in 7 min
 (8/1/19, 2:23:52 PM) Kurt Volker: Hi Andrey -- just checking in -- how is everything? On track for Madrid? Visit to DC? Kurt
 (8/1/19, 3:36:03 PM) Andrey Yermak: Hi Kurt. Now in plane from Zurich to Madrid. Will call you after landing
 (8/2/19, 1:27:31 PM) Andrey Yermak: Missed voice call
 (8/2/19, 1:27:42 PM) Andrey Yermak: Hi Kurt
 (8/2/19, 1:28:18 PM) Andrey Yermak: My meeting with Mr Mayor was very good
 (8/2/19, 1:30:36 PM) Andrey Yermak: We asked for White House meeting during week start 16 Sept. Waiting for confirmation. May be you know the date?
 (8/2/19, 1:30:46 PM) Andrey Yermak: When we can talk?
 (8/2/19, 1:31:04 PM) Andrey Yermak: Will be US hours in plane
 (8/2/19, 1:36:44 PM) Kurt Volker: Hi Andrey -- sorry I missed you. Will be free when you land
 (8/4/19, 12:38:54 PM) Andrey Yermak: Hi Kurt, how are you? Do you have any news?
 (8/4/19, 1:16:57 PM) Kurt Volker: Hi Andrey -- speaking w Rudy in about 2 hours -- call you after?
 (8/4/19, 1:17:17 PM) Andrey Yermak: Yes, of course
 (8/4/19, 4:20:55 PM) Kurt Volker: Have still not heard back -- other than a text saying "great meeting"
 (8/4/19, 4:21:11 PM) Kurt Volker: I think it is late in Spain now so will try again first thing in the morning
 (8/5/19, 1:19:13 PM) Kurt Volker: Hi Andrey -- had a good long talk w Rudy -- call anytime - Kurt
 (8/7/19, 1:32:10 PM) Andrey Yermak: Hi Kurt, How are you? Do you have some news about White House meeting date?
 (8/7/19, 1:34:35 PM) Kurt Volker: Hi Andrey! Not yet -- I texted Rudy earlier to make sure he weighs in following your meeting. Gordon should be speaking with the president on Friday. We are pressing this...
 (8/7/19, 1:35:09 PM) Andrey Yermak: Thank you!
 (8/7/19, 1:35:07 PM) Kurt Volker: Also -- I expect to see Pompeo next week as well, but not yet confirmed. Will ask him to help also
 (8/8/19, 3:45:10 PM) Andrey Yermak: Hi Kurt. Can you talk? I have some news
 (8/8/19, 4:51:58 PM) Kurt Volker: Hi Andrey -- yes -- Now is good -- or tomorrow if too late for you now
 (8/10/19, 4:46:29 PM) Andrey Yermak: Missed voice call
 (8/10/19, 4:53:15 PM) Andrey Yermak: This message was deleted.
 (8/10/19, 4:53:15 PM) Andrey Yermak: Hi Kurt, Please let me know when you can talk. I think it's possible to make this declaration and mention all these things. Which we discussed yesterday. But it will be logic to do after we receive a confirmation of date. We inform about date of visit and about our expectations and our guarantees for future visit. Let discuss it
 (8/10/19, 5:01:32 PM) Kurt Volker: Ok! It's late for you -- why don't we talk in my morning, your afternoon tomorrow? Say 10am/5pm?
 (8/10/19, 5:02:18 PM) Kurt Volker: I agree with your approach. Let's iron out statement and use that to get date and then Prod can go forward with it?
 (8/10/19, 5:29:17 PM) Andrey Yermak: Ok
 (8/10/19, 5:33:43 PM) Kurt Volker: Great. Gordon is available to join as well
 (8/10/19, 5:41:45 PM) Andrey Yermak: Excellent
 (8/10/19, 5:42:10 PM) Andrey Yermak: Once we have a date, will call for a press briefing, announcing upcoming visit and outlining vision for the reborn of US-Ukraine relationship, including among other things: Burisma and election meddling in investigations
 (8/10/19, 5:42:30 PM) Kurt Volker: Sounds great!
 (8/11/19, 9:46:09 AM) Kurt Volker: Hi Andrey - ready in 10 minutes?
 (8/11/19, 9:53:01 AM) Andrey Yermak: Hi Kurt. In 75 min ok?
 (8/11/19, 9:51:01 AM) Kurt Volker: Yes -- no problem
 (8/11/19, 10:13:01 AM) Andrey Yermak: Missed voice call
 (8/11/19, 10:27:26 AM) Andrey Yermak: Missed voice call
 (8/11/19, 10:27:33 AM) Andrey Yermak: Missed voice call
 (8/11/19, 10:27:33 AM) Andrey Yermak: Missed voice call
 (8/11/19, 10:27:33 AM) Andrey Yermak: Missed voice call
 (8/11/19, 10:27:44 AM) Andrey Yermak: Missed voice call
 (8/11/19, 10:27:51 AM) Andrey Yermak: Missed voice call

[8/12/19, 7:30:52 PM] Andrey Yermak: Hi Kurt. Can you talk?
 [8/12/19, 7:48:34 PM] Kurt Walker: Hi Andrey - yes - and if it is too late for you, can also do first thing my morning. Up to you
 [8/12/19, 8:24:20 PM] Andrey Yermak: Missed voice call
 [8/12/19, 8:31:25 PM] Andrey Yermak: Отдельного внимания заслуживает проблема вмешательства в политические процессы Соединенных Штатов. В том числе при возможном участии некоторых украинских политиков. Хочу заявить о недопустимости подобной практики. Мы намерены обеспечить и довести до конца прозрачное и непредвзятое расследование всех имеющихся фактов и эпизодов, что в свою очередь предотвратит повторения данной проблемы в будущем.

Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, which in turn will prevent the recurrence of this problem in the future.

[8/12/19, 2:09:03 PM] Andrey Yermak: Hi Kurt! Can you talk?
 [8/12/19, 3:03:45 PM] Kurt Walker: Hi Andrey - am driving for the next hour. Would it work to call you then?
 [8/12/19, 3:05:31 PM] Andrey Yermak: Yes, please
 [8/12/19, 4:34:05 PM] Kurt Walker: Hi Andrey - sorry for delay - is now good? Kurt
 [8/23/19, 12:27:29 PM] Andrey Yermak: Hi Kurt. Finishing meeting with President and will go. Sorry, delay, hope not more than 20-30 min
 [8/23/19, 12:30:16 PM] Kurt Walker: No worries - just got in. We are in no hurry
 [8/24/19, 3:45:13 PM] Andrey Yermak: Good evening
 [8/24/19, 3:21:40 PM] Andrey Yermak: It's very important for all our team that you was with us today. Great day for Ukraine! I'd like to check with you some info. Thank you!
 [8/24/19, 3:31:45 PM] Kurt Walker: Hi Andrey - sorry - was c another call. Was great to be here - thank you! Very inspiring day!
 [8/24/19, 3:32:37 PM] Kurt Walker: Can talk now or tomorrow morning - flight is at 2pm to Frankfurt
 [8/25/19, 11:02:07 PM] Kurt Walker: Hi Andrey - let me know when you can talk - has more on RFE following up on d discussion with the President. - Kurt
 [8/27/19, 2:08:04 PM] Kurt Walker: Hi Andrey - did you get to see Bolton?
 [8/27/19, 2:08:39 PM] Andrey Yermak: Hi Kurt
 [8/27/19, 2:08:32 PM] Andrey Yermak: No
 [8/27/19, 2:08:42 PM] Andrey Yermak: Nobody call me
 [8/27/19, 2:08:44 PM] Kurt Walker: :(
 [8/27/19, 2:09:12 PM] Kurt Walker: That's disappointing - what time is the meeting with the president tomorrow?
 [8/27/19, 2:09:14 PM] Andrey Yermak: Tomorrow, in official meeting with President
 [8/27/19, 2:09:52 PM] Andrey Yermak: IG:30 big group, 12:30 with President
 [8/27/19, 2:10:31 PM] Kurt Walker: OX - I imagine his breakfast is already booked, but I'll ask.
 [8/27/19, 2:10:44 PM] Andrey Yermak: No problem, maybe better after
 [8/27/19, 2:10:55 PM] Kurt Walker: OX
 [8/27/19, 2:12:32 PM] Andrey Yermak: As I understand he don't know about dates
 [8/27/19, 2:13:16 PM] Kurt Walker: Correct - but he is working hard for the meeting in Warsaw, and that will hopefully break things free
 [8/27/19, 2:14:22 PM] Andrey Yermak: OX, I'm easily meet with him after official meeting
 [8/27/19, 8:11:57 AM] Andrey Yermak: Turns out that Bolton can't make it. We'll talk
 [8/27/19, 8:12:10 AM] Andrey Yermak: Hi Kurt
 [8/27/19, 8:12:20 AM] Andrey Yermak: It's from Taylor
 [8/27/19, 8:14:02 AM] Kurt Walker: That's tea bag - but bill is on the ground with him so he knows the schedule. How was the meeting w/ the president?
 [8/27/19, 8:15:25 AM] Andrey Yermak: I think very good
 [8/27/19, 8:17:47 AM] Andrey Yermak: And involved in this case with Matar Sich
 [8/27/19, 8:18:05 AM] Andrey Yermak: Me
 [8/27/19, 8:18:32 AM] Andrey Yermak: OX, for me no problem
 [8/27/19, 8:20:12 AM] Andrey Yermak: This message was deleted.
 [8/27/19, 8:23:54 AM] Kurt Walker: OX - let's talk later today
 [8/27/19, 4:02:34 PM] Andrey Yermak: Missed voice call
 [8/27/19, 2:27:35 AM] Andrey Yermak: Hi Kurt
 [8/29/19, 2:28:13 AM] Andrey Yermak: Need to talk with you
 [8/29/19, 3:06:14 AM] Andrey Yermak: <https://www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-46829550>
 [8/29/19, 6:55:04 AM] Kurt Walker: Hi Andrey - Absolutely. When is good for you?
 [8/29/19, 3:01:38 PM] Kurt Walker: Hi Andrey - am told 2:40pm meeting on Sunday in Warsaw. I hear bit
 [8/29/19, 5:03:33 PM] Kurt Walker: I just saw trump cancelling going to Poland - sending Pence instead. Hope we keep the bid - and push for date for WH visit
 [9/1/19, 11:02:02 AM] Kurt Walker: Hi Andrey - how was peace meeting?
 [9/3/19, 8:52:30 AM] Kurt Walker: Hi Andrey - how was 94 meeting. Can call in an hour or so...
 [9/3/19, 8:08:33 AM] Andrey Yermak: Hi Kurt
 [9/3/19, 8:08:51 AM] Andrey Yermak: Will be in place
 [9/3/19, 8:09:05 AM] Andrey Yermak: In general, ok
 [9/3/19, 8:09:24 AM] Andrey Yermak: Details tonight
 [9/3/19, 8:09:44 AM] Andrey Yermak: What about Pence meeting?
 [9/3/19, 8:10:00 AM] Andrey Yermak: Any news about dates?
 [9/3/19, 11:25:23 AM] Kurt Walker: Ukraine Security Letter = 2 pages <attached 00000074-Ukraine Security Letter.pdf>
 [9/4/19, 8:55:33 AM] Kurt Walker: Hi Andrey - Reports are that Pence liked meeting and will press trump on scheduling 2e visit. Gordon will follow up with Pence and, if nothing moving, will have a chance to talk with President on Saturday
 [9/4/19, 9:52:42 AM] Kurt Walker: Sorry - on Friday
 [9/4/19, 9:57:35 AM] Andrey Yermak: Hi Kurt

[3/4/19, 9:57:41 AM] Andrey Yermak: Thank you!
 [3/4/19, 9:59:09 AM] Andrey Yermak: Call you in 30 min?
 [3/4/19, 9:59:16 AM] Kurt Volker: My pleasure. Did you have a chance to put a word into Kozak about me visiting?
 [3/4/19, 9:59:29 AM] Kurt Volker: In an hour would be better -- going in to a meeting now...
 [3/4/19, 1:52:32 PM] Andrey Yermak: Missed voice call
 [3/4/19, 2:37:50 PM] Andrey Yermak: Missed voice call
 [3/4/19, 2:58:25 PM] Andrey Yermak: Can you talk?
 [3/5/19, 9:17:50 PM] Kurt Volker: Hi Andrey -- flying to Georgia -- can talk Friday or Saturday. Nothing new on RFE? I will see RFE President Jamie Fy on Monday. Best - Kurt
 [3/7/19, 9:17:52 AM] Kurt Volker: Great news on the prisoner exchange! Hope it leads to progress in Donbas
 [3/9/19, 9:01:26 AM] Kurt Volker: Hi Andrey -- let me know if there is a good time to call. Can we meet for breakfast or coffee on Saturday? Best - Kurt
 [3/11/19, 2:23:51 PM] Kurt Volker: Hi Andrey - hope all is well -- looking forward to seeing you Saturday. Will be interested to get your read on call this eve. Just spoke w Gordon after your call and we are pushing again for a date. Best - Kurt
 [3/11/19, 4:52:34 PM] Andrey Yermak: Hi Kurt
 [3/11/19, 4:52:52 PM] Andrey Yermak: Can call you in 40 min?
 [3/11/19, 5:33:41 PM] Andrey Yermak: Missed voice call
 [3/12/19, 12:53:11 AM] Kurt Volker: Hi Andrey -- sorry to miss you last night. Let's try later today -- Sam?
 [3/12/19, 1:44:10 PM] Andrey Yermak: Missed voice call
 [3/12/19, 2:58:54 PM] Andrey Yermak: Missed voice call
 [3/12/19, 3:25:07 PM] Kurt Volker: Hi Andrey -- sorry to miss your call. Just getting back from a dinner and will call
 [3/12/19, 3:40:42 PM] Kurt Volker: Call in 20 min - no problem
 [3/14/19, 2:39:42 AM] Kurt Volker: Hi Andrey -- planning on 20:30 dinner at Hyatt. Let me know once you are back from DoPris if you need to adjust timing. I am flexible. Kurt
 [3/14/19, 2:40:34 AM] Andrey Yermak: Hi, Kurt
 [3/14/19, 2:40:35 AM] Andrey Yermak: Ok
 [3/14/19, 2:40:55 AM] Kurt Volker: Ok - thanks
 [3/14/19, 2:41:34 AM] Andrey Yermak: Thank you
 [3/14/19, 12:03:54 PM] Kurt Volker: Hi Andrey -- checking schedule -- ok for 3:30pm?
 [3/14/19, 12:05:51 PM] Andrey Yermak: If possible 9 pm
 [3/14/19, 12:05:55 PM] Andrey Yermak: ?
 [3/14/19, 12:03:40 PM] Kurt Volker: Yes -- Sam is fine. Also -- Pinchuk is arguing that you come to YES and join dinner he is hosting here. As long as we have a chance to speak privately, that's fine with me. But also happy to leave here and meet you privately at Hyatt.
 [3/14/19, 12:07:59 PM] Andrey Yermak: I was in YES dinner yesterday, it's problematic to speak there. See you at Hyatt
 [3/14/19, 12:18:15 PM] Kurt Volker: Ok -- see you there at Sam
 [3/14/19, 12:18:49 PM] Andrey Yermak: Tomorrow?
 [3/14/19, 12:18:15 PM] Andrey Yermak: 9 am?
 [3/14/19, 12:32:42 PM] Kurt Volker: Sorry -- I meant 3pm!!
 [3/14/19, 12:32:52 PM] Kurt Volker: I have a flight at 8am tomorrow
 [3/14/19, 12:34:38 PM] Andrey Yermak: Ok
 [3/14/19, 12:34:41 PM] Andrey Yermak: Excellent
 [3/14/19, 12:34:57 PM] Kurt Volker: Ok - thank you!!
 [3/15/19, 11:05:36 PM] Kurt Volker: Hi Andrey -- looks like the Metropolitan's What's App account was hacked.

The phone number is correct. I just spoke with him.

I suggest you give him a call at that number rather than engage in the text stream. Kurt

[3/20/19, 11:02:35 AM] Kurt Volker: Hi Andrey -- let me know when is good to call. Going to see Russian Amb on Monday and looking at next weekend (27th-30th or so) to visit Moscow.
 [3/20/19, 1:27:33 PM] Andrey Yermak: Hi
 [3/20/19, 1:27:51 PM] Andrey Yermak: Will call you
 [3/20/19, 1:51:37 PM] Kurt Volker: Ok - thanks
 [3/20/19, 2:20:32 PM] Andrey Yermak: Missed voice call
 [3/20/19, 12:25:47 AM] Andrey Yermak: <https://thehill.com/opinion/white-house/452427-missing-piece-to-the-ukraine-puzzle-stat-departments-wenture-to-rudy>
 [3/23/19, 5:29:20 PM] Kurt Volker: Hi Andrey -- welcome to New York! Would you be free between 4pm and 5pm tomorrow? Either the two of us, or also with Vadym? Best - Kurt
 [3/24/19, 10:08:29 AM] Andrey Yermak: Hi Kurt
 [3/24/19, 10:08:43 AM] Andrey Yermak: And what about evening?
 [3/24/19, 10:09:24 AM] Andrey Yermak: Gordon already here?
 [3/24/19, 10:09:16 AM] Kurt Volker: Yes -- he is here
 [3/24/19, 10:09:22 AM] Kurt Volker: Yes - he is there
 [3/24/19, 10:09:28 AM] Kurt Volker: I arrive around 3:30pm
 [3/24/19, 10:09:58 AM] Andrey Yermak: It will be excellent
 [3/24/19, 10:10:05 AM] Kurt Volker: What time are you free
 [3/24/19, 10:10:37 AM] Kurt Volker: ?
 [3/24/19, 10:10:29 AM] Andrey Yermak: 8:30pm?
 [3/24/19, 10:11:15 AM] Kurt Volker: Ok -- I'll skip my dinner -- let's get a dinner reservation for 8:30
 [3/24/19, 10:11:47 AM] Andrey Yermak: Ok
 [3/24/19, 10:12:07 AM] Kurt Volker: Is 8pm too late? \$1000pm?
 [3/24/19, 10:12:47 AM] Andrey Yermak: May be Gordon will join us?
 [3/24/19, 10:15:22 AM] Kurt Volker: I'll ask her
 [3/24/19, 10:15:12 AM] Kurt Volker: Do you want to invite Vadym?

(3/24/19, 10:15:47 AM) Andrey Yermak: Yes
 (3/24/19, 10:17:13 AM) Andrey Yermak: You will make a reservation or me?
 (3/24/19, 10:43:04 AM) Kurt Walker: I'll get a reservation -- what hotel are you be staying at? will look for a steak place.
 (3/24/19, 10:43:23 AM) Andrey Yermak: 
 (3/24/19, 10:43:47 AM) Andrey Yermak: Park Hyatt
 (3/24/19, 10:50:58 AM) Kurt Walker: Reservation for 4 people at The Strip House -- Spm. 15 West 44th Street.
 (3/24/19, 10:51:23 AM) Kurt Walker: Gordon has another dinner at 7pm and will join as soon as he can after.
 (3/24/19, 10:51:37 AM) Kurt Walker: Will you tell Vadym?
 (3/24/19, 10:54:18 AM) Andrey Yermak: Ok
 (3/24/19, 10:54:23 AM) Andrey Yermak: Yes
 (3/24/19, 10:54:35 AM) Andrey Yermak: 
 (3/24/19, 11:01:02 AM) Kurt Walker: Great!
 (3/24/19, 7:19:04 PM) Andrey Yermak: See you very soon
 (3/24/19, 7:19:09 PM) Andrey Yermak: I have one question
 (3/24/19, 7:19:06 PM) Andrey Yermak: Maybe you know
 (3/24/19, 7:17:07 PM) Kurt Walker: Yes -- I think so
 (3/24/19, 7:17:19 PM) Kurt Walker: Don't have an answer yet and trying to get one
 (3/25/19, 8:21:20 AM) Andrey Yermak: Good morning
 (3/25/19, 8:21:28 AM) Andrey Yermak: Any news?
 (3/25/19, 8:27:46 AM) Kurt Walker: Spoke w Gordon - he was feeling sick last night
 (3/25/19, 8:28:23 AM) Kurt Walker: We are both weighing in on the issue... nothing more yet.
 (3/25/19, 9:31:27 AM) Andrey Yermak: Will publish full or part?
 (3/25/19, 9:57:05 AM) Kurt Walker: I pushed for sharing w you first, than meeting, then release. But no word back
 (3/25/19, 3:18:16 PM) Andrey Yermak: What you think? Great that you was
 (3/25/19, 3:20:43 PM) Kurt Walker: Thanks - very good meeting. Exactly what I expected. Once they can talk to each other -- all good
 (3/25/19, 5:25:77 PM) Kurt Walker: Did you want to meet and follow up also with Gordon? Can try, though schedules are tight for all of us
 (3/25/19, 5:54:07 PM) Andrey Yermak: Yes
 (3/25/19, 5:54:16 PM) Andrey Yermak: With pleasure
 (3/25/19, 5:54:47 PM) Andrey Yermak: I will call you about 8 pm?
 (3/25/19, 6:00:15 PM) Kurt Walker: Ok -- can talk briefly then
 (3/25/19, 7:24:30 PM) Andrey Yermak: Missed voice call
 (3/25/19, 7:24:51 PM) Andrey Yermak: Can you talk now?
 (3/25/19, 7:27:25 PM) Kurt Walker: Yes -- but maybe better in 15-20 min?
 (3/25/19, 11:36:11 PM) Andrey Yermak: What about tomorrow?
 (3/25/19, 11:36:41 PM) Kurt Walker: Yes -- Sam your Hotel -- Park Hyatt.
 (3/25/19, 11:36:53 PM) Andrey Yermak: 
 (3/25/19, 7:49:17 AM) Andrey Yermak: Missed voice call
 (3/25/19, 7:50:20 AM) Andrey Yermak: Missed voice call
 (3/25/19, 7:55:46 AM) Andrey Yermak: Missed voice call
 (3/25/19, 7:57:58 AM) Andrey Yermak: Good morning
 (3/25/19, 7:58:38 AM) Andrey Yermak: Waiting for you in lobby, please for breakfast
 (3/25/19, 10:43:37 AM) Kurt Walker: Hi Andrey -- good visit. Reminder about Metrosojitan Emmanuel Adamakis. Do you need his number again? Thanks - Kurt
 (3/25/19, 10:47:21 AM) Andrey Yermak: Thank you! Yes, please
 (3/25/19, 10:48:10 AM) Kurt Walker: +33 6 89 52 12 55
 (3/25/19, 10:48:36 AM) Kurt Walker: He is planning to be in Ukraine through tomorrow
 (3/27/19, 7:46:20 PM) Andrey Yermak: Hi
 (3/25/19, 8:11:36 AM) Andrey Yermak: Hello again, I'd channel want to talk with you?
 (3/27/19, 9:23:15 AM) Kurt Walker: Thanks -- not yet -- have to do the Congress first
 (3/27/19, 9:23:31 AM) Andrey Yermak: Ok

18/13/19, 2:24:21 PM] You created group "Andrey/Gordon/Kurt"
 18/13/19, 2:24:21 PM] Andrey/Gordon/Kurt: Messages to this group are now secured with end-to-end encryption.
 18/13/19, 2:24:57 PM] Kurt Volker: Hi Andrey — we have all consulted here, including with Rudy. Can you do a call later today or tomorrow your afternoon time? Kurt
 18/13/19, 2:25:40 PM] Gordon Sundland: I have a call sched at 3pm Eastern for the three of us. Ops will call.
 18/13/19, 10:11:50 AM] Kurt Volker: Hi Andrey — we spoke with Rudy. When is good to call you?
 18/13/19, 10:13:20 AM] Andrey Yarmak: Hi Kurt
 18/13/19, 10:19:50 AM] Gordon Sundland: I can talk now
 18/13/19, 10:20:54 AM] Andrey Yarmak: I'm in Israel!
 18/13/19, 10:21:20 AM] Gordon Sundland: Important. Do you have 5 mins
 18/13/19, 10:21:21 AM] Andrey Yarmak: I can speak in 10-15 min
 18/13/19, 10:22:55 AM] Gordon Sundland: Ok I will have our operator dial us in at 4:35 Brussels time
 18/13/19, 10:23:16 AM] Kurt Volker: Can we do this one on what's App?
 18/13/19, 10:23:31 AM] Gordon Sundland: Ok fine. Can you initiate?
 18/13/19, 10:23:41 AM] Kurt Volker: Yes - will do
 18/13/19, 10:24:17 AM] Andrey Yarmak: Ok
 18/13/19, 12:11:15 PM] Kurt Volker: Hi Andrey — good talking — following is a 4 with insert at the end for the 7 key items. We will work on official request.
 18/13/19, 12:11:19 PM] Kurt Volker: Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, including those involving Borisema and the 2016 U.S. elections, which in turn will prevent the recurrence of this problem in the future.

(12/24/18, 6:33:34 AM) Bill Taylor: Messages to this chat and calls are now secured with end-to-end encryption
 (12/24/18, 6:33:34 AM) Bill Taylor: Kurt, did you send a draft of the op-ed we discussed to Steve?
 (12/18, 11:02:41 AM) Bill Taylor: Steve hasn't received a draft yet. Still a good idea?
 (12/18, 11:03:02 AM) Kurt Valker: Yes - I should have it today
 (12/18, 11:37:21 AM) Bill Taylor: On another topic, we continue to plan the February 12 roundtable on Orbán's peace plans. It's on Steve's calendar. Two questions: can you kick off the discussion? Minister Arakov will also speak. Second, would you be OK if we invited Professor Dykin, Steve's friend from INCMO? He made a proposal for peacekeepers last year. Minister Arakov and Gregory Merynia are both comfortable inviting Dykin.
 (12/18, 11:37:07 AM) Kurt Valker: Yes -- all good. What time on 12th?
 (12/18, 11:40:53 AM) Bill Taylor: Opening comments at 9:30. First session on peacekeepers until 12:30. Informal lunch. Afternoon sessions on interim international administration and political prospects in the UN. Close by 5.
 (12/18, 11:43:01 AM) Kurt Valker: OK -- so I can be there from 9:30-10:15am?
 (12/18, 11:47:53 AM) Bill Taylor: Yes
 (12/18, 12:37:13 PM) Kurt Valker: Great. Will it be as USIP?
 (12/18, 12:53:37 PM) Bill Taylor: Yes
 (12/18, 11:57:40 AM) Bill Taylor: Dykin declined.
 (12/18, 11:55:43 AM) Kurt Valker: Interesting. Means there is no room for progress
 (12/18, 12:22:13 PM) Bill Taylor: Not with the ill-remembered administration, he says
 (12/18, 11:02:16 AM) Bill Taylor: Haven't heard from Steve on the edit he asked me to make. He wanted it shortened and the recommendations focused. I tried to shorten but didn't want to lose any of the recommendations. Am checking to see if Steve is flying back from China and thus offline
 (12/18, 11:01:13 PM) Kurt Valker: Good -- I saw the edit -- I think he will want to make the recommendations less of a "list" -- but let's hear from him.
 (12/18, 11:00:00 PM) Kurt Valker: If we don't get Steve (although we should) is there someone else the WH would be impressed by?
 (12/18, 12:35:59 PM) Bill Taylor: That's a hard question. Steve is almost unique -- a reasonable Republican, respected by both ends of that spectrum.
 (12/18, 12:43:09 PM) Kurt Valker: Exactly. Almost anyone else would not be respected at WH. So let's convince him!
 (12/18, 12:45:40 PM) Bill Taylor: Yup. I'm hoping he's in an airplane. He is usually very responsive. Is there a way to repackage the recommendations in a way that looks less like a laundry list?
 (12/18, 12:55:55 PM) Kurt Valker: I think just turning it into prose instead of bullets would do it.
 (12/18, 1:33:21 PM) Bill Taylor: Could be, but might make it longer. Want to take a shot? Dr. I can.
 (12/18, 1:33:40 PM) Kurt Valker: I can do it now -- back to you in half an hour
 (12/18, 2:43:05 PM) Kurt Valker: Just sent via email to the group - kv
 (12/18, 3:01:43 PM) Bill Taylor: Got it -- looks good
 (12/18, 3:03:50 PM) Kurt Valker: Same recommendations, but less jarring -- think he'll like that better
 (12/18, 3:05:43 PM) Bill Taylor: Agree. Hope it gets published before the Russians move
 (12/18, 10:10:08 PM) Bill Taylor: Missed voice call
 (12/18, 3:16:33 PM) Bill Taylor: WSJ declined saying they'd recently done a piece on the Orthodox Church and that our piece is too long for them. Jackson Diehl has a piece similar to ours in the Post today. We are pitching our piece to the Times
 (12/18, 4:01:13 PM) Kurt Valker: Have you considered foreign policy?
 (12/18, 4:02:04 PM) Bill Taylor: Good idea
 (12/18, 5:05:02 PM) Kurt Valker: Bow -- surprised w/ rejected since this has nothing to do with the church. Did you speak with an editor and explain who it is and why it is imp?
 (12/18, 5:43:43 PM) Bill Taylor: I'll press
 (12/18, 8:47:53 PM) Bill Taylor: She did push and did talk to their op-ed editor. Steve came back asking us to offer it to the Post -- he knows Fred Hiatt well -- and to consider FT and Foreign Affairs website.
 (12/18, 9:53:37 PM) Kurt Valker: Ok - great - thanks - hope they take it!
 (12/18, 12:22:43 AM) Bill Taylor: Status submitted to the NYT two days ago, no response yet. If they accept but ask that it be shortened, we will -- and check with you. If they decline, we will go to Foreign Affairs, then Foreign Policy.
 (12/18, 10:24:34 AM) Bill Taylor: Different topic: what do you think about inviting Chasnovsky to the February 12 roundtable? Not to present, but to participate.
 (12/18, 5:37:16 PM) Kurt Valker: I think it is a good idea
 (12/18, 5:52:01 PM) Bill Taylor: I agree. John Harbat doesn't think that Chasnovsky will agree to participate. But we can ask.
 We are submitting the op-ed to Foreign Affairs tomorrow morning.
 (12/18, 11:50:33 PM) Kurt Valker: Sounds good -- that
 (12/18, 11:51:01 PM) Kurt Valker: And on Chasnovsky -- let it be him who declines -- good that we ask
 (12/18, 5:07:24 AM) Bill Taylor: Sounds good
 (12/18, 7:07:33 PM) Kurt Valker: Hi Bill -- any news on the op-ed? Needed now more than ever. Indeed, may need to be sharper up front.
 (12/18, 7:55:21 PM) Bill Taylor: I asked our guys this afternoon -- apparently FA requires multiple pings. Told Steve. Got any changes to the opening?
 (12/18, 8:25:52 PM) Kurt Valker: Just sent you a tougher opening. Steve may not like it, but all the info I am getting is that we are going to do absolutely nothing. Zens from the list we discussed.
 (12/18, 8:35:35 PM) Bill Taylor: Just sent it to Steve, blind copying you.
 (12/18, 3:40:22 PM) Kurt Valker: Hi Bill -- should we try foreign policy instead? I can send you contact for lead editor Jonathan Lipperman if you want - kv
 (12/18, 3:51:30 PM) Bill Taylor: Yes. We submitted it to FA this morning, pinged twice and haven't heard from them. If we don't hear by 5:30, we'll call it and resubmit it to FP. As soon as we do, I will let you know so you can alert your contact there. We have another contact there as well.
 (12/18, 3:52:23 PM) Kurt Valker: Ok - great - thanks!
 (12/18, 3:53:03 PM) Bill Taylor: Submitted and alerted Jonathan Lipperman
 (12/18, 10:05:52 PM) Kurt Valker: Great! - thanks!
 (12/18, 9:42:25 AM) Bill Taylor: Locking good for FP. Will confirm
 (12/18, 9:42:27 AM) Kurt Valker: Great!
 (12/18, 9:42:51 AM) Kurt Valker: Let me know and I'll try to get it into TV interviews
 (12/18, 11:08:57 AM) Bill Taylor: Will do
 (12/18, 11:45:41 AM) Bill Taylor: Regarding the February 12 roundtable. I was thinking about inviting representatives from Normandy format embassies. I'm keeping Chaly and Oksana informed. No word back from Chasnovsky but Dykin's colleague Zagorski is trying to get here. The Russian embassy? Are there Orbán's wetschere at the French and German embassies?

[1/7/19, 11:41 PM] Kurt Volker: Yes – Chris knows the names at the Normandy embassies. Fine on Jagorsky. Avakov is a mixed bag. Is he still coming?
 [1/7/19, 11:43 PM] Bill Taylor: Yes.
 [1/7/19, 12:23 PM] Kurt Volker: Hi Bill – did they publish?
 [1/7/19, 1:58:09 PM] Bill Taylor: As soon as they get the contributor consent form back from Steve, they hit publish.
 [1/7/19, 2:23:75 PM] Kurt Volker: Great! - thanked
 [1/7/19, 4:12:22 PM] Bill Taylor: It's up. Do your email
 [1/7/19, 6:05:21 PM] Kurt Volker: Great!! Thank!
 [1/23/19, 5:04:59 PM] Bill Taylor: What did you volunteer me for?
 [1/23/19, 5:02:31 PM] Kurt Volker: I can't remember – content?
 [1/23/19, 5:14:18 PM] Bill Taylor: George has asked me to go to Kyiv for a while.
 [1/23/19, 5:16:52 PM] Kurt Volker: Ah... good!!
 [1/23/19, 5:16:58 PM] Kurt Volker: You should!
 [1/23/19, 5:17:39 PM] Bill Taylor: George described two snake pits, one in Kyiv and one in Washington.
 [1/23/19, 5:19:15 PM] Kurt Volker: I so what's new?
 [1/23/19, 5:23:15 PM] Bill Taylor: Yes, but he described much more than I knew. Very wily.
 [1/25/19, 10:07:55 AM] Kurt Volker: Anti-Trust Reform + 2 pages attached. CDDC077-Anti-Trust Reform.docx
 [1/25/19, 10:21:45 AM] Bill Taylor: I like this a lot.
 [1/25/19, 10:22:50 AM] Kurt Volker: Thanks! Will need more expert advice, but wanted to kick this off.
 [1/25/19, 10:23:22 AM] Bill Taylor: I look forward to pushing it in Kyiv.
 [1/25/19, 11:44:39 PM] Bill Taylor: I am still struggling with the decision whether to go. Can anyone hope to succeed with the Gullani-Biden issues swirling for the next 18 months? Can S offer any reassurance on this issue?
 [1/25/19, 6:25:42 PM] Bill Taylor: You mentioned that several people have asked you to go out as CEA. I think that is the answer. It wouldn't be that long. No one knows the issues better. People will ask, why isn't Kurt going out -- we already have a special envoy.
 [1/25/19, 11:23:10 PM] Kurt Volker: Let's see how it looks on Tuesday. I don't know if there is much to do about the Gullani thing, but I do think the key thing is to do what we can right now since the future of the country is in play right now.
 [1/27/19, 8:47:44 AM] Bill Taylor: It is, and that's why it's encouraging that you would consider being charged during this critical time. I for one, fully support you -- as would Steve in any way we can.
 [1/27/19, 7:33:31 PM] Kurt Volker: But as we discussed -- I can't do it for a variety of reasons, and I am more useful being here anyway. We need someone on the ground there.
 [1/27/19, 8:20:12 PM] Bill Taylor: How about for a short period of time?
 [1/27/19, 4:22:43 PM] Kurt Volker: I can visit for a day or two, but not longer. Still have all the other commitments here.
 [1/28/19, 5:48:28 PM] Bill Taylor: Do we know for sure that there is a letter inviting Za to visit? Fiona doesn't think so.
 [1/28/19, 5:58:25 PM] Kurt Volker: I heard it from Muharey -- so I think so.
 [1/28/19, 6:00:38 PM] Bill Taylor: Wouldn't it have to go through Fiona?
 [1/28/19, 6:01:04 PM] Kurt Volker: I don't know how things work over there. In a normal world, of course. But...
 [1/28/19, 6:03:31 PM] Bill Taylor: Do I want to enter this non-normal world?
 [1/28/19, 6:09:01 PM] Kurt Volker: Despite anything, I feel like we have moved the ball substantially forward over the last 2 years. I think it is worth it to continue to keep pushing...
 [1/28/19, 6:15:15 PM] Kurt Volker: And just checked w Sandland, who said Muharey told him today it is with POTUS... etc...
 [1/31/19, 4:05:35 PM] Kurt Volker: Hi Bill -- Perry, Sandland and I had a good call w Bolton yesterday. He is going to get a date for Z visit -- maybe late July -- and also ask about VPOTUS visit to Kyiv. All good. Best - Kurt.
 [1/31/19, 4:20:41 PM] Bill Taylor: Excellent -- thanks, Kurt. I am hoping to meet ANB Sandland, maybe in Brussels on my way to Kyiv.
 [1/31/19, 4:52:53 PM] Kurt Volker: Good idea!
 [1/31/19, 7:56:49 AM] Bill Taylor: Can you introduce me to ANB Sandland? I hoped to see if I could see him in Brussels on the way to Kyiv, but it looks like that won't work. I will try to get there sometime soon or see him in Kyiv.
 [1/31/19, 4:42:35 PM] Kurt Volker: Hi Bill -- are you in DC now? We should take a picture together!
 [1/31/19, 4:43:46 PM] Kurt Volker: Then can tweet when you are in Kyiv.
 [1/31/19, 4:46:24 PM] Bill Taylor: Excellent idea! I am here until Sunday night. Where are you?
 [1/31/19, 4:58:20 PM] Bill Taylor: I am en route to the Ukrainian embassy now.
 [1/31/19, 2:28:12 AM] Bill Taylor: Kurt, what's the view of Kuchmyer among the three of you?
 [1/31/19, 6:07:25 AM] Kurt Volker: Hi Bill!! I think Perry is the most negative -- sees him as obstructing both the upstream and downstream opening up of the market. Perry also wants Z senior US energy industry people on an expanded board.
 [1/31/19, 6:07:53 AM] Kurt Volker: Gordon shares this view - but maybe a little less negative.
 [1/31/19, 6:09:43 AM] Kurt Volker: I remember Nafziger before the reform, so I know K did a lot of good. But now he needs to get behind even more ambitious reform. He is capable of doing it, but he needs to be committed to it.
 [1/31/19, 6:10:02 AM] Kurt Volker: Btw - hope the testimony went over well - kv
 [1/31/19, 11:04:25 AM] Bill Taylor: Kurt, I am getting the same thing out here -- stilling private investment. Will look for your test: many
 [1/31/19, 11:15:05 AM] Kurt Volker: Yes -- exactly -- stilling private investment
 [1/31/19, 11:17:25 AM] Kurt Volker: Here's the testimony - best - Kurt:
<https://www.c-span.org/video/?4691814/as-galley-russia-ukraine>
 [1/25/19, 11:31:15 AM] Bill Taylor: Do you think Gordon saw my note asking him for help with the meeting date and the delegation to Independence Day?
 [1/25/19, 2:36:53 PM] Bill Taylor: At a dinner this evening, Ximkin advised you to engage Za in Toronto "on an emotional level." He was at pains to emphasize how important is the US role right here, right now. You have to play it right, he said. The Russians are clever.
 [1/25/19, 2:47:13 PM] Kurt Volker: Hi - he is religious about checking messages so am sure he did. But the point on Za -- will do my best -- my thoughts about "emotional"
 [1/25/19, 2:48:21 PM] Bill Taylor: I am checking that suggestion with Prystaiko
 [1/25/19, 11:28:53 AM] Bill Taylor: Are you telling Chris about the call?
 [1/25/19, 11:40:45 AM] Bill Taylor: Prystaiko?
 [1/25/19, 11:41:15 AM] Bill Taylor: He will be in forests with Za

[6/23/18, 8:58:24 AM] Kurt Valker: Yes -- in person though

[6/23/18, 12:00:53 PM] Bill Taylor: Chris in person, right? Should I give Vadym a heads up since he will be in Toronto with Ze?

[6/23/18, 12:25:39 PM] Kurt Valker: Yes -- that's a good idea

[7/3/18, 2:51:35 PM] Bill Taylor: Are you OK with me briefing Ulrich on these conversations? Maybe you have already?

[7/3/18, 5:53:34 PM] Kurt Valker: I have not -- please feel free

[7/3/18, 5:54:06 PM] Kurt Valker: The key thing is to tee up a phone call w Vadym and then get visit mailed down

[7/3/18, 11:03:53 AM] Bill Taylor: I agree. Is Ze on board with a phone call?

[7/3/18, 1:32:29 AM] Kurt Valker: Yes -- bagdas was a little skeptical, but Zelensky was ok with it. No w/o need to get a on potus schedule

[7/4/18, 1:40:05 AM] Bill Taylor: The three amigos are on a roll. Let me know when I can help.

[7/7/18, 2:46:19 PM] Bill Taylor: Do you have a minute to talk?

[7/7/18, 3:08:45 PM] Bill Taylor: My question is about Danylyuk-Prystaiko -- have you been working with both on the phone call? Did Prystaiko and Ze get it when you laid out what needs to happen on the call? Should I follow up with Prystaiko?

[7/7/18, 3:09:30 PM] Bill Taylor: Or with Bohdan?

[7/7/18, 4:30:24 PM] Kurt Valker: Hi bill -- sorry -- just saw this -- I can talk now or first thing tomorrow if you can -- best Kurt

[7/7/18, 4:32:31 PM] Kurt Valker: Spoke w Zelensky, bagdas and Prystaiko in Toronto. I've spoke w Danylyuk by phone and will see him in DC Tuesday. There does seem to be some disconnect on their side -- in addition to our side! Best - Kurt

[7/7/18, 11:21:21 PM] Bill Taylor: Yup. Can I tell the three of them -- Prystaiko, Danylyuk and Bohdan -- that we can schedule the phone call if Ze is ready to say that he is not interfering, one way or another, in any investigations? I would like to talk about it -- what's a good time for you today?

[7/8/18, 9:12:25 AM] Bill Taylor: Let's talk today. I will be asking to see Bohdan (probably with Vadym) to try to nail down this end of the phone call. They didn't say that they were on board for the call when you talked to them in Toronto?

[7/8/18, 9:12:30 AM] Kurt Valker: Hi bill - i can call around 9:30/10:40 do time of ok?

[7/8/18, 9:14:05 AM] Kurt Valker: Zelensky was on board -- bagdas was skeptical. Warned that a call substitutes for a visit. I pulled the two of them aside at the end and explained the Giuliani factor.

[7/8/18, 9:16:50 AM] Bill Taylor: Live interview where 4:30 here, 9:30 there. How about 6 here, 11 there? Or pick a later time today

[7/8/18, 9:31:07 AM] Kurt Valker: Great -- I can do 1:30pm here / 6:30 for you -- does that work?

[7/8/18, 10:01:37 AM] Bill Taylor: Perfectly

[7/8/18, 1:29:42 PM] Bill Taylor: Calling shortly

[7/8/18, 1:22:28 AM] Bill Taylor: Are you OK on MNNA for Ukraine? They are raising it a lot. Would be a win for Ze?

[7/10/18, 8:23:34 AM] Kurt Valker: Personally I think it is fine. Not sure what it gets them, but is a nice symbolic gesture. Would be imp to message that this does not change our commitment to Ukraine's eventual NATO membership.

[7/10/18, 8:24:38 AM] Bill Taylor: Absolutely

[7/10/18, 7:26:34 PM] Bill Taylor: Ulrich is still looking for ideas for candidates to be ambassador here. I have already put you on the list. Other candidates?

[7/10/18, 10:50:22 PM] Bill Taylor: Missed voice call

[7/10/18, 10:59:22 PM] Bill Taylor: Missed voice call

[7/10/18, 10:45:52 PM] Bill Taylor: Can you talk now?

[7/10/18, 10:48:07 PM] Bill Taylor: Missed voice call

[7/11/18, 9:24:23 AM] Bill Taylor: When can we talk?

[7/11/18, 9:26:36 AM] Kurt Valker: Hi Bill. Can we try around 11am my time?

[7/11/18, 9:45:51 AM] Bill Taylor: Yes. I will call you then. Thanks

[7/11/18, 10:29:23 AM] Kurt Valker: I have another call at 11:15 so let's talk at 11 but then follow up again later as needed.

[7/11/18, 10:53:42 AM] Bill Taylor: I can call now if that works

[7/11/18, 10:54:41 AM] Bill Taylor: Missed voice call

[7/11/18, 10:53:15 AM] Bill Taylor: Missed voice call

[7/11/18, 10:53:45 AM] Bill Taylor: Calling shortly

[7/11/18, 11:01:39 AM] Bill Taylor: Missed voice call

[7/11/18, 11:01:57 AM] Bill Taylor: Missed voice call

[7/11/18, 11:02:13 AM] Bill Taylor: Call when you can

[7/18/18, 9:49:03 AM] Bill Taylor: Should I suggest that you join your NA counterparts starting soon?

[7/18/18, 9:49:43 AM] Bill Taylor: And do you have dates for your (and Gordon's) visit?

[7/18/18, 9:59:10 AM] Kurt Valker: Hi bill -- looking at leaving here 22-d -- arriving east on 24th. Meetings there on 25th. Kyiv on 26th return on 27th. Catherine Croft should be working w your staff.

[7/18/18, 10:00:30 AM] Kurt Valker: Or NA -- what specifically? I saw Jan Hacker in DC last week -- I know they are planning another meeting in August. But taking stock after seeing how FCG goes tomorrow in Minsk.

[7/18/18, 11:30:45 AM] Bill Taylor: On your trip, Vadym asks what you want to see in the east -- the bridge? the Mariupol district? The latter is of course easier to get to. He also wondered about the president's participation

[7/18/18, 12:22:47 PM] Kurt Valker: Hi -- I want to be supportive of the president's efforts, so whatever helps them most. I would be interested in visiting somewhere together with the president if that works, but would do on my own if not. I am fine with either S-L or Mariupol -- both have reasons to be visited, so whichever they prefer

[7/18/18, 12:40:55 PM] Bill Taylor: Got it

[7/17/18, 1:45:10 PM] Kurt Valker: Prystaiko confirmed the dates work for my visit -- Ze will not go east with me but will meet in Kyiv on Friday. He is looking to nail down logistics. -v

[7/17/18, 1:59:01 PM] Bill Taylor: Excellent. I will plan to join you. Gordon coming?

[7/17/18, 2:00:42 PM] Kurt Valker: Yes - he wants to. And Prystaiko will also come

[7/17/18, 2:04:16 PM] Bill Taylor: Excellent. My folks will work with Catherine

[7/18/18, 1:55:14 PM] Bill Taylor: Preparations for the trip are well underway. You had breakfast with EE?

[7/22/18, 10:42:00 AM] Kurt Valker: Should plan on being in Kyiv on Sat and day? Will get my own ticket at this time. Come down from Vilnius -- arrive late 23-d or early 24th, depart 25th

[7/22/18, 11:53:50 AM] Bill Taylor: Excellent ideal stay at the residence.

[7/22/18, 12:06:49 PM] Kurt Valker: OK -- will do!

[7/24/18, 3:38:05 AM] Bill Taylor: I will call you back

[7/24/19, 8:23:59 AM] Kurt Walker: Hi bill – can you talk now?
 [8/3/19, 1:40:55 PM] Bill Taylor: Did Tim say how he was doing on the call?
 [8/11/19, 12:55:01 PM] Bill Taylor: Is your Moscow trip on track?
 [8/11/19, 2:16:06 PM] Kurt Walker: Not yet. We heard from surkov but nothing from ushakov or Sokol.
 [8/11/19, 2:16:35 PM] Kurt Walker: Mesatime Yermak is in touch with Kozak and will be in dc next week and wants to coordinate a before a Moscow trip.
 [8/11/19, 2:16:15 PM] Kurt Walker: Spoke w Etienne on Friday and have joint FR/GE SVIC Monday. Paris hoping for NA summit (at USG request) in mid September.
 [8/11/19, 2:21:06 PM] Bill Taylor: Like the bilateral Ukraine-Russia process with the Ukrainians coordinating with us. Not clear to me what the Germans and French bring.
 [8/11/19, 2:23:03 PM] Bill Taylor: You are still planning to be here for August 24?
 [8/11/19, 2:23:43 PM] Kurt Walker: Yes – assuming there are things to do – arrive on 23rd early evening and depart 25th early morning. Any sense on what they are planning?
 [8/11/19, 2:25:05 PM] Bill Taylor: I asked Prystak again Friday. He smiled and said something about a parade with no tanks. Sounds pretty vague.
 [8/11/19, 2:26:21 PM] Kurt Walker: Some kind of Ukrainian pride March I think ... but if it would be awkward for me to go, we should rethink ... let's clarify their plans for D's this week if we can.
 [8/11/19, 2:27:43 PM] Bill Taylor: Will do. I am sure they would love to have you here in any case.
 [8/11/19, 2:27:40 PM] Kurt Walker: And the timing is easy so I'm happy to do it.
 [8/11/19, 2:44:15 PM] Bill Taylor: Standing invitation to stay here.
 [8/11/19, 2:52:05 PM] Kurt Walker: Thank you! You don't happen to have a gym, do you?
 [8/11/19, 2:52:27 PM] Kurt Walker: That's the single best thing about the Hyatt.
 [8/11/19, 2:55:21 PM] Kurt Walker: I am supposed to arrive on 23rd at 6:05pm from Vilnius on Ukrainian Air 078. Maybe we can plan on casual dinner if you do not have National day duties – maybe together w Vadym and Andrey Y.
 [8/11/19, 2:56:43 PM] Bill Taylor: Sounds good. Sadly, no gym.
 [8/13/19, 10:03:53 AM] Bill Taylor: Kurt, we are meeting with Hanchanuk and Ryabushko on Thursday to get their thoughts on de/demarchization. We may want to enlist the reform-minded G-7 in this effort. Clearly this has to be Ukrainian owned for it to have a chance. You are OK on all this?
 [8/13/19, 10:10:19 AM] Kurt Walker: Yes – all good. Would it be possible to arrange a follow up with G7 (with or sequentially with or Ryabushko) on 24th?
 [8/15/19, 10:36:15 AM] Kurt Walker: Hi bill – can you take a call?
 [8/15/19, 10:38:50 AM] Bill Taylor: In a car in Lviv. Car call now.
 [8/15/19, 10:39:02 AM] Bill Taylor: Missed voice call.
 [8/15/19, 10:39:06 AM] Kurt Walker: 2 min.
 [8/15/19, 10:39:22 AM] Bill Taylor: Sounds good.
 [8/15/19, 12:54:11 AM] Bill Taylor: The person who asked for an official request was Yermak?
 [8/15/19, 7:01:10 AM] Kurt Walker: Yes – but don't cite him.
 [8/16/19, 7:04:33 AM] Bill Taylor: I won't. You are right – this is not good. We need to stay clear.
 [8/16/19, 7:05:33 AM] Kurt Walker: Wary you able to discover if we have ever asked for an investigation, or what it would take to do so?
 [8/16/19, 7:07:40 AM] Bill Taylor: Just landed back in Kyiv. En route back to the embassy.
 [8/16/19, 8:52:44 AM] Bill Taylor: Turns out that our legal just left on leave. You should ask Bruce Schwartz at Justice.
 [8/16/19, 8:53:14 AM] Kurt Walker: Ok – will do.
 [8/22/19, 8:40:33 AM] Bill Taylor: We have dinner Friday, the ceremony Saturday morning, a Zelenskyy reception Saturday afternoon. Other requests? What time do you leave on Sunday?
 [8/22/19, 10:40:27 AM] Kurt Walker: Yes – can we do a G7 Amb coffee? And a separate meeting w Yermak? Anyone else we should see on anti-trust legislation?
 [8/22/19, 10:43:37 PM] Bill Taylor: Let's ask Yermak to stay after the dinner. Most G-7 ambassadors are not in town, both tomorrow and leaving. I can see if Hanchanuk is available.
 [8/22/19, 11:43:33 PM] Bill Taylor: Hanchanuk can meet us after the president's reception. What about a dinner with the embassy team working on de/demarching?
 [8/22/19, 8:03:53 AM] Kurt Walker: Yes – casual embassy dinner would be great. And Yermak after dinner or lunch Saturday – whatever is best for him.
 [8/22/19, 8:13:03 AM] Bill Taylor: Got it.
 [8/22/19, 8:21:05 AM] Bill Taylor: Turns out it works for Hanchanuk for lunch on Saturday, Yermak after dinner on Friday. Informal, informal dinner Saturday.
 [8/22/19, 8:21:05 AM] Kurt Walker: Great!
 [8/22/19, 8:45:58 AM] Bill Taylor: Hanchanuk moved to 16:00 Saturday at the residence.
 PJS is suggesting skipping the Sunday press engagements because of the G-7/B comments and the NYT article. Thoughts?
 [8/22/19, 4:39:46 AM] Kurt Walker: I think I can handle those topics... might even be useful. But let's decide tomorrow on Saturday. Things always seem to change ...
 [8/22/19, 5:38:06 AM] Bill Taylor: Sounds good.
 [8/22/19, 4:59:03 AM] Kurt Walker: Hi bill – is it casual or suits for dinner? Thanks! Kurt.
 [8/22/19, 5:00:14 AM] Bill Taylor: No ties.
 [8/22/19, 5:00:33 AM] Kurt Walker: But no jeans then either – no prob!
 [8/22/19, 5:25:45 AM] Bill Taylor: We are working today!
 [8/22/19, 5:44:20 AM] Kurt Walker: -) great - see you later.
 [8/22/19, 4:49:31 PM] Kurt Walker: Hi Bill – thanks for a great visit!
 [8/22/19, 4:47:43 PM] Kurt Walker: Briefed Bolton, spoke w Hurtzman and with Jamie Fly. Jamie will visit in mid- late September.
 [8/22/19, 4:43:44 PM] Kurt Walker: Since Bolton has a vac time, strongly recommend you set up a meeting with Yermak for him tomorrow, before he sees Ze on Wednesday. I will also recommend thru WHS1. - ko
 [8/22/19, 4:43:53 PM] Kurt Walker: Talk tomorrow if it is too late today. East – Kurt.
 [8/22/19, 11:05:05 PM] Bill Taylor: When you briefed Bolton, did you recommend he see Yermak?
 [8/22/19, 5:59:05 AM] Kurt Walker: Yes, but I did not stress the point. On reflection, think he really should ...
 [8/22/19, 7:34:55 AM] Bill Taylor: Bolton said he talked to you and Gordon briefly, nothing specific. What should they talk about? Tim says Bolton wants to stay out of politics.
 [8/22/19, 7:44:57 AM] Kurt Walker: How to make the POTUS announce a success, and what deliverables we achieve for a WH meeting.
 [8/22/19, 8:23:03 AM] Bill Taylor: Bolton is pretty sure the meeting in Warsaw will happen. Wants to judge the dynamics of that meeting first. That one will be short.
 [8/22/19, 2:09:55 PM] Kurt Walker: Good. Any luck on sitting him down with Yermak?
 [8/22/19, 2:17:53 PM] Kurt Walker: He would like to meet with Bolton after the meeting with Zelenskyy if possible (to help coach for Warsaw).
 [8/22/19, 2:42:03 PM] Bill Taylor: Have questions in with Bolton team, Prystak and Yermak. Nothing back yet.
 [8/22/19, 11:25:25 AM] Bill Taylor: reattached. 00000230-Andre.Zagorodnyy@vtr.
 [8/22/19, 10:22:42 AM] Bill Taylor: Kurt, can you WhatsApp Defense Minister Zaporozyuk? We just met to discuss the pause in security assistance. He would like your advice and assistance.

(3/2/19, 11:28:59 AM) Kurt Volker: Sure -- need a few min but will do!
 (3/2/19, 11:29:33 AM) Bill Taylor: Many thanks. I think he is very good.
 (3/2/19, 12:32:19 PM) Bill Taylor: You two connected?
 (3/2/19, 3:25:47 PM) Kurt Volker: Hi Bill -- we are taking in half an hour. Have you got a minute to talk?
 (3/2/19, 11:03:28 PM) Bill Taylor: Sorry to miss you last night. Glad you connected. Glad to talk -- when works for you?
 (3/3/19, 11:27:50 AM) Kurt Volker: Ukraine Security Letter * 2 pages -attached 00000237-Ukraine Security Letter.pdf
 (3/3/19, 10:44:57 AM) Kurt Volker: Hi Bill greetings from Munich -- en route to Tel Aviv.
 (3/3/19, 10:45:10 AM) Kurt Volker: I'll let Chris answer on who the advisor is...
 (3/3/19, 10:45:42 AM) Bill Taylor: Looking forward to seeing you next week.
 (3/3/19, 10:45:53 AM) Kurt Volker: However -- what I did not want to say in that wider group is that Z team does not plan on a Minick-related constitutional amendment. They want to do decentralization through legislation.
 (3/3/19, 10:46:05 AM) Kurt Volker: Yes -- me too!
 (3/3/19, 10:47:27 AM) Bill Taylor: And I agree with him on a constitutional amendment on special status. Decentralization!
 (3/3/19, 8:01:57 AM) Kurt Volker: Hi Bill -- is there a good time to call this afternoon / eve? Best - Kurt
 (3/3/19, 8:10:16 AM) Bill Taylor: Maybe around 6?
 (3/3/19, 8:30:59 AM) Kurt Volker: Ok -- in 30 min?
 (3/3/19, 8:33:41 AM) Bill Taylor: No, sorry -- 9 PM my time.
 (3/3/19, 8:34:10 AM) Kurt Volker: Ok -- 10pm here - can do
 (3/13/19, 7:55:14 AM) Bill Taylor: We just had a good meeting with Zelenskyy, Pokhdan and Zhovko (now in Yeliseiev position) and discussed Dobbas and Steynmyer formula at some length. If Yermak is not available for breakfast, how about Bohdan and Zhovko for breakfast?
 (3/13/19, 7:55:33 AM) Kurt Volker: Sure -- that would be great.
 (3/13/19, 8:06:14 AM) Kurt Volker: Did you ask about Privatbank?
 (3/13/19, 8:06:34 AM) Bill Taylor: Yes, and Kalomoisky, N SH, Hosterova.
 (3/13/19, 8:11:13 AM) Kurt Volker: Great -- interested to hear...

[8/9/19, 12:28:23 PM] Call with Sandford/Walter. Messages to this group are now secured with end-to-end encryption
[8/9/19, 12:28:23 PM] Gordon Sandford created group "Call with Sandford/Walter"
[8/9/19, 12:28:23 PM] Gordon Sandford added you
[8/9/19, 12:30:03 PM] Gordon Sandford: Andrey, can you, Kurt and I have a call today after 3pm Eastern time?
[8/9/19, 12:31:38 PM] Andrey Yermak: Yes, ok
[8/9/19, 12:32:50 PM] Gordon Sandford: I will have our State Dept ops center place the call to you at this number at 3pm Washington time

(6/12/19, 9:33:27 AM) You created group "Gordon and Bill"
 (6/12/19, 9:33:27 AM) Gordon and Bill: Messages in this group are now secured with end-to-end encryption.
 (6/12/19, 9:40:53 AM) Kurt Valkar: Hi Gordon - introducing you here to Bill Taylor, who is going out to Kyiv as Charge. You guys should meet / talk when you can. Bill was Amb in Kyiv at end of Bush Admin and more recently has been VP at USIP. Best - Kurt
 (6/12/19, 9:55:05 AM) Bill Taylor: Thanks, Kurt.
 Ambassador, good to meet you. I look forward to working with you.
 Bill
 (6/15/19, 15:12:14 AM) Gordon Sandford: This message was deleted.
 (6/15/19, 14:31:14 AM) Gordon Sandford: Bill, thanks for joining us on the call yesterday. This is a great team working together in support of the Ukrainian people. I look forward to meeting you in person soon. All the best, Gordon.
 (6/15/19, 8:32:02 AM) Bill Taylor: Thanks, Gordon -- a very productive call. We are working on several of the actions and will keep you posted on progress. Bill
 (5/27/19, 3:01:31 PM) Bill Taylor: Gordon,
 Can I ask you to see if you can break through on two key issues: a date from the White House for the Ze visit and a senior lead for a delegation to Kyiv for their Independence Day parade and celebration on August 24. The date for the visit is urgent. The NSC has not been able get a date (many are traveling, of course). Two years ago Secretary Mattis came for Independence Day, last year Ambassador Bolton. Secretary Pompeo can't make it. The Vice President? Many thanks.
 (6/25/19, 3:48:43 PM) Bill Taylor: Gordon,
 You might not have seen the message from George Kent on the high side that tells us that senior levels at the WH said that the visit is not happening any time soon. Very discouraging. Any chance you confirm this around? If not, I don't think a senior call with the Ukrainians on Friday as your staff is suggesting makes sense. (Plus it's a Ukrainian holiday -- Constitution Day.) Your thoughts?
 (6/25/19, 3:49:33 PM) Kurt Valkar: Let's have an internal call Friday -- three of us plus Secretary Perry. - Kurt
 (6/25/19, 3:50:42 PM) Gordon Sandford: This is Vladimir and is being fixed. Agree Kurt, lets talk Fri
 (6/25/19, 3:51:04 PM) Bill Taylor: Good idea.
 (6/27/19, 7:43:33 AM) Bill Taylor: Gordon, is this fixed? If we have a date for the meeting, I am glad to ask Ukrainians to talk to us tomorrow on their Constitution Day holiday. If we don't yet have a date, I am reluctant to agree with Kurt that the call tomorrow should be just Americans. Thoughts?
 (6/27/19, 7:53:52 AM) Gordon Sandford: Just Americans tomorrow. Give me a call when u can on this line.
 (6/27/19, 8:45:52 AM) Bill Taylor: Calling now.
 (6/27/19, 10:23:19 AM) Bill Taylor: Calling again shortly.
 (6/27/19, 10:28:11 AM) Bill Taylor: Call when it's convenient. I will be on this number for the next 30 minutes. After that, I will be in my office and will need an email alert to come get this phone.
 taylor@state.gov
 (6/27/19, 9:47:16 AM) Bill Taylor: Call this afternoon still on?
 (6/27/19, 9:52:06 AM) Gordon Sandford: Yes, they will be calling you. Just get moved by Ukraine to 10/15-10/30 Eastern.
 (6/28/19, 9:52:52 AM) Bill Taylor: Got it - thanks
 (6/28/19, 11:03:23 AM) Bill Taylor: Good call.
 Thanks for including me and for the Secretary's kind endorsement. Good luck in Toronto, Kurt.
 (6/28/19, 11:06:30 AM) Gordon Sandford: Where glad you stayed on!
 (6/28/19, 11:13:33 AM) Bill Taylor: Me, too. I might see him Sunday with Congressman Royce's congressional delegation.
 (6/28/19, 11:15:54 AM) Bill Taylor: How do you plan to handle informing anyone else about the call? I will completely follow your lead.
 (6/28/19, 11:23:52 AM) Kurt Valkar: I think we just keep it among ourselves to try to build working relationship and just get the ***** date for the meeting!
 (6/28/19, 11:23:57 AM) Kurt Valkar: :)
 (6/28/19, 11:24:59 AM) Gordon Sandford: Agree with KY. Very close hold
 (6/28/19, 11:27:22 AM) Bill Taylor: Got it
 (7/3/19, 1:20:45 PM) Bill Taylor: Kurt had a good meeting with Ze. I hear: I just sent Danylyuk's strategic partnership plan in preparation for next Wednesday's meeting. BK to talk with Ulrich about these conversations or have you already briefed him?
 (7/3/19, 1:22:28 PM) Gordon Sandford: Did Danyluk get confirmed with Bolton for next week?
 (7/3/19, 1:26:21 PM) Bill Taylor: Yes -- 2 PM Wednesday
 (7/3/19, 1:53:06 PM) Gordon Sandford: I have not briefed Ulrich yet. Waiting for the Bolton meeting and then a comprehensive briefing. If you want to chat with him sooner, no worries on my end. Have a great day!
 (7/3/19, 1:54:03 PM) Bill Taylor: Thanks -- to you as well.
 (7/7/19, 10:04:04 AM) Bill Taylor: Prystaiko is with the president at the line of contact. They asked if we have anything more on the phone call. I am with Danyluk in his helicopter on the way back from the Greenes border. Can pass on any new information.
 (7/7/19, 10:07:30 AM) Gordon Sandford: We are seeing Danyluk in a couple of days. Either face to face with Bolton
 (7/7/19, 11:04:15 PM) Bill Taylor: As Kurt knows, the NSC office is a ways from the president's. For now, Prystaiko is physically closer, traveling with Ze to Toronto and the line of contact. Let me know if I can get answers.
 (7/7/19, 2:16:32 PM) Gordon Sandford: Call me.
 (7/7/19, 2:29:01 PM) Bill Taylor: Just call'd. Let me know what's a convenient time.
 (7/7/19, 2:34:01 PM) Kurt Valkar: Gordon - maybe we can talk w Mulvaney on Monday by phone? Kurt
 (7/7/19, 5:55:56 PM) Gordon Sandford: Yes, lets do that.
 (7/7/19, 11:24:09 PM) Bill Taylor: Great. If you get me a time for the call I will get them ready and the call on their schedule.
 (7/15/19, 1:56:03 PM) Bill Taylor: Just had a meeting with Andriy and Vadym. Very concerned about what Ukrextel told them -- that, according to RU, the ZE-PJUS meeting will not happen. Any? :)
 (7/16/19, 7:57:59 AM) Kurt Valkar: Good grief. Please tell Vadym to let the official USG representatives speak for the U.S. Ukrextel has his own set-interest here...
 (7/16/19, 7:59:37 AM) Bill Taylor: Exactly what I told them.
 (7/16/19, 7:59:41 AM) Bill Taylor: And I said that RU is a private citizen.
 (7/16/19, 11:43:41 AM) Bill Taylor: I briefed Ulrich this afternoon on this.
 (7/16/19, 7:26:06 PM) Bill Taylor: Eggs to hard if your meeting with Danyluk and Bolton resulted in a decision on a call.
 (7/16/19, 10:26:13 PM) Bill Taylor: How did the meeting go?
 (7/16/19, 10:28:44 PM) Kurt Valkar: Not good -- let's talk -- kv

(7/18/18, 10:31:20 PM) Bill Taylor: Just called. You are on the phone
 (7/18/18, 10:07:37 AM) Gordon Sondland: Everyone is now focused on making the Patus EE call happen prior to 7/21
 (7/18/18, 10:09:33 AM) Kurt Volker: Anything new you have heard?
 (7/18/18, 10:12:57 AM) Gordon Sondland: Tim Morrison is also tracking now. Good sign
 (7/18/18, 10:16:46 AM) Bill Taylor: They will make it happen whenever, but they want him in an office, ideally his, so the connection and interpretation are clear. Any indication of timing most welcome.
 (7/18/18, 10:10:22 AM) Bill Taylor: We keep getting readouts of the Oanyluk-Balton meeting that predict no phone call or meeting any time soon. This can't be my message to Ze. How to proceed?
 (7/18/18, 10:31:05 AM) Gordon Sondland: Talking to NSC tomorrow at 9:30 eastern
 (7/18/18, 12:47:13 PM) Bill Taylor: Make any progress?
 (7/17/18, 10:46:23 AM) Bill Taylor: Oanyluk just asked if there was any news from the WH. Any updates?
 (7/17/18, 10:47:01 AM) Gordon Sondland: I put in a call to Patus and am waiting for a return
 (7/17/18, 10:47:44 AM) Bill Taylor: Excellent -- thanks, Gordon
 (7/18/18, 10:19:54 AM) Bill Taylor: BMG on a SVIS just now said that all security assistance to Ukraine is frozen, per a conversation with Mulvaney and POTUS. Over to you.
 (7/18/18, 11:07:08 AM) Gordon Sondland: All over it
 (7/18/18, 10:19:10 AM) Bill Taylor: Can we marshal our forces to get a congratulatory phone call from POTUS to Ze mid to late next week, assuming the election goes well and Sarvast of the People does well?
 (7/18/18, 11:31:03 AM) Gordon Sondland: Talked to WH. This is moving but post election
 (7/18/18, 11:49:51 AM) Bill Taylor: If we can get a congratulatory call post election, that could begin to establish the relationship
 (7/18/18, 4:49:47 PM) Kurt Volker: Can we throw do a call tomorrow -- say noon WASHINGTON?
 (7/18/18, 5:50:23 PM) Gordon Sondland: Looks like Patus call tomorrow. I spike directly to Zelensky and gave him a full briefing. He's got it.
 (7/18/18, 6:52:57 PM) Gordon Sondland: Sure!
 (7/18/18, 7:10:22 PM) Kurt Volker: Good. Had breakfast with Rudy this morning -- teasing up call w Yarmak Monday. Must have helped. Most imp is for Zelensky to say that he will help investigation -- and address any specific personnel issues -- if there are any
 (7/18/18, 11:53:55 PM) Bill Taylor: Good idea for us to check in at noon Washington time. I just heard that the POTUS call that had been scheduled for 15:00 Kyiv time today has been put on hold pending the outcome of the election tomorrow. Is that what you hear?
 (7/20/18, 4:52:52 AM) Bill Taylor: If possible, I'd like to at least know when these are scheduled. I can at least reinforce what you are doing.
 (7/20/18, 4:52:15 AM) Gordon Sondland: Call me Bill tho
 (7/20/18, 10:41:01 AM) Bill Taylor: Do we need to talk at noon Washington time?
 (7/20/18, 10:45:50 AM) Kurt Volker: Yes - I'm available. Not sure if Gordon can or not but let's plan on it, and we'll keep Gordon in if we can
 (7/20/18, 11:33:00 AM) Bill Taylor: Kupperman (sp?) wants to talk to Oanyluk secure so I am meeting taking him to my office. Can we reschedule?
 (7/20/18, 11:37:11 AM) Kurt Volker: Absolutely
 (7/20/18, 11:37:19 AM) Kurt Volker: Anytime today will work for me
 (7/20/18, 11:46:20 AM) Bill Taylor: Maybe after the Kupperman-Oanyluk call? Around 9 my time tonight?
 (7/20/18, 12:25:16 PM) Kurt Volker: Ok
 (7/20/18, 1:45:41 PM) Bill Taylor: Just finished with Oanyluk. Will be in the car in 10 minutes. Call then?
 (7/20/18, 1:49:03 PM) Kurt Volker: Yes - good
 (7/20/18, 2:27:04 PM) Bill Taylor: Call now?
 (7/21/18, 1:45:54 AM) Bill Taylor: Gordon, one thing Kurt and I talked about yesterday was Sasha Oanyluk's point that President Zelensky is sensitive about Ukraine being taken seriously, not merely as an instrument in Washington domestic, reelection politics.
 (7/21/18, 3:45:44 AM) Gordon Sondland: Absolutely, but we need to get the conversation started and the relationship built, irrespective of the pretext. I am worried about the alternative.
 (7/21/18, 5:21:47 AM) Bill Taylor: So, the call tomorrow can be a pivot a step
 (7/22/18, 12:15:55 AM) Bill Taylor: Good, pretty long meeting -- both one-on-one and with Seiden, Sasha, Yarmak, Razumkov -- with the president at his campaign headquarters last night. He engaged in both the call and meeting. I couldn't be specific.
 (7/22/18, 12:17:16 AM) Bill Taylor: Sounds like Washington is thinking about a congratulatory call in the next couple of days -- Kupperman wrote asking when the results will be known.
 (7/22/18, 12:20:55 AM) Bill Taylor: Very good election result for Zelensky and us. Likely a young, West-on-oriented prime minister. Ze likely in coalition with Yehorchuk (with whom I have met one-on-one twice in the last three days)
 (7/22/18, 12:22:01 AM) Gordon Sondland: So Monday call was just rumor?
 (7/22/18, 12:22:32 AM) Bill Taylor: Doesn't sound like from either side that it was actually scheduled
 (7/22/18, 8:33:05 AM) Kurt Volker: Yarmak thinks Call is at 8pm Kiev today. Bill -- any idea? Should I call sitcom?
 (7/22/18, 8:40:38 AM) Gordon Sondland: Good idea
 (7/22/18, 8:42:39 AM) Bill Taylor: Tim Morrison just told me it's not on today and I should tell Oanyluk that they will schedule through him shortly.
 (7/22/18, 8:43:12 AM) Bill Taylor: I have told Sasha (and Vadym)
 (7/22/18, 8:44:12 AM) Bill Taylor: Don't you think we should work through Sasha?
 (7/22/18, 8:45:03 AM) Kurt Volker: Yes -- you've got the latest. That's good. Work thru Sasha. And great they will schedule thru Oanyluk. Keep us posted what you hear.
 (7/22/18, 8:46:10 AM) Kurt Volker: I'll tell Yarmak same thing
 (7/22/18, 8:46:52 AM) Bill Taylor: Excellent. Will do
 (7/23/18, 4:16:41 AM) Bill Taylor: NSC is trying to schedule the call for Thursday. I am checking with Sasha to see if that works for them.
 (7/23/18, 4:26:55 AM) Gordon Sondland: Great. I will be in Kyiv Thu night
 (7/23/18, 4:57:47 AM) Bill Taylor: Looking forward to seeing you here!
 (7/23/18, 11:33:06 PM) Bill Taylor: NSC now looking at Friday for the call. Ukrainians are checking to see if that works
 (7/24/18, 1:39:09 AM) Kurt Volker: Great! Sounds like this is now on track?
 (7/24/18, 1:40:57 AM) Gordon Sondland: Oh
 (7/24/18, 1:41:05 AM) Gordon Sondland: Yay
 (7/24/18, 2:56:33 AM) Bill Taylor: Is right. Max, some question about which day to go east, which to stay here for meetings. On the call, it sounds like the NSC is on board with the call and are just trying to get it scheduled. Not final but shooting for Friday. I am waiting to hear if Friday works for the Ukrainians
 (7/24/18, 2:57:26 AM) Kurt Volker: Great. I'll go east on whichever day is easier to accommodate as Zelensky -- I'm on either way
 (7/24/18, 2:57:41 AM) Gordon Sondland: Call me just so I can talk to Oanyluk. I have clarity

(7/24/19, 2:58:21 AM) Bill Taylor: Calling now
 (7/24/19, 3:00:15 AM) Bill Taylor: Prystaiko and Ganyuk are now coordinating the call. President Zelenskyy is traveling on Friday.
 (7/24/19, 3:38:03 AM) Kurt Volker: Oh -- so we are meeting Ze on Thursday and going east Friday?
 (7/24/19, 3:39:09 AM) Kurt Volker: Great, the call is on.
 (7/24/19, 3:39:25 AM) Kurt Volker: Have just boarded in Zurich en route to Vienna
 (7/24/19, 3:50:52 AM) Bill Taylor: The call is not yet scheduled -- NCS trying for Friday, Zelensky traveling on Friday, they prefer Thursday. Prystaiko wants our meeting and the POTUS call on Thursday, trip to the East on Friday. That doesn't work for you, Gordon.
 (7/24/19, 4:03:15 AM) Kurt Volker: We should do what works for Ze on Kyiv/VA schedule. Most impl thing is that potus call happens no matter what day.
 (7/24/19, 4:19:00 AM) Bill Taylor: Still waiting on word from NSC on the phone call tomorrow. President Zelenskyy will be here on Friday morning if you two wanted to schedule a meeting with him then. That would, however, make the trip to the East with Prystaiko difficult.
 (7/24/19, 4:23:08 AM) Gordon Scotland: My primary objective is Zelensky. Friday morning is great.
 (7/24/19, 4:24:10 AM) Bill Taylor: Got it, Kurt?
 (7/24/19, 10:33:55 AM) Kurt Volker: Gordon -- can you get there in time for a Thursday meeting? I think it is important to see the conflict area and the people affected by it -- and in doing, reinforce zelensky's substantive efforts.
 (7/24/19, 10:39:20 AM) Bill Taylor: There is a report -- from Vadym via an irritated Sasha -- that the phone call could happen at 7 tomorrow evening our time. Tim Morrison is trying to confirm.
 (7/24/19, 10:41:07 AM) Kurt Volker: That's great! Why are they irritated? They are getting the data they asked for.
 (7/24/19, 10:41:47 AM) Kurt Volker: Also -- Gordon just called and danylyk said meeting w/president is confirmed for Mon Friday -- so we should keep the trip east on Thursday
 (7/24/19, 2:08:46 PM) Bill Taylor: The phone call is now confirmed for tomorrow at 19:00 Kyiv time. We are planning the trip to the East after the Zelensky meeting on Friday morning.
 (7/24/19, 2:54:33 PM) Gordon Scotland: Thanks Bill
 (7/24/19, 2:55:48 PM) Bill Taylor: Looking forward to seeing you both tomorrow
 (7/24/19, 3:25:23 PM) Kurt Volker: Outstanding -- thanks! Kurt
 (7/25/19, 12:00:55 PM) Bill Taylor: Gordon, Kurt and I will be at the restaurant in 10 minutes. Sounds like the call went well. Sasha will give us a readout.
 (7/26/19, 6:36:53 AM) Kurt Volker: <attached: 00000D79-79010-7019-07-08-06-35-53.jpg>
 (7/26/19, 6:37:38 AM) Kurt Volker: Great photo! Gordon--can you get this to POTUS without intermediaries? -- kv
 (7/27/19, 4:25:25 AM) Gordon Scotland: <attached: 00000D79-79010-7019-07-07-04-25-25.jpg>
 (7/27/19, 4:40:43 AM) Gordon Scotland: <https://youtu.be/vWGpadR0CB8>
 (7/27/19, 7:26:45 AM) Gordon Scotland: Ric and I are talking later today
 (7/27/19, 7:27:16 AM) Kurt Volker: Great -- give him my best. I'm arriving to Kyiv on aug 23 and departing aug 25
 (7/27/19, 7:27:31 AM) Kurt Volker: Would be happy if he joined
 (7/27/19, 7:28:58 AM) Bill Taylor: Thanks for getting him on message. Gordon, This is why you are the US ambassador to Europe.
 (8/1/19, 9:54:13 AM) Kurt Volker: Hi Bill -- what's the status on dates? Thanks
 (8/1/19, 10:04:23 AM) Gordon Scotland: Kurt, thx for flagging. Bill, US offices getting conflicting info. Did the WH formally offer dates for Ze's consideration.
 (8/1/19, 10:42:45 AM) Bill Taylor: WH offered three windows: the weeks of September 8, 15 and 22. The Ukrainians want to make one trip, so either the week before UNGA or the week after. But is back in Tim's court.
 (8/1/19, 10:53:57 AM) Kurt Volker: That's ok. I'm seeing Tim tomorrow and will ask. I guess the week of 16th in this case makes most sense. A shame not to do it 3 weeks earlier...
 (8/1/19, 11:06:47 AM) Bill Taylor: Yes, but let Tim handle it!
 (8/1/19, 11:07:21 AM) Kurt Volker: Of course!
 (8/1/19, 11:07:45 AM) Gordon Scotland: This team works like a Swiss Watch 🇨🇭
 (8/1/19, 11:09:26 AM) Kurt Volker: Or a Tamek...takes a licking and keeps on ticking...)
 (8/1/19, 11:56:23 AM) Bill Taylor: I know about the licking part
 (8/3/19, 6:27:25 AM) Bill Taylor: Standing by to hear from Tim who had hoped to have a date by yesterday.
 (8/3/19, 6:34:01 AM) Bill Taylor: On another topic, we just met a staffer from the Senate Armed Services Committee. Very supportive. But also very concerned that the message on Ukraine in Washington is neutral at best and negative in many spheres -- the Russian message. Ukraine is lost, totally corrupt, beyond saving, not worth investing in. Makes these staffers' jobs harder -- increase military support to Ukraine. (They had heard about the proposed pause in security assistance to Ukraine.) Kurt, we may need Steve Hadley to resign again.
 (8/3/19, 8:19:50 AM) Gordon Scotland: I have a sec call w Tim Mon. Sounds like bad news. Kurt, call if u have a sec. thx
 (8/3/19, 8:19:50 AM) Kurt Volker: Hi all -- Gordon -- will call in a bit -- had a long talk w Tim on Friday. Seeing Steve H on Thursday. We just keep working it...
 (8/4/19, 8:52:03 AM) Bill Taylor: I just talked to Tim secure. He's looking forward to talking with you, Gordon, tomorrow. Kurt is right -- work to do.
 (8/6/19, 4:15:13 AM) Bill Taylor: Now that we have all three talked with Tim, what's our strategy?
 (8/6/19, 7:00:55 AM) Kurt Volker: Keep going...
 (8/6/19, 7:01:35 AM) Kurt Volker: Formally, WH asked for a preference on week from Ukraine, and Ukraine responded?
 (8/6/19, 7:02:05 AM) Kurt Volker: There should be a paper going up that seeks a decision based on that, no?
 (8/6/19, 7:57:32 AM) Bill Taylor: Ukraine responded saying that they want to plan one trip, so the week before UNGA or the week after works. The week of September 8 doesn't. But my conversation with Tim on Sunday did not fill me with hope that they will agree on a date any time soon unless, Tim said, "Gordon turns it around."
 (8/6/19, 7:58:21 AM) Bill Taylor: Gordon, you talked to Tim yesterday, right? Is that your sense? (Tim actually said, "Unless Gordon turns it around like he did with the phone call.")
 (8/6/19, 8:27:12 AM) Bill Taylor: So, Kurt, I don't think a paper is going up -- at least as of Sunday.
 (8/6/19, 10:11:07 AM) Kurt Volker: That does sound right...
 (8/6/19, 10:27:04 AM) Gordon Scotland: Tim and I had to bump secure till Thurs morning. I am working the problem however
 (8/23/19, 3:00:42 PM) Bill Taylor: Meeting on for 2:40 Sunday afternoon
 (8/23/19, 3:31:01 PM) Kurt Volker: Full bill?
 (8/23/19, 3:31:23 PM) Bill Taylor: Yup, an hour.
 (8/23/19, 3:31:43 PM) Kurt Volker: Outstanding!
 (8/23/19, 3:32:03 PM) Gordon Scotland: Fantastic News 6.11
 (8/23/19, 3:32:55 PM) Gordon Scotland: Vlad must have made quite the impression on John E
 (8/23/19, 3:33:01 PM) Bill Taylor: You are listed as a participant, Gordon.
 (8/23/19, 3:34:10 PM) Bill Taylor: He did have a good, long meeting
 (8/23/19, 3:34:43 PM) Bill Taylor: Does this mean no Washington meeting?

18/29/19, 3:05:02 PM Kurt Volker: Just the opposite – should open the door
 18/29/19, 3:05:33 PM Bill Taylor: Hope you are right
 18/30/19, 12:16:57 AM Bill Taylor: I trip cancelled
 18/30/19, 12:16:02 AM Kurt Volker: Hope VPOTUS keeps the ball – and toes up WH visit...
 18/30/19, 12:16:18 AM Kurt Volker: And hope Gordon and Perry still going...
 18/30/19, 5:31:16 AM Gordon Sondland: I am going. Pompeo is speaking to Potos today to see if he can go
 19/1/19, 12:05:57 PM Bill Taylor: Are we now saying that security assistance and WH meeting are conditioned on investigations?
 19/1/19, 12:42:29 PM Gordon Sondland: Call me
 19/2/19, 11:49:48 AM Bill Taylor: Defense Minister Zagorodnyuk is calling you both about security assistance. I think Kurt talked with him last night
 19/4/19, 9:55:18 AM Kurt Volker: Yes – we had a good talk – Bill – I'll call you later today
 19/4/19, 10:02:05 AM Bill Taylor: Sounds good. Am heading to the airport to pick up Senators Johnson and Murphy. Messages for them?
 19/4/19, 12:42:20 PM Kurt Volker: Thank you for the letter!! And push for WH visit...
 19/4/19, 12:42:44 PM Kurt Volker: Being denied visas for Russia is a badge of honor
 19/4/19, 12:44:03 PM Kurt Volker: Even more convinced of our assessment after inauguration – Zelenskyy is the real deal and he needs our support
 19/4/19, 3:22:02 PM Bill Taylor: Made those points. They are in exactly the right place.
 19/12/19, 12:03:40 AM Kurt Volker: Hi – got an email re: night from SASC – says hold is lifted. Let's verify...
 19/12/19, 12:01:51 AM Bill Taylor: Got the same message. Checking with NSC
 19/12/19, 12:03:49 AM Kurt Volker: Great - thanks! Let me know what you heard!
 19/12/19, 3:58:27 AM Kurt Volker: <https://www.farleft.org/a/ukraine-s-zelenskyy-talks-business-with-oligarch-kolomoyskiy/201875330.html>
 19/12/19, 3:53:02 AM Bill Taylor: Yup
 19/12/19, 3:38:31 AM Kurt Volker: Will be interesting to talk w Roncha w/uk on Saturday
 19/12/19, 3:59:02 AM Bill Taylor: Yes

(6/23/18 3:12:3 AM) Gordon Sandland: Mes msg to the chat and calls are now secured with end-to-end encryption
(6/23/18 3:12:31 AM) Gordon Sandland: Ple call. Regret. I'm
(7/12/18 3:53:48 PM) Gordon Sandland: Missed voice call
(7/12/18 6:57:14 PM) Kurt Valke: Hi Gordon - sorry I missed you earlier. Can talk tomorrow early morning? Kurt
(7/12/18 10:24:41 PM) Gordon Sandland: Will call
(7/12/18 10:30:45 PM) Gordon Sandland: Missed voice call
(7/22/18 4:27:35 PM) Kurt Valke: Orchestrated a great phone call w Rudy and Yarmak. They are going to get together when Rudy goes to Madrid in a couple of weeks
(7/22/18 4:28:08 PM) Kurt Valke: In the meantime, Rudy is now a traveling for phone call
(7/22/18 4:29:25 PM) Kurt Valke: I have call into Fiona's replacement and will call Bolton if needed
(7/22/18 4:28:42 PM) Kurt Valke: But I can't call Bolton and you can tell Mick that Rudy agrees on a call. If that helps
(7/22/18 4:30:10 PM) Gordon Sandland: I talked to Tom Morrison (Fiona's replacement). He is pushing but feel free as well

We still meeting in Kyiv Fri?
(7/22/18 4:30:35 PM) Kurt Valke: Yes - Morrison. We're talking in 5
(7/22/18 4:30:05 PM) Kurt Valke: And yes - do come to Kyiv! I'll go east on Thursday (welcome there too) and go to Kyiv on Friday
(7/22/18 4:32:02 PM) Gordon Sandland: Tim is a good guy. Tell him we are in touch and synced. I want make's East but will be in Kyiv. You might/all day Fri
(7/22/18 4:33:52 PM) Kurt Valke: Great!
(7/25/18 7:54:09 AM) Gordon Sandland: Missed voice call
(7/25/18 7:54:20 AM) Gordon Sandland: Call assa
(7/25/18 9:35:32 AM) Kurt Valke: Hi Gordon - got your message. Had a great lunch w Yarmak and then passed your message to 5m. He will see you tomorrow. Think everything in place
(7/25/18 9:34:51 PM) Kurt Valke: Hi Gordon - when are you flying, and when can I call you about Sweden? Kurt
(7/25/18 9:39:42 AM) Gordon Sandland: Call
(7/25/18 9:40:43 AM) Kurt Valke: When we land - still in hls - maybe another 45 min?
(7/25/18 9:41:42 AM) Gordon Sandland: Sure
(7/25/18 4:54:58 PM) Kurt Valke: Hi Gordon - we could not get a chance to call. Free for 2 min or call tomorrow? Kurt
(7/25/18 11:23:42 PM) Gordon Sandland: In air. On ground after 10am Brussels time
(7/27/18 12:43:35 AM) Kurt Valke: Ok - will call
(7/27/18 9:14:03 AM) Kurt Valke: Hi Gordon - have an hour now - let's talk when you can
(7/27/18 9:16:50 AM) Kurt Valke: I want to connect you to the Swedish ambassador in Washington, who was dispatched from her vacation to go back to work.
(7/27/18 9:28:25 AM) Kurt Valke: Hi Gordon - can you take a call?
(7/28/18 9:30:27 AM) Gordon Sandland: Yes
(7/28/18 10:56:47 AM) Kurt Valke: Together just is getting a Sweden briefing this afternoon - Sweden met with O'Brien, and somehow WH lawyer thinks they did not take the meeting...
7/28/18
(7/28/18 12:06:24 PM) Gordon Sandland: Missed voice call
(7/28/18 12:05:41 PM) Kurt Valke: Call you back in 15
(7/28/18 12:06:52 PM) Gordon Sandland: Sure
(8/1/18 7:05:41 AM) Gordon Sandland: I am on Eastern time. Can u talk?
(8/4/18 4:20:51 PM) Kurt Valke: Gordon - on east coast time?
(8/4/18 4:22:28 PM) Gordon Sandland: West coast
(8/4/18 4:22:45 PM) Kurt Valke: Ever better - call in a few?
(8/4/18 4:22:54 PM) Gordon Sandland: ☺
(8/5/18 10:32:25 AM) Kurt Valke: Got a minute? Best - Kurt
(8/5/18 10:55:20 AM) Gordon Sandland: Missed voice call
(8/5/18 5:25:53 PM) Gordon Sandland: Morrison ready to get done as soon as Yarmak confirms
(8/5/18 5:45:21 PM) Kurt Valke: Excellent!! How did you sway him? J
(8/5/18 5:47:34 PM) Gordon Sandland: Not sure i did. I think rudy really wants the deliverable
(8/5/18 5:48:00 PM) Kurt Valke: But does he know that?
(8/5/18 5:48:09 PM) Gordon Sandland: Yes
(8/5/18 5:48:37 PM) Gordon Sandland: Clearly lots of convo going on
(8/5/18 5:48:38 PM) Kurt Valke: Ok - then that's good it's coming from two separate sources
(8/5/18 5:51:10 PM) Gordon Sandland: To avoid misunderstandings, might be helpful to ask Andrey for a draft statement (embargoed) so that we can see exactly what they propose to cover
Even though Ze does the presser they can still summarize in a brief statement. Thoughts?
(8/5/18 5:51:42 PM) Kurt Valke: Agree!
(8/10/18 6:52:56 AM) Gordon Sandland: Anything from Andrey?
(8/10/18 12:25:31 PM) Kurt Valke: Not yet - will give him some time
(8/10/18 12:32:24 PM) Gordon Sandland: I brisfed Birch. All good
(8/10/18 5:12:44 PM) Kurt Valke: This came in from Andrey - I suggested we talk at my 10am / his 5pm tomorrow
(8/10/18 5:12:43 PM) Kurt Valke: Hi Kurt. Please let me know when you can talk. I think it's possible to make this declaration and mention all these things which we discussed yesterday. But it will be logic to do after we receive a confirmation of data. We inform about data of visit and about our expectations and our guarantees for future visit. Let discuss it
(8/10/18 5:14:02 PM) Gordon Sandland: If that's 10am Eastern, I can join you if you wish
(8/10/18 5:14:31 PM) Kurt Valke: Yes - hoping you can!
(8/10/18 5:14:51 PM) Gordon Sandland: Great. You want to call State ops or shall I?
(8/10/18 5:15:05 PM) Kurt Valke: No - I'll just do via what's App
(8/10/18 5:15:22 PM) Gordon Sandland: Perfect. Talk tomorrow
(8/11/18 9:45:53 AM) Kurt Valke: Hi Gordon - ready in 10 min?
(8/11/18 9:46:03 AM) Gordon Sandland: Yes
(8/11/18 9:51:15 AM) Kurt Valke: He needs another 15 min. So 10:15

[3/11/18, 9:57:54 AM] Gordon Sandland: OK
 [3/13/18, 9:20:21 AM] Kurt Walker: You free?
 [3/13/18, 10:26:44 AM] Kurt Walker: Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, including those involving Business and the 2016 U.S. elections, which in turn will prevent the recurrence of this problem in the future.
 [3/13/18, 10:27:20 AM] Gordon Sandland: Perfect. Let's send to Andrey after our call
 [3/13/18, 10:27:53 AM] Kurt Walker: Yes
 [3/13/18, 10:33:57 AM] Gordon Sandland: Missed voice call
 [3/13/18, 10:39:27 AM] Gordon Sandland: Missed group voice call
 [3/13/18, 10:42:20 AM] Gordon Sandland: Missed voice call
 [3/13/18, 10:49:20 AM] Gordon Sandland: Missed voice call
 [3/13/18, 2:44:59 PM] Gordon Sandland: U going to call Andrey first tomorrow?
 [3/15/18, 7:26:38 AM] Gordon Sandland: Hi, did you connect with Andrey?
 [3/15/18, 7:34:14 AM] Kurt Walker: Not yet - will talk w him and then call him later today. Want to know our status on asking them to investigate
 [3/15/18, 7:51:43 AM] Gordon Sandland: Good thought
 [3/17/18, 2:43:40 PM] Gordon Sandland: Yermak just tapped on me about data. Haven't responded. Any updates?
 [3/17/18, 3:02:55 PM] Kurt Walker: Hi - I've got nothing. Bill had no info on requesting an investigation - calling a friend at DOJ (Bruce Schwartz)
 [3/17/18, 3:06:19 PM] Gordon Sandland: Do we still want Ze to give us an unequivocal draft with ZOB and Goresma?
 [3/17/18, 4:34:21 PM] Kurt Walker: That's the clear message so far -
 [3/17/18, 4:34:38 PM] Kurt Walker: I'm hoping we can get something out there that causes him to respond with that
 [3/17/18, 4:44:03 PM] Gordon Sandland: Unless you think otherwise I will return Andrey's call tomorrow and suggest they send us a clean draft.
 [3/17/18, 6:57:11 PM] Kurt Walker: Let's talk tomorrow morning as you have all latest. We spoke for about 30 min today
 [3/17/18, 6:58:05 PM] Gordon Sandland: Deal
 [3/18/18, 7:13:04 AM] Gordon Sandland: Call when up
 [3/18/18, 10:11:00 AM] Kurt Walker: Hi Gordon - am free anytime - Kurt
 [3/18/18, 8:56:26 AM] Gordon Sandland: Drive the "larger issue" home with Yermak. Not about just a meeting but the relationship per se. please convey to John. Also Yermak raised the Bolton visit and said he would appreciate us both joining the meetings. Kindly convey. Thx
 [3/18/18, 7:27:50 PM] Gordon Sandland: Missed voice call
 [3/18/18, 7:27:58 PM] Gordon Sandland: Missed voice call
 [3/23/18, 10:49:20 AM] Gordon Sandland: Missed voice call
 [3/23/18, 10:49:31 AM] Gordon Sandland: New news. Pls call
 [3/23/18, 12:08:40 PM] Kurt Walker: Thanks -a just called - ring back when you can
 [3/23/18, 5:37:17 PM] Gordon Sandland: Missed voice call
 [3/25/18, 5:37:22 PM] Gordon Sandland: Call at your convenience
 [3/25/18, 5:52:21 PM] Kurt Walker: Is it ok to call now?
 [3/1/18, 11:59:02 AM] Kurt Walker: Hi Gordon - how was panna - /z meeting?
 [3/2/18, 3:51:50 PM] Gordon Sandland: Missed voice call
 [3/2/18, 4:03:31 PM] Gordon Sandland: Missed voice call
 [3/2/18, 4:19:03 PM] Gordon Sandland: Missed voice call
 [3/5/18, 1:16:57 PM] Gordon Sandland: Missed voice call
 [3/5/18, 1:24:44 AM] Gordon Sandland: Yes, please call as soon as
 [3/5/18, 1:42:42 AM] Gordon Sandland: Missed voice call
 [3/5/18, 1:43:27 AM] Gordon Sandland: Missed voice call
 [3/5/18, 1:43:35 AM] Gordon Sandland: Try me back
 [3/5/18, 1:55:22 AM] Gordon Sandland: Missed voice call
 [3/5/18, 1:56:02 AM] Kurt Walker: Need a few mins still - chairing a discussion - but will pass baton when I can and call
 [3/5/18, 1:56:15 AM] Gordon Sandland: 
 [3/5/18, 3:25:06 AM] Kurt Walker: I am free for about 90 min if you can call. Thx - kv
 [3/5/18, 4:26:46 AM] Gordon Sandland: Missed voice call
 [3/5/18, 4:29:55 AM] Gordon Sandland: Just called
 [3/1/18, 1:57:26 PM] Gordon Sandland: Pls call
 [3/12/18, 4:25:43 AM] Kurt Walker: Re-requested II investigation. Background, September 2018 - 2 pages attached. 000001-Rompetro II investigation, Background, September 2018.pdf
 [3/12/18, 4:27:15 AM] Kurt Walker: Hi Gordon - just sent the background on US businessman Phil Stephenson's case. Hope Ana can get a handle on this. Best - Kurt
 [3/12/18, 6:07:41 AM] Gordon Sandland: Will take up when I see her Friday
 [3/12/18, 6:13:02 AM] Kurt Walker: Great - thanks
 [3/12/18, 12:15:24 PM] Gordon Sandland: Missed voice call
 [3/12/18, 4:28:41 PM] Kurt Walker: Hi Gordon - any news from call to Lisa / We? 
 [3/12/18, 4:29:24 PM] Kurt Walker: Great news otherwise on security assistance - and great statements from Inhofe and McConnell to back it up
 [3/12/18, 5:17:01 PM] Gordon Sandland: Call me in am
 [3/13/18, 11:43:04 PM] Kurt Walker: Hi Gordon - hearing next 25 for bill at UNCA. Have you heard?
 [3/14/18, 12:06:18 AM] Gordon Sandland: Nope, but we should be there. Perry is going to be in NY so will for nuclear signing I am working on with RO. We need to all be manifested for the bill.
 [3/14/18, 12:12:23 AM] Kurt Walker: Yes - will push for that
 [3/14/18, 12:29:43 AM] Gordon Sandland: I will send Morrison an email as well and will copy you
 [3/14/18, 9:25:22 AM] Gordon Sandland: Missed voice call
 [3/20/18, 4:20:59 PM] Kurt Walker: Hi Gordon - are you stateside or in Brussels?
 [3/22/18, 4:20:45 PM] Kurt Walker: I just got to NY for a dinner
 [3/23/18, 8:33:33 PM] Gordon Sandland: Just saw this. Call at convenience. In BRU. NY on Sun

[9/22/19, 12:03:58 PM] Kurt Walker: Landed yet? Will call.
 [9/22/19, 12:04:38 PM] Gordon Sandland: Yes, can u meet with S this afternoon?
 [9/22/19, 12:05:02 PM] Kurt Walker: I'm in DC - but would be happy to join by phone
 [9/22/19, 3:54:42 PM] Gordon Sandland: U dialing in?
 [9/22/19, 3:54:44 PM] Kurt Walker: At 5:45
 [9/22/19, 3:58:51 PM] Kurt Walker: Yes - secure from state via ops
 [9/22/19, 7:20:09 PM] Kurt Walker: Spoke w Rudy per guidance from S. He said he will use the statement and talk w John Solomon. Urged me to do so as well. Will stick with what we discussed. If you are with S - please pass along. Thanks!
 [9/24/19, 10:33:50 AM] Kurt Walker: Hi Gordon - can you make dinner with me and Andrey and Vadym at 8pm? Venue TBD
 [9/24/19, 10:46:06 AM] Gordon Sandland: I am taking Reaker, Murgan and another 7 to dinner at Cipriani at 8. Maybe drop by later? Where will u be.
 [9/24/19, 10:46:48 AM] Kurt Walker: Working on that. Can you recommend steakhouse in midtown?
 [9/24/19, 10:47:08 AM] Gordon Sandland: The Strip House
 [9/24/19, 10:50:14 AM] Kurt Walker: Done - reservation for 4 at 8pm. Join when you can
 [9/24/19, 10:53:31 AM] Gordon Sandland: OK
 [9/24/19, 11:14:18 AM] Kurt Walker: 15 W 44th St
 [9/24/19, 9:31:24 PM] Kurt Walker: We are here - hope you can make it
 [9/24/19, 10:10:53 PM] Kurt Walker: ??
 [9/24/19, 10:45:12 PM] Kurt Walker: Ok - we are taking off. Let's talk when you can
 [9/25/19, 7:53:10 AM] Gordon Sandland: Missed voice call
 [9/25/19, 7:54:05 AM] Gordon Sandland: Sorry about last night. Felt like shit and went to bed at 8. Didn't even go to my own dinner. Much better today. Call when able
 [9/25/19, 8:00:55 AM] Kurt Walker: Sorry to hear that! Hope you feel better. Need to discuss one urgent topic - best - Kurt
 [9/25/19, 7:48:01 PM] Kurt Walker: Breakfast with Andrey at Park Hyatt at 8am??
 [9/25/19, 8:03:43 PM] Gordon Sandland: If you guys could come to the Peninsula for bidat my treat. I have to be on a call just prior.
 [9/25/19, 8:41:14 PM] Gordon Sandland: Missed voice call
 [9/25/19, 10:08:57 PM] Gordon Sandland: Missed voice call
 [9/25/19, 11:08:23 PM] Kurt Walker: Sorry Gordon - was separated from my phone. He has an appointment immediately after at the Hyatt... so thought best to meet there... is it ok?
 [9/25/19, 11:39:57 PM] Kurt Walker: S'ly street
 [9/25/19, 4:58:07 AM] Gordon Sandland: Kurt, sorry can't make bidat. Can you have a moment to chat by phone or in person after your bidat?
 [9/25/19, 5:01:14 AM] Kurt Walker: Could you make it if we went to peninsula at 8? Otherwise - yes - let's find time to talk later in morning
 [9/25/19, 5:41:07 AM] Gordon Sandland: Can't make 8 but can we meet around 8:30 or 10?
 [9/25/19, 5:43:42 AM] Kurt Walker: Ha - Andrey has meetings w Ze then. I can call you in that time range - and he can call later I am sure as well
 [9/25/19, 5:44:04 AM] Gordon Sandland: Just wanted to meet with you
 [9/25/19, 5:47:33 AM] Kurt Walker: Got it - going to be tough to meet in person - I've got several meetings and calls kind of stacked up in between. Let's talk today. Y phone and maybe longer call tomorrow if needed

(9/3/19, 11:20:08 AM) Ukraine: Messages to this group are now secured with end-to-end encryption
 (9/3/19, 11:20:08 AM) Gordon Sondland created group "Ukraine"
 (9/3/19, 11:20:09 AM) Gordon Sondland @Hed you
 (9/3/19, 11:23:32 AM) Gordon Sondland: Guys, mArticle comes with Ze. Fatus. Lets talk
 (9/3/19, 11:21:41 AM) Bill Taylor: Now is fine with me
 (9/3/19, 11:25:13 AM) Kurt Volker: Try again -- could not hear
 (9/3/19, 11:40:11 AM) Bill Taylor: Gordon and just spoke. I can brief you if you and Gordon don't connect
 (9/3/19, 12:27:28 PM) Bill Taylor: The nightmare is they give the interview and don't get the security assistance. The Russians love it. (Ac-31 quot.)
 (9/3/19, 5:04:16 PM) Kurt Volker: I'm not in the loop. Talk Monday?
 (9/3/19, 12:15:42 AM) Gordon Sondland: Call at your convenience or let me know a good time. I am in Brussels
 (9/3/19, 12:20:32 AM) Kurt Volker: Will do - just getting started here in Georgia -- will step out and call in an hour or so as a thanks!
 (9/3/19, 12:31:06 AM) Bill Taylor: The message to the Ukrainians (and Russians) we send with the decision on security assistance is key. With the hold, we have already shaken their faith in us into my nightmare scenario.
 (9/3/19, 12:34:44 AM) Bill Taylor: Counting on you to be right about this interview, Gordon.
 (9/3/19, 12:37:16 AM) Gordon Sondland: Bill, I never said I was "right." I said we are where we are and believe we have identified the best pathway forward. Lets hope it works.
 (9/3/19, 12:47:11 AM) Bill Taylor: As I said on the phone, I think it's crazy to withhold security assistance for help with a political campaign.
 (9/3/19, 5:19:35 AM) Gordon Sondland: Bill, I believe you are incorrect about President Trump's intentions. The President has been crystal clear, no quid pro quo's of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign. I suggest we stop the back and forth by text. If you still have concerns, I recommend you give Lisa Keras or SA a call to discuss them directly. Thanks
 (9/3/19, 5:47:05 AM) Bill Taylor: I agree

Opening Statement of Timothy Morrison**Before the House Permanent Select Committee on Intelligence, the House Committee on Foreign Affairs, and the House Committee on Oversight and Reform****October 31, 2019**

Chairman Schiff and Members of the Committees, I appear today under subpoena to answer your questions about my time as Senior Director for European Affairs at the White House and the National Security Council (“NSC”). I will give you the most complete information I can, consistent with my obligations to the President and the protection of classified information. I do not know who the whistleblower is, nor do I intend to speculate as to who it may be.

Before joining the NSC in 2018, I spent 17 years as a Republican staffer, serving in a variety of roles in both houses of Congress. My last position was Policy Director for the then-Majority Staff of the House Armed Services Committee.

I. The Role of the National Security Council

From July 9, 2018 to July 15, 2019, I served as a Special Assistant to the President for National Security and as the NSC Senior Director for Weapons of Mass Destruction and Biodefense. In that role, I had limited exposure to Ukraine, focusing primarily on foreign military sales and arms control. On July 15, 2019, I became Deputy Assistant to the President for National Security. In this role, I serve as the lead interagency coordinator for national security issues involving Europe and Russia.

It is important to start with the role of the NSC. Since its creation by Congress in 1947, the NSC has appropriately evolved in shape and size to suit the needs of the President and the National Security Advisor it serves at the time. But its mission and core function has

fundamentally remained the same: to coordinate across departments and agencies of the Executive Branch to ensure the President has the policy options he needs to accomplish his objectives and to see that his decisions are implemented. The NSC staff does not make policy. NSC staff are most effective when we are neutral arbiters, helping the relevant Executive Branch agencies develop options for the President and implement his direction.

In my current position, I understood our primary U.S. policy objective in Ukraine was to take advantage of the once-in-a-generation opportunity that resulted from the election of President Zelensky and the clear majority he had gained in the Ukrainian Rada to see real anti-corruption reform take root. The Administration's policy was that the best way for the United States to show its support for President Zelensky's reform efforts was to make sure the United States' longstanding bipartisan commitment to strengthen Ukraine's security remained unaltered. It is easy to forget here in Washington, but impossible in Kyiv, that Ukraine is still under armed assault by Russia, a nuclear-armed state. We also tend to forget that the United States had helped convince Ukraine to give up Soviet nuclear weapons in 1994. United States security sector assistance (from the Departments of Defense and State) is, therefore, essential to Ukraine. Also essential is a strong and positive relationship with Ukraine at the highest levels of our respective governments.

In my role as Senior Director for European Affairs, I reported directly to former Deputy National Security Advisor, Dr. Charles Kupperman, and former National Security Advisor, Ambassador John Bolton. I kept them fully informed on matters that I believed merited their awareness or when I felt I needed some direction. During the time relevant to this inquiry, I never briefed the President or Vice President on matters related to Ukrainian security. It was my job to coordinate with the U.S. Embassy Chief of Mission to Ukraine William Taylor, Special

Representative for Ukraine Negotiations Kurt Volker, and other interagency stakeholders in the Departments of Defense and State of Ukrainian matters.

My primary responsibility has been to ensure federal agencies had consistent messaging and policy guidance on national security issues involving European and Russian affairs. As Dr. Fiona Hill and I prepared for me to succeed her, one of the areas we discussed was Ukraine. In that discussion, she informed me of her concerns about two Ukraine processes that were occurring: the normal interagency process led by the NSC with the typical department and agency participation and a separate process that involved chiefly the U.S. Ambassador to the European Union. Dr. Hill told me that Ambassador Sondland and President Trump's personal lawyer, Rudy Giuliani, were trying to get President Zelensky to reopen Ukrainian investigations into Burisma. At the time, I did not know what Burisma was or what the investigation entailed. After the meeting with Dr. Hill, I googled Burisma and learned that it was a Ukrainian energy company and that Hunter Biden was on its board. I also did not understand why Ambassador Sondland would be involved in Ukraine policy, often without the involvement of our duly-appointed Chief of Mission, Ambassador Bill Taylor.

My most frequent conversations were with Ambassador Taylor because he was the U.S. Chief of Mission in Ukraine and I was his chief conduit for information related to White House deliberations, including security sector assistance and potential head-of-state meetings. This is a normal part of the coordination process.

II. Review of Open Source Documents in Preparation for Testimony

In preparation for my appearance today, I reviewed the statement Ambassador Taylor provided this inquiry on October 22, 2019. I can confirm that the substance of his statement, as it relates to conversations he and I had, is accurate. My recollections differ on two of the details, however. I have a slightly different recollection of my September 1, 2019 conversation with

Ambassador Sondland. On page 10 of Ambassador Taylor's statement, he recounts a conversation I relayed to him regarding Ambassador Sondland's conversation with Ukrainian Presidential Advisor Yermak. Ambassador Taylor wrote: "Ambassador Sondland told Mr. Yermak that security assistance money would not come until President Zelensky committed to pursue the Burisma investigation." My recollection is that Ambassador Sondland's proposal to Mr. Yermak was that it could be sufficient if the new Ukrainian prosecutor general—not President Zelensky—would commit to pursue the Burisma investigation. I also would like to clarify that I did not meet with the Ukrainian National Security Advisor in his hotel room, as Ambassador Taylor indicated on page 11 of his statement. Instead, an NSC aide and I met with Mr. Danyliuk in the hotel's business center.

I also reviewed the Memorandum of Conversation ("MemCon") of the July 25 phone call that was released by the White House. I listened to the call as it occurred from the Situation Room. To the best of my recollection, the MemCon accurately and completely reflects the substance of the call. I also recall that I did not see anyone from the NSC Legal Advisor's Office in the room during the call. After the call, I promptly asked the NSC Legal Advisor and his Deputy to review it. I had three concerns about a potential leak of the MemCon: first, how it would play out in Washington's polarized environment; second, how a leak would affect the bipartisan support our Ukrainian partners currently experience in Congress; and third, how it would affect the Ukrainian perceptions of the U.S.-Ukraine relationship. I want to be clear, I was not concerned that anything illegal was discussed.

III. White House Hold on Security Sector Assistance

I was not aware that the White House was holding up the security sector assistance passed by Congress until my superior, Dr. Charles Kupperman, told me soon after I succeeded Dr. Hill. I was aware that the President thought Ukraine had a corruption problem, as did many

others familiar with Ukraine. I was also aware that the President believed that Europe did not contribute enough assistance to Ukraine. I was directed by Dr. Kupperman to coordinate with the interagency stakeholders to put together a policy process to demonstrate that the interagency supported security sector assistance to Ukraine. I was confident that our national security principals—the Secretaries of State and Defense, the Director of the Central Intelligence Agency, and the head of the National Security Council—could convince President Trump to release the aid because President Zelensky and the reform-oriented Rada were genuinely invested in their anti-corruption agenda.

Ambassador Taylor and I were concerned that the longer the money was withheld, the more questions the Zelensky administration would ask about the U.S. commitment to Ukraine. Our initial hope was that the money would be released before the hold became public because we did not want the newly constituted Ukrainian government to question U.S. support.

I have no reason to believe the Ukrainians had any knowledge of the review until August 28, 2019. Ambassador Taylor and I had no reason to believe that the release of the security sector assistance might be conditioned on a public statement reopening the Burisma investigation until my September 1, 2019 conversation with Ambassador Sondland. Even then I hoped that Ambassador Sondland's strategy was exclusively his own and would not be considered by leaders in the Administration and Congress, who understood the strategic importance of Ukraine to our national security.

I am pleased our process gave the President the confidence he needed to approve the release of the security sector assistance. My regret is that Ukraine ever learned of the review and that, with this impeachment inquiry, Ukraine has become subsumed in the U.S. political process.

IV. Conclusion

After 19 years of government service, I have decided to leave the NSC. I have not submitted a formal resignation at this time because I do not want anyone to think there is a connection between my testimony today and my impending departure. I plan to finalize my transition from the NSC after my testimony is complete.

During my time in public service, I have worked with some of the smartest and most self-sacrificing people in this country. Serving at the White House in this time of unprecedented global change has been the opportunity of a lifetime. I am proud of what I have been able, in some small way, to help the Trump Administration to accomplish.

Thank you for your attention.

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: CHRISTOPHER ANDERSON

Wednesday, October 30, 2019

Washington, D.C.

The deposition in the above matter was held in Room HVC-304,
Capitol Visitor Center, commencing at 2:37 p.m.

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Present: Representatives Schiff, Himes, Sewell, Quigley, Swalwell, Welch, Demings, Nunes, and Stefanik.

Also Present: Representatives Cicilline, Espaillat, Perry, Jordan, and Meadows.

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

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For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

For CHRISTOPHER ANDERSON:

MARK J. MACDOUGALL

ABBAY MCNAUGHTON

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THE CHAIRMAN: Good morning, Mr. Anderson. And welcome to the House Permanent Select Committee on Intelligence, which, along with the Foreign Affairs and Oversight Committees, is conducting this investigation as part of the official impeachment inquiry of the House of Representatives.

Today's deposition is being conducted as part of the impeachment inquiry. In light of attempts by Department of State and the administration to direct you not to cooperate with the inquiry, the committee had no choice but to compel your appearance today. We thank you for complying with the duly authorized congressional subpoena, as other current and former officials from across the Federal Government have done.

Mr. Anderson is a career Foreign Service officer. He served at Embassy Kyiv from 2014 to 2017 and as the Special Advisor for Ukraine Negotiations from August 2017 to July 2019.

Mr. Anderson, we thank you for your service. We look forward to your testimony today, including your knowledge of and involvement in key policy discussions, meetings, and decisions on Ukraine that relate directly to areas under investigation by the committees.

This includes developments related to the recall of Ambassador Yovanovitch; the President's July 25, 2019, call with Ukrainian President Zelensky; as well as the documentary record that has come to light about efforts before to get the Ukrainians to announce publicly investigations into the two areas President Trump asked President Zelensky to pursue: the Bidens and Burisma; and the conspiracy theory

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about Ukraine's purported interference in the 2016 elections.

We will also have questions about the Department's response to the impeachment inquiry, including the committee's subpoena, which the Department continues to defy despite the fact that we know it has already collected significant documentary evidence that goes to the heart of our inquiry.

Finally, to restate what I and others have emphasized in other interviews, Congress will not tolerate any reprisal, threat of reprisal, or attempt to retaliate against any U.S. Government official for testifying before Congress, including you or any of your colleagues.

It is disturbing that the State Department in coordination with the White House have sought to prohibit Department employees from cooperating with the inquiry and with Congress and have tried to limit what you can say. This is unacceptable, and, thankfully, consummate public servants like you have demonstrated remarkable courage in coming forward to testify and tell the truth.

Before I turn to committee counsel to begin the interview, I invite Ranking Member Nunes to make any opening remarks.

MR. NUNES: I thank the gentleman.

Mr. Anderson, you haven't been here for previous interviews, but we've had a challenge with the majority interrupting the questioners on the Republican side. We expect and hope that you will not be coached by the majority and will answer all the questions that you are asked.

Hopefully -- the majority, I heard, the last round was fairly

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decent; there were not a lot of interruptions. So hopefully that behavior continues.

But, with that, Mr. Anderson, welcome, and we thank you for appearing today.

I yield back.

THE CHAIRMAN: I now yield 1 hour to Mr. Goldman.

MR. GOLDMAN: I have to do the --

THE CHAIRMAN: Oh, I'm sorry. Before we yield the 1 hour, I will yield to Mr. Goldman for some preliminary logistics.

MR. GOLDMAN: This is a deposition of Christopher Anderson conducted by the House Permanent Select Committee on Intelligence pursuant to the impeachment inquiry announced by the Speaker of the House on September 24th, 2019.

Mr. Anderson, if you could please state your full name and spell your last name for the record.

MR. ANDERSON: Christopher Jonathan Anderson, A-n-d-e-r-s-o-n.

MR. GOLDMAN: Along with other proceedings in furtherance of the inquiry to date, this deposition is part of a joint investigation led by the Intelligence Committee in coordination with the Committees on Foreign Affairs and Oversight and Reform.

In the room today are majority staff and minority staff from all three committees, and this will be a staff-led deposition. Members of course may ask questions during their allotted time, as has been the case in every deposition since the inception of this investigation.

My name is Daniel Goldman. I'm the director of investigations

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for the Intelligence Committee's majority staff. And I want to thank you again for coming in today for this deposition.

Let me do some brief introductions. To my right is Nicolas Mitchell, senior investigative counsel for the Intelligence Committee's majority staff, who will be conducting most of the interview today.

And now I'll let my counterparts in the minority introduce themselves.

MR. CASTOR: Steve Castor with the Republican staff of the Oversight Committee.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. GOLDMAN: This deposition will be conducted entirely at the unclassified level. However, the deposition is being conducted in HPSCI secure spaces and in the presence of staff with appropriate security clearances. We understand that your attorneys also have their security clearance.

It is the committee's expectation that neither questions asked of you nor answers provided by you will require discussion of any information that is currently or at any point could be properly classified under Executive Order 13526.

You are reminded that EO 13526 states that, quote, "in no case shall information be classified, continue to be maintained as

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classified, or fail to be declassified," unquote, for the purpose of concealing any violations of law or preventing embarrassment of any person or entity.

If any of our questions can only be answered with classified information, please inform us of that, and we will adjust accordingly.

Today's deposition is not being taken in executive session, but because of the sensitive and confidential nature of some of the topics and materials that will be discussed, access to the transcript of the deposition will be limited to the three committees in attendance.

Under the House deposition rules, no Member of Congress nor any staff member can discuss the substance of the testimony you provide today. You and your attorney will have an opportunity to review the transcript after today's deposition.

Before we begin, I'd like to go over some ground rules for the deposition. We will be following the House regulations for depositions, which we have previously provided to your counsel.

The deposition will proceed as follows. The majority will be given 1 hour to ask questions; then the minority will be given 1 hour. Thereafter, we will alternate back and forth between majority and minority in 45-minute rounds until questioning is complete.

We will take periodic breaks, but if you need a break at any time, please let us know.

Under the deposition rules, counsel for other persons or government agencies may not attend.

You are permitted to have an attorney present during this

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deposition, and I see that you have brought two. At this time, if counsel could please state their appearance for the record.

MR. MACDOUGALL: Mark MacDougall, Akin Gump Strauss, Washington, D.C., for Mr. Anderson.

MS. MCNAUGHTON: Abbey McNaughton, Akin Gump, Washington, D.C.

MR. GOLDMAN: There is a stenographer taking down everything that is said here today in order to make a written record of the deposition. For the record to be clear, we'd ask that you please wait until each question is completed before you begin your answer, and we will wait until you finish your response before asking you the next question.

The stenographer cannot record nonverbal answers such as shaking your head, so it is important that you answer each question with an audible, verbal answer.

We ask that you give complete 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.

You may only refuse to answer a question to preserve a privilege recognized by the committee. If you refuse to answer a question on the basis of privilege, staff may either proceed with the deposition or seek a ruling from the chairman on the objection. If the chair overrules any such objection, you are required to answer the question.

Finally, you are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff. It is imperative that you not only answer our questions truthfully but that

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you give full and complete answers to all questions asked of you. Omissions may also be considered as false statements.

As this deposition is under oath, Mr. Anderson, would you please stand and raise your right hand to be sworn?

Do you swear that your testimony here today will be the whole truth and nothing but the truth?

MR. ANDERSON: I do.

MR. GOLDMAN: Let the record reflect that the witness has been sworn.

And you may be seated.

Now, Mr. Anderson, if you have an opening statement or your attorney has any introductory matters to discuss, now is the time.

MR. MACDOUGALL: Mr. Chairman, before Mr. Anderson begins his testimony, I'd like to make a brief statement for the record.

Christopher Anderson is a career Foreign Service officer who served as Special Advisor for Ukraine Negotiations until July 12th, 2019.

On October 28th, 2019, Mr. Anderson received a letter, through his lawyers, from Under Secretary of State Brian Bulatao in which we were instructed that Mr. Anderson cannot participate in the impeachment inquiry being conducted by the House of Representatives and these committees.

Under Secretary Bulatao's letter stated that these instructions were issued pursuant to a directive from the Office of White House Counsel. Nonetheless, Mr. Anderson has been served with a valid

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subpoena, and so he is obliged to be here today.

While Mr. Anderson is prepared to respond to all of the committee's questions to the best of his ability, I need to address one consideration at the outset.

A great deal of attention has been directed to the information submitted to the Office of the Inspector General of the Intelligence Community by an unnamed government employee pursuant to the Intelligence Community Whistleblower Protection Act. Mr. Anderson is not the whistleblower.

As the committee is well aware, the governing statute and associated regulations permit whistleblowers to preserve their anonymity. We believe that Mr. Anderson is obligated to respect in his testimony today the legal standards and equities that protect whistleblower anonymity in the Intelligence Community. So, to the extent we reasonably conclude that any questions directed to Mr. Anderson this afternoon are intended to assist anyone in establishing the identity of the whistleblower, we will make the necessary objections and will give the witness appropriate instructions.

With that, Mr. Anderson has a brief opening statement. Thank you, Mr. Chairman.

MR. ANDERSON: Thank you.

Mr. Chairman and Ranking Member, thank you for the opportunity to provide this statement today.

I have served as a Foreign Service officer in the State Department since 2005. I have spent most of my career serving in countries on

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the periphery of the Russian Federation, including Mongolia, Armenia, and, most recently, Ukraine.

Over the last 5 years, I have worked in Kyiv and Washington to advance our national security interests by promoting a peaceful resolution to the conflict in eastern Ukraine, countering Russian aggression, and defending the principle that international borders should not be changed by force.

It has been a privilege to serve our country and promote our national interests on such an important foreign policy issue while working alongside dedicated and talented public servants. These efforts have benefited from strong bipartisan support.

My work in Ukraine began with a 3-week temporary duty to Kyiv in March of 2014, just after Russia invaded and occupied Crimea. I returned to Kyiv in September 2014 to serve as the External Unit Chief in the Political Section of our Embassy. I served in Kyiv from 2014 to 2017 and worked closely with Ambassador Yovanovitch from 2015 to 2017.

In August of 2017, Ambassador Volker asked me to serve as Special Advisor for Ukraine Negotiations. I served in this position from late August 2017 until July 12th, 2019. In this role, I helped develop negotiating solutions, analyzed Russian and Ukrainian ceasefire proposals, and provided context on the history of the conflict and past negotiations. I also traveled with Ambassador Volker to the front lines of the conflict to negotiate with the Russians and to meet with European counterparts.

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On November 25th, 2018, Russia escalated the conflict further when its forces openly attacked and seized Ukrainian military vessels heading to a Ukrainian port in the Sea of Azov. While my colleagues at the State Department quickly prepared a statement condemning Russia for its escalation, senior officials in the White House blocked it from being issued. Ambassador Volker drafted a tweet condemning Russia's actions, which I posted to his account.

In December 2018, Ambassador Volker and I traveled to Brussels to meet with EU officials and key NATO allies to push for a more assertive European response to Russia's escalation. During this visit, we met with Ambassador Sondland, who hosted a lunch bringing together key EU officials for a discussion on coordinating our response to Russia's escalation.

When Volodymyr Zelensky was elected President in April, Ambassador Volker and I were hopeful that a newly empowered Ukrainian President could reinitiate high-level U.S. engagement.

Before the inauguration in May, my colleagues and I saw a tweet by Rudolph Giuliani alleging that President-elect Zelensky was surrounded by enemies of President Trump.

In an effort to counter the negative narrative sparked by Ambassador Yovanovitch's withdrawal and Giuliani's statements, we pushed for a high-level delegation to attend Zelensky's inauguration. Secretary Perry, Ambassador Sondland, Ambassador Volker, NSC Director Alexander Vindman, and Senator Ron Johnson traveled to Kyiv as part of a Presidential delegation for the inauguration.

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After the delegation returned, the participants wanted to brief the President on the trip. Ambassador Sondland was able to quickly arrange a meeting with the President for May 23rd. I participated in the preparatory meeting at the White House, in which we discussed key deliverables that would demonstrate President Zelensky's commitment to reform.

We focused on three key areas: demonstrating Zelensky's independence from powerful vested interests and pursuing anticorruption as well as antitrust reform; strengthening U.S.-Ukrainian energy cooperation; and improving our bilateral security relationship, which included Ukraine purchasing key U.S. military equipment.

Ambassador Volker told me after the meeting that the President had agreed to invite President Zelensky to the White House for a meeting and would issue a letter shortly. The President signed a letter on May 29th that included an invitation for President Zelensky, but the letter did not include a specific date for the visit.

On June 13th, I accompanied Ambassador Volker to a meeting with National Security Advisor John Bolton. In that meeting, Ambassador Bolton stated that he agreed with our three lines of effort and that he also supported increased senior White House engagement. However, he cautioned that Mr. Giuliani was a key voice with the President on Ukraine, which could be an obstacle to increased White House engagement.

He did suggest that perhaps the Vice President would be available

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to travel to Toronto to meet with President Zelensky in early July at the Ukraine Reform Conference that the Canadian Government was hosting. We later learned that the Vice President would not attend the conference.

The morning after the meeting, I sent a brief message to Deputy Assistant Secretary George Kent summarizing the meeting and relaying NSA Bolton's message about Mr. Giuliani. I sent around a more formal summary later that day to my State Department colleagues.

On June 18th, Secretary Perry hosted a followup meeting at the Department of Energy to discuss how to move forward on these three key areas. In preparation for that meeting, colleagues from different offices in the State Department, the Department of Energy, and our missions in Kyiv and Brussels worked to develop a joint list of policy outcomes that would demonstrate President Zelensky's commitment to reform and improve the bilateral U.S.-Ukraine relationship.

In the meeting at the Department of Energy on June 18th, there was broad agreement on the interagency framework regarding policy deliverables. There were some initial discussions about how to delineate the lines of effort among the Department of Energy, the State Department, Ambassador Volker, Ambassador Sondland, and Ambassador Taylor, who joined by phone from Kyiv.

There was also general agreement that it would be important to schedule a White House visit quickly, even if the actual date of the visit was after the Ukrainian parliamentary elections.

There were some vague discussions in the meeting about how to

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address Mr. Giuliani's continued calls for a corruption investigation.

After the meeting, I spoke with Ambassador Taylor in a phone call to discuss the atmospherics of the meeting and next steps. We agreed on the importance of not calling for any specific investigations but otherwise agreed the three lines of effort were useful.

Ambassador Volker then led a delegation to the Ukraine Reform Conference in Toronto July 1st and 2nd. We met with several Ukrainian officials, including President Zelensky. In the meeting, President Zelensky highlighted progress in some of the key areas we had identified and pushed for a date for a White House visit. Volker urged him to schedule a call with President Trump in order to start building a relationship and thereby increase the chance of securing a date for the White House visit.

I was scheduled to complete my assignment as Special Advisor for Ukraine Negotiations on July 12th, 2019. In the few remaining days of my assignment, I continued to push my Ukrainian counterparts for concrete progress in key reform areas, and the Ukrainians remained focused on scheduling a White House visit, seeing such a visit as a critical step in empowering Zelensky in his negotiations with the Russians.

My last day with Ambassador Volker was July 12th. Catherine Croft was my successor.

In closing, I want to reiterate that my colleagues and I in the Foreign Service are nonpartisan and advance the foreign policy set by our duly elected leaders. I take that commitment as well as my oath

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to defend the Constitution seriously.

Working abroad to advance the interests of the United States has at times led to harassment and intimidation by hostile intelligence services, death threats, and other significant challenges for my family and me, but I have accepted these burdens because I believe we are advancing a cause greater than ourselves and are working to promote the general welfare.

Thank you for your opportunity to provide this statement, and I welcome your questions.

THE CHAIRMAN: Thank you.

I'll now recognize Mr. Mitchell for 1 hour.

BY MR. MITCHELL:

Q Good afternoon, Mr. Anderson. I want to thank you first for your long service to this country. And we certainly appreciate you coming here and testifying under these circumstances today.

Before we get into the meat of the topics that we want to cover, could you briefly sketch out your career in the Foreign Service from roughly 2005 to 2014? And, particularly, if you could highlight any responsibilities that you had or interactions you had with Ukraine-related matters during that time period.

A Okay.

So my first assignment in the Foreign Service was in Buenos Aires, Argentina, doing consular work. I then went to Mongolia -- Ulaanbaatar, Mongolia, for 2 years after that. And then I went to Armenia -- Yerevan, Armenia, where I worked on trying to

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resolve the conflict there in Nagorno-Karabakh for 3 years.

And then, from there, I went to Kyiv in March of 2014, and that was my first involvement with Ukraine specific. And then, from there -- I was there for 3 years, and then I came back to D.C. for 2 years.

Q Okay. I want to talk to you a little bit first about your time in Kyiv from 2014 through 2017. Can you just generally describe both your position as well as your roles and responsibilities?

A So I was the head of the External Unit, which is a unit within the Political Section, and that was responsible for addressing all the typical foreign policy issues, primarily Ukraine's relationship with Russia, with the EU, with neighbors, and with international organizations like the OSCE.

The primary responsibility was in covering the conflict itself. We did not have great sources in the Russian-controlled, Russian-occupied areas, and so I was responsible for developing a network of contacts and going out to the field and also using satellite imagery and other resources to assess the conflict.

And I would send back daily updates and in-depth reports, as well, to key Washington policymakers about what was happening in the conflict. And then I would support the Assistant Secretary's efforts to negotiate with the Kremlin from Kyiv as well.

Q Okay. And so how much time, approximately, would you spend within the Embassy versus outside the Embassy doing these reconnaissance efforts?

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A Well, I would just -- "reconnaissance" makes it sound more like I was doing military work, but I take the point. I would spend about 3 or 4 hours a day in the Embassy, with most of the time doing meetings. Because that's why I was sent to the Kyiv, to be out meeting people. So --

Q Okay. And when you say you were out there meeting people, were you -- that includes Ukrainian officials, presumably?

A Yes. It included Ukrainian officials, included representatives from the OSCE, war correspondents, anyone who would have -- NGOs -- anyone who would have information about what was going on in the negotiations.

There was an OSCE office that was responsible for, like -- it was called the Trilateral Contact Group, responsible for negotiating with the Ukrainians and the Russians, and I would meet with them. I would meet with the Ukrainian negotiators and also with the OSCE office to figure out what was going on on a daily basis with the negotiations.

Q Okay. Was one of the topics that you touched upon U.S. security assistance?

A Only in a very general way. There was a separate unit that handled security assistance, and that was the pol-mil unit. And so they would -- and the Office of Defense Cooperation. So I was doing more reporting and analysis about ceasefires and the ongoing conflict, while another office would then figure out how to respond.

Q Okay. So when you said "in a very general way," can you just describe what that general way was?

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A In talking -- when there was discussion, sort of, discussion about whether we should provide Javelins or big questions, then the Ambassador would ask me, what do you think? And I would have a weekly briefing with the Ambassador, what we called the Minsk update, each week, and they would be touching on any broad range of issues. But the day-to-day management of that issue fell to what we called ODC, Office of Defense Cooperation, and the pol-mil unit.

Q Okay. And when you were in Kyiv, during your tenure there were at least two different Ambassadors. Is that correct?

A Yes.

Q Who was the first?

A Ambassador Pyatt, Ambassador Jeff Pyatt.

Q And the second?

A Ambassador Marie Yovanovitch.

Q And did you discuss the issue of the Javelins with Ambassador Pyatt?

A Yes. But Ambassador Yovanovitch -- I had a more in-depth relationship, more in-depth discussions with Ambassador Yovanovitch. Pyatt had a very clear opinion from the start, so --

Q Okay. When did Ambassador Yovanovitch first arrive in Kyiv?

A I believe it was August of 2015, but I might be off by a month or so. It was 2015.

Q Okay. And you indicated that you had, I think you said, in-depth conversations with Ambassador Yovanovitch about Javelins. Is that right?

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A Yes.

Q Just as a general matter, can you describe the nature of those discussions?

A It was whether or not this would be a good policy, whether it would be -- there was some debate whether providing this lethal assistance would be escalatory and would lead to greater fighting, or there was another point of view, which was shared by many in the Embassy, that it would be a strong signal to the Russians and it would actually help Ukraine defend itself and that worrying about Russian escalation was a moot point since they were escalating on their own anyway.

But we talked about, you know, what did she think the German reaction would be or what did I think the German reaction would be, what did I think the Ukrainian reaction would be. So those were some of the things we discussed.

Q Okay. And, ultimately, over the course of these discussions that you had with the Ambassador, did you get a general sense as to what her position was?

A I think she favored a strong security assistance and, I think, supported Javelins, but I'm -- that is just my recollection from our discussions, but I'm not certain.

Q Okay. Did you also engage with Ambassador Yovanovitch about corruption generally?

A Working in Ukraine, you can't avoid talking about corruption, but not in any substantive way. There were several other people who dealt with corruption more specifically.

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Q Okay. But working in the Embassy -- and it sounds like you worked closely with Ambassador Yovanovitch. Is that right?

A Yes.

Q Okay. Did you get a sense as to her position on the corruption or anticorruption efforts in Ukraine?

A Corruption? We often framed it as if there were two wars going on. One was the war in the east against Russia; the other was the war against corruption. And the war against corruption was just as important, because even if Ukraine defeated Russia on the battlefield, Russia would win through corruption.

And so everyone in the Embassy saw corruption as almost an existential threat for Ukraine and pushing back against the corrupt systems as an essential way of ensuring that Ukraine would be a strong and stable ally.

Q What do you mean, Russia would win through corruption?

A Because we believed -- in my view, Russia uses corruption as a way to undermine the Ukraine and to exert control and to maintain political dominance through corruption. And, by doing that, it is able to ensure Ukraine -- it had used corruption to ensure that Ukraine stayed within its orbit and was not an independent, sovereign country.

And so that is partly why the protest in the Maidan happened, because Ukraine wanted to be independent and part of the West, and so there was no way they could achieve that desire and be a good ally of the West and partner with the West if they did not tackle corruption.

Q Okay. So is it fair to say that there was a strong U.S.

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policy to help Ukraine tackle corruption?

A Yes.

Q And that was -- one of the reasons for that was that it would counter any sort of Russian aggression or control over Ukraine?

A Yes.

Q And was that a policy position shared by Ambassador Yovanovitch as well?

A By Ambassador Pyatt and Ambassador Yovanovitch.

Q Okay.

Are you familiar with the Prosecutor General Lutsenko?

A I know who he is. I have never met him, and I have not engaged with him on substance or with his office on substance.

Q Okay.

Were you involved in the 2017/early 2018 delivery of Javelins?

A Ambassador Volker was a strong advocate for the provision of Javelins, and he saw that as a key effort in our negotiations, where strengthening the Ukrainian ability to resist Russian aggression would help encourage Russia to negotiate.

If there was a sense that Russia -- U.S. support for Ukraine is vital to the negotiating effort, because if Russia does not believe that the U.S. is going to pressure them about this issue, they will just wait out Ukraine. And they believe Ukraine, left to its own devices, will collapse.

So Javelins was a very -- the provision of Javelins was a very strong signal to Russia that we would continue to increase the cost

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to Russia for this escalation, that they would not be able to win by waiting us out, and that the U.S. was committed to seeing a Ukraine independent and able to choose its own partners.

So I was, in many ways, Volker's representative to advance that policy, but there were specific offices that dealt with it more directly. But I would repeatedly weigh in and let people know that Volker was supportive of this position.

Q Okay. And so your involvement in the provision of Javelins changed from the time that you were working at Embassy Kyiv to when you transitioned to the Special Advisor for Ukraine Negotiations under Ambassador Volker. Is that correct?

A Correct.

Q Okay. And that's essentially what you just described.

A Correct.

Q All right. So to what extent were you actually involved in the decision to provide Javelins to the Ukrainians at the end of 2017 and then eventually the delivery of those Javelins during the first half of 2018?

A Very little. There was -- but we did -- in some way, we helped provide some top cover to the people, the offices that were doing that and saying, yes, this was very helpful in the negotiations.

Ambassador Volker, as a representative of the Secretary, was taken very seriously within the Department, especially at a time when there were perhaps not as many confirmed officials as normal. So he had a very strong voice. And so, when he would come in and weigh in

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and say, this is very helpful for our policy on Ukraine, people took that seriously and they would move it forward.

But this was a decision that was done both in our Office of Military Assistance in the Political-Military Bureau but then also at the White House.

Q Okay. Were you aware of any hold that was put in place on the provision of Javelins during this time period, the end of 2017 or early 2018?

A I was aware that this was a protracted process, but I did not know specifics about where it was.

Q Okay. Did you have any conversations with anyone about the fact that it was a protracted process or where it was at any given time?

A We would endlessly speculate about what was going on, but our understanding was that was happening at levels well above our pay grade, so --

Q Okay. And did you have a sense of at what level?

A It was at the White House, and so -- the White House was opaque, so I don't know exactly what was going on.

Q All right.

So when you became Special Advisor for Ukraine Negotiations in 2017, was that the first time that you started working with Ambassador Volker?

A I had met him in Kyiv in my last week in the country. He came out with Secretary Tillerson. And I think Ambassador Yovanovitch knew that I would be a good fit to be his advisor and suggested that

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I help organize his visit. And so I spent about 3 or 4 days, a few days with him in August of -- or, sorry, July of 2017, helping him meet all the key players in Kyiv.

And so I think he thought I would be a good fit. And so when I arrived back in D.C., he invited me to take his job. And I initially worked with him as a -- from a detail from the Russia desk, which is where I was supposed to go, and then eventually created a separate assignment to be there for a full 2 years.

Q For 2 years?

A Yeah.

Q Okay. And how closely did you work with Ambassador Volker during that 2-year period?

A Very closely. I was -- so the only -- I was the only officer in his office. He had a part-time office management specialist.

But, at the same time, he is incredibly experienced and he knows a lot of the key players, so there were lots of things that he would just do directly. For example, he would be in direct contact with the Assistant Secretary, whether it was Wess Mitchell or Reeker -- Assistant Secretary Reeker. And so he would have his own contacts.

But he also worked in a separate building, because he was part-time. He was working on a volunteer basis and worked part-time. So he would basically come up with the broad strategy and then ask me to implement it.

And then when we were negotiating, he would say, here's

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what -- for example, we had a strategy for how to implement a peacekeeping force. And he said, well, here's my overall idea, so I want you to talk to people to develop the details. And then we would bat proposals back and forth and refine ideas.

And so I would say I worked very closely with him but in a somewhat untraditional arrangement, because he was not in the building.

Q Okay. And you say work closely with him. Was it both in person as well as through various different means of electronic communication?

A Yes.

Q Including email?

A Email. We'd also speak on the phone a lot, do some WhatsApp messages. And I would stop by his office; he would stop by the State Department. We'd often try to do -- we'd have meetings, and then at the end of meetings I would sort of stay behind to touch base, make sure we're in the right direction.

Q Okay. To the extent that Ambassador Volker was communicating with these other individuals with whom he's developed a network, I think you described --

A Uh-huh.

Q -- would you be copied on those communications or would you participate in any of the calls if there were conference calls?

A That was very topic-dependent. So, often, he would CC me, partly to make sure that the State Department was aware and so that I could make sure other people were kept in the loop. But on certain

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things, for example, his contacts with the Assistant Secretary, he would handle that himself and then brief me about them as he thought necessary.

Q And how would he brief you about them?

A He would tell me about them the next time we saw -- when we were discussing, he'd say, yeah, well, for example, Mitchell is on board with this, I've talked with him. Or, you know, sometimes he would forward messages, but mostly he was just telling me the next time we saw each other.

Q Okay. And by that, you mean orally?

A Orally, yeah.

Q And would you memorialize his oral recitations in any way?

A No, not unless -- if there was -- occasionally if there was something that would be sort of an official record or was necessary for moving something forward, I would put it in email and inform others about it. But often it would be, "Hey, I've made sure that Mitchell's on board with this," or -- part of what we wanted to make sure was that the different offices were coordinated, and so he would just tell me, "Yes, I've coordinated with this." But it wasn't that we had to document every phone call we had, so --

Q Okay.

So I want to skip ahead to November of 2018. In your opening statement, you describe an escalation in the conflict.

A Uh-huh.

Q Can you just briefly explain what happened there?

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A Sure.

There were some Ukrainian vessels that were traveling from the Black Sea to their port in the Sea of Azov. And they were transiting through the Kerch Strait, which is, in the U.S. Government's view, a shared strait. The Ukrainians -- because part of it is Crimea, and part of it is the Russian Federation. And so we consider the Crimean portion to be Ukrainian, but it is -- so it has historically been shared. But Russia refused to allow the ships to transit the strait and fired upon and seized the ships and the sailors.

This was the first act of Russian military overtly firing on Ukrainian military vessels, and so this was a dramatic escalation. They had typically done what I would call implausible deniability, where they were there operating in eastern Ukraine but they wouldn't admit it. And this was an overt escalation. And, also, we believed this happened in international waters.

Q Okay. And did you have conversations with Ambassador Volker or other colleagues at the State Department about this incident?

A Yes. I mean, this happened the weekend after Thanksgiving, so a lot of people were working from home, but there was a flurry of activity to try and make sure we got something out that same day. And our European colleagues and others had gotten statements out, and we were trying to make sure we had a statement out as well.

Q Okay. And you mentioned that statement in your opening statement here. And you indicated that your colleagues quickly prepared a statement condemning Russia for its escalation. Were you

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involved in preparing that statement?

A I think I looked it over, but I have to say my memory on that is a little bit fuzzy. That was handled by the Ukraine desk, but I was keeping Ambassador Volker in the loop on that.

Q Okay. And was he supportive of such a statement?

A Very.

Q And were you?

A Yes.

Q Did you know of anyone within the State Department who was not supportive of issuing the statement condemning Russia for its escalation?

A Not that I'm aware of, but then I was dealing with the Ukraine desk, so --

Q And then you also indicated in your opening statement that senior officials in the White House blocked this statement from being issued. What do you know about that?

A I was looking through my notes and emails, and I don't remember how I learned this, but I did send a message to Ambassador Volker that evening that the President had put an embargo on any statements.

Q And how did you learn about the embargo?

A Presumably from a conversation with members on the Ukraine team, the Ukraine desk, but I didn't see it in my email, so presumably a phone call.

Q Did you talk to anybody about the reason for this embargo?

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A No. Well, I think there was a reference of wanting more information, but I -- that was what I passed along to Ambassador Volker.

Q Did you ever get any more information?

A It was a very complicated situation. It wasn't clear exactly where the ships were in international waters. There was some allegation -- the Russian side was arguing that it was a provocation from the Ukrainians and that Poroshenko had done this on purpose to try and force Western support.

I will say, I think a statement was -- Secretary Pompeo issued a statement the following day. Ambassador Haley did eventually pretty quickly issue a statement as well. But there was never a statement from the White House that I'm aware of.

Q And did you find that to be unusual?

A We received questions from Ukrainian counterparts and journalists as to why there wasn't a stronger statement, but that is not my decision to make.

Q And so what was your response when you received those inquiries from Ukrainian officials and journalists?

A I would assure them that Ambassador Haley spoke for the administration; Secretary Pompeo's statement was a very strong statement as well. We expressed strong concern and defended our actions.

Q Did you have any concerns at this time period, November 2018 or early December of 2018, that perhaps the U.S. policy of strong support for Ukraine was shifting in any way?

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A There were some indications, possibly, of Ukraine fatigue. In January, there was an effort to get a routine freedom-of-navigation operation into the Black Sea. That was of a -- I believe it was a destroyer, but I'm not certain. It may have just been a -- actually, I don't think it was a destroyer. The destroyer was later. There was a freedom-of-navigation operation for the Navy.

So we -- we, the U.S. Government -- notified the Turkish Government that there was this intent. There was a news report on CNN, and then the White House asked the Navy to cancel that. And there were reports that there was an effort to review all assistance to Ukraine. That created a lot of fear that that was a shift in our policy.

Eventually, we met with Ambassador Bolton and discussed this, and he made it clear that the President had called him to complain about that news report. And that may have just been that he was surprised. We don't -- I can't speculate as to why. But that that operation was canceled, but then we were able to get a second one for later in February. And we had an Arleigh-class destroyer arrive in Odesa on the fifth anniversary of the Crimea invasion.

Q Okay. You mentioned this meeting with Ambassador Bolton. Would that have been in the same general time period, roughly?

A This would've been December -- yes, I believe it was December of 2018.

Q Did you attend that meeting with Ambassador Bolton in December 2018?

A I did.

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Q And where was it?

A In Ambassador Bolton's office.

Q And who else was there?

A I believe every meeting -- and I think we had four or five meetings with Ambassador Bolton over the time. Every meeting would have been with Dr. Fiona Hill and presumably -- I believe Alex Vindman was in every meeting as well, but I'm not certain.

Q Okay.

A He may have missed one or two.

Q And was the general topic of discussion what happened on November 25th of 2018, or were there other topics as well?

A It was, well, always about our negotiations and how do we respond, how do we push back on Russian aggression. But I believe the full focus of that meeting -- the primary focus of that meeting was how do we respond to this escalation.

And I believe Ambassador Bolton relayed that there was some concern that Poroshenko was using this for his political advantage, that there was skepticism about Poroshenko's motives. But we also wanted to make sure the Europeans took the lead on responding to this escalation, because this was a European -- this happened in Europe.

And so we went to Brussels later that month and pushed hard with our NATO allies and European partners to make sure there was a strong European response.

Q And is this the Brussels meeting that you referred to in your opening statement --

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A Yes.

Q -- in which Ambassador Sondland also participated?

A Correct.

Q Okay. So these four to five meetings with Ambassador Bolton were before you traveled to Brussels?

A This was over the time that I was with the -- as Special Advisor.

Q I see.

A I think there was one meeting shortly after he was appointed where we wanted to make sure he was on board with Ambassador Volker's general strategy of using an interim peacekeeping force. There was one at this point. There was another one shortly -- in the period around the elections. And then there was one in June as well.

So those are four that I can remember off the top of my head, but --

Q Okay.

A -- if you'd like, I can try to track down the exact numbers and times.

Q And I think we're going to step through each of those a little later today, hopefully not too much later today.

Now, you indicated that there was a news report, if I understand correctly, that President Trump was upset about or not pleased with. Can you explain that a little more?

A There was a CNN story which said that -- and I don't remember seeing the news report, but that referenced this freedom-of-navigation operation into the Black Sea and made it seem as if this were a direct

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response to Russia and that it was a challenge to Russia.

Now, I don't know -- the news report seemed to be, in my understanding, exaggerating the situation, because all the Navy had done was file a standard notification under the Montreux Convention that they were planning to transit into the Black Sea.

Q And how do you know that the President was not pleased with this report?

A Ambassador Bolton relayed that he was called at home by the President, who complained about this news report.

Q Do you have an understanding as to Ambassador Bolton's relationship with President Trump?

A I do not.

Q Do you know whether Ambassador Bolton and President Trump speak frequently?

A I can only assume they would, as --

Q I'm not asking you to assume.

A Okay.

Q All right. And do you recall roughly when the CNN article came out, or story?

A It was a news story. I believe it was early January.

Q Going back to December 2018 in Brussels, can you again describe the purpose of that particular meeting?

A So we did a series of meetings at our mission to NATO with allies and partners to try and develop a strong response. And then we had meetings -- so there was a military component to try to get a

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military alliance response, that this was a -- the Black Sea is a vital region for NATO. And then we had other meetings with EU counterparts to say that there was a nonmilitary aspect as well.

And, later on, NATO did adopt a Black Sea policy that I think was very helpful. And the EU has increased assistance to regions affected by Russia's attempts to choke the Kerch Strait and choke off the Sea of Azov. So --

Q Were there any concerns expressed during the series of meetings in Brussels about, again, a shift in U.S. strong support for Ukraine?

A I don't believe in Brussels there were. But some Ukrainian critics had labeled our response anemic, and there were some critics that said that our response emboldened Russia.

So we tried to foster a stronger response, and that's partly why we also called -- we tried to make sure that we could have a strong -- that we could make sure that the destroyer was able to visit Odesa.

And we were able to arrange it so that not only did the destroyer go but that we had a high-profile international visitors day at the same time, where we had senior Ukrainian officials, including President Poroshenko, visit; we had senior officials from the EU; and we had Ambassador Volker lead the delegation; and we had soon-to-be-announced Acting Assistant Secretary Reeker there; and Ambassador Gordon Sondland was there as well.

So it was a pretty robust message to the Russians that we are not

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taking this -- we are taking this seriously and not lying down. And, in fact, in separate informal meetings I had with Russian, sort of, back-channel diplomacy, they admitted this was a very sharp message that they heard loud and clear. So --

Q Were you on that trip also?

A To Odesa?

Q Yes.

A Yes.

Q And you said Ambassador Sondland was also at Odesa?

A Uh-huh. Yes, he helped arrange for the EU officials to come to Odesa, and he was very enthusiastic and energetic about getting EU to cooperate with us on that.

And it was actually quite extraordinary because the EU officials were generally reluctant to be seen overshadowed by a U.S. destroyer. So they were very -- it was a strong show of unity in Odesa.

Q What was Ambassador Sondland's role generally with regard to Ukraine?

A Well, the EU is the leading, sort of, force for reform in Ukraine, both on energy issues but also just rule of law. And they provide incredible amounts of assistance.

And our assistance over the last few years has been very effective because we're coordinated. Often, in the past, Ukraine would sort of play donors off each other and we would not be effective. So making sure that the EU, the U.S., IMF, World Bank, and others were all coordinated was a key point to making sure our assistance was effective.

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And so the EU -- our mission to the EU had played a very strong role in coordination. And Ambassador Sondland was very excited and enthused about participating. So Ambassador Volker was happy to get someone of his energy engaged.

Q Did you have an understanding that there came a point where Ambassador Sondland was given a special assignment to work on Ukraine-related matters?

A I think I know the news reports you're talking about, and I don't know that. I do not have independent confirmation of that.

What I can say is, when he was made part of the delegation, there was an -- I understood there was an informal tasking of Perry, Volker, and Sondland to sort of lead engagement on Ukraine for the period right after -- the first 60 to 90 days.

But I don't know if that qualifies as the tasking that you're referring to. But I do know that they were taking the lead on policy and there was lots of coordination between the three of them.

Q Okay. And when you say the delegation, you mean the May 20th, 2019, inauguration of President Zelensky?

A Correct.

Q Okay. How did you come to learn that Ambassador Sondland, Secretary Perry, and Ambassador Volker were going to play a role in these Ukraine efforts?

A I believe I heard it from Alex Vindman.

Q When did you hear that?

A It would have been the day the delegation was announced. But

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there were discussions about trying to create a delegation. There were some discussion about trying to include, I think, Senators and Congressmen as well. And there were discussions about different -- who could be part of the delegation. I mean, it was very important that we had at least a Cabinet-level official as part of it.

We also had hoped that the Vice President could go, at one point. And they were trying to find windows. And while the inauguration did occur in one of those windows, it also occurred -- I think it was 3 days' notice. So we had to scramble to organize a delegation pretty quickly.

Q And were you involved in that effort to organize a delegation?

A Only to the extent that I would relay Ambassador Volker's wishes to Alex Vindman and others that he wanted a high-level delegation.

Q Okay. Did you attend the inauguration?

A No, I was not able to attend.

Q Did you get a readout of the inauguration?

A Yes. Ambassador Volker gave me -- I think he sent around a quick update, and then we spoke about it when he came back.

Q When you say he sent out a quick update, you mean by email?

A I believe so, but I -- that would be his normal practice. So I don't remember the specific email, but I'm --

Q What did he tell you about the inauguration?

THE CHAIRMAN: Can I, before counsel -- I just want to go back

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a little bit in the chronology.

You said in your opening statement, before the inauguration in May, that you and your colleagues saw a tweet by Rudy Giuliani alleging that President-elect Zelensky was surrounded by enemies of President Trump.

Which colleagues are you referring to that saw that tweet?

MR. ANDERSON: Colleagues at the Embassy. So I would've been in touch with people at the Political Section. Also with my colleagues at the European -- the EE Bureau, so Eastern Europe office, which covers Moldova, Belarus, and Ukraine.

THE CHAIRMAN: And was it just the tweet, or did you see other public statements that Mr. Giuliani had made -- I'm trying to think if this was the same time period -- in which Mr. Giuliani spoke about not meddling in an election but meddling in investigations? Did you see those comments as well?

MR. ANDERSON: Yes. And there were several stories in The Hill newspaper, I believe. So we had been tracking those. We did not know to what extent that was, I guess, freelancing, perhaps, or whether that reflected -- he was a private citizen, so we did not know to what extent that was significant. But we were certainly aware of those news reports and tweets.

THE CHAIRMAN: And you were aware that he represented the President.

MR. ANDERSON: Correct.

THE CHAIRMAN: And I think at least in one of those interviews

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he said that what he was doing was with the knowledge and the support of the President?

MR. ANDERSON: I don't remember that part, but I also know he was saying that he was representing him in a private capacity.

THE CHAIRMAN: And I think you said in your opening statement one of the reasons you pushed for this high-level delegation to attend the inauguration was a direct result of concerns raised by Mr. Giuliani's tweets and other statements?

MR. ANDERSON: There was -- with the withdrawal of Ambassador Yovanovitch, and there was concern that U.S. support was flagging. And so we wanted to show that the U.S. continued to support Ukraine and that, with a new President, there was a willingness to reenergize our relationship.

THE CHAIRMAN: Mr. Mitchell.

BY MR. MITCHELL:

Q So when did you first learn that Rudy Giuliani was taking an interest in Ukraine?

A I don't recall. I was seeing the news reports of, I guess that was March and April. I saw his name around that. And we saw the tweets that he put out.

We had hoped that it would refer -- he was referring, in many ways -- we understood it to refer to Leschenko, Serhiy Leschenko, who was an MP. And he was not -- he ended up not being part of Zelensky's team. And so we hoped that that and a new Ambassador would -- or Change -- would address those concerns.

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Q Okay. So I think you've mentioned a couple of different things there. So what was your understanding of Rudy Giuliani's interest in Leschenko?

A This was speculation on my part, since I had no contact with Giuliani. But we understood this, based on news reports, that it referred to Leschenko's involvement in publicizing what was called the black ledger, which is related to Paul Manafort's activities.

Q Okay. And when you say "we," who do you mean by "we"?

A The Ukraine desk, myself, and people in Embassy Kyiv.

Q And did you speak with Ambassador Volker about these early efforts, as well, by Giuliani?

A I briefed him that these were occurring, and I provided background on Lutsenko's role in this and what Lutsenko was seemingly trying to do.

Q Okay. What did you believe Lutsenko to be doing?

A I believed that Lutsenko was trying to keep his job by making himself useful to the U.S. Government, or to certain people in the U.S. Government, or in the U.S.

Q And who was that?

A Giuliani and others. It seemed that he was trying to -- Lutsenko was trying to play into U.S. domestic politics and thereby win favors. But anything more I think would be speculation.

Q Okay. And were these your concerns at the time that you learned of Rudy Giuliani's interest in Ukraine? And I think you said it was roughly March or April of 2019?

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A Correct.

Q Okay. And you indicated that you were speaking with other individuals at the State Department, including people on the Ukraine desk?

A Correct.

Q And people at Embassy Kyiv as well?

A Uh-huh. Correct.

Q Can you just generally describe how you were communicating or talking to all these folks within the State Department about the Giuliani issue?

A So I would have regular secure telephone calls with my counterpart in Embassy Kyiv who replaced me as the head of the External Unit. And so we would touch base on -- I would brief them on what was happening in Washington, and he would tell me what was going on in Kyiv.

And then I would have regular meetings with George Kent, for example, Brad Freden, John Kuny (ph), others on the Ukraine team, Ben Lazareth (ph), all, sort of, people working on this. And we would try to figure out what was happening in the news, what this meant, and how it would affect our policy.

Q Okay.

And you indicated that Rudy Giuliani was -- one of his interests was this Leschenko narrative. You also mentioned the Charge D'Affaires. And I think what you were referring to there was -- and correct me if I'm wrong -- was the fact that Rudy Giuliani also was involved in a negative narrative about Ambassador Yovanovitch as well.

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Is that correct?

A Correct.

Q Was there also a third narrative involving Burisma and Hunter Biden?

A I was aware that that was part of it, but I was not involved in those discussions, so I didn't really focus on that part of it.

Q When you say you weren't involved in those discussions, what are you referring to?

A There was discussions about whether these were factual and whether these were true and how we should respond. And I did not take part in those discussions, and that was more the corruption team looking at that.

Q The corruption team where?

A There were people tasked with corruption in the Ukraine desk and then also in Embassy Kyiv.

Q Okay.

A But presumably George would've been -- George Kent would've been taking the lead on those discussions.

Q Okay. And do you have any reason to believe that these allegations that were investigated by the Ukraine desk, Embassy Kyiv, and DAS Kent had any basis in truth?

A I believe he put out a statement saying there was no basis in truth in August. But I have no independent knowledge of that.

Q Okay.

And why were these issues -- or, Giuliani's involvement in

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Ukraine, why was that something that you were paying attention to?

A Because in order to get -- Russia had been stalling in the negotiations more or less since the spring of 2018, and we believed that part of that was a belief by Russia that the U.S. Government was getting Ukraine fatigue or was no longer as interested in resolving this. And we wanted to convince Russia that we were serious, that the U.S. would not accept Russia's continued aggression, and that we believed a strong U.S. high-level engagement with Ukraine would help bring Russia back to the negotiating table so that we could end this war, which has cost over 13,000 lives, displaced millions of people, and I think injured tens of thousands of people.

So we really believed that getting high-level U.S. engagement was critical to restarting negotiations which had been stalled.

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[3:37 p.m.]

By MR. MITCHELL:

Q Okay. And what's the relationship between what you just said and your focus or interest in what Rudy Giuliani was up to?

A There was a fear that -- I had a fear, I'll speak about myself, I had the fear that if Giuliani's narrative took hold, that the Ukrainian Government was an enemy of the President, then it would be very hard to have high-level engagement, and that would mean that we would -- that Russia would not -- that it would be harder for us to pressure Russia to come back to the negotiating table.

Q So if I understand correctly, you saw Rudy Giuliani's efforts as potentially undermining the U.S. Government's ability to bring Russia back to the negotiating table to resolve this issue in the Donbas?

A That was my personal opinion, yes.

Q And what was your understanding of Rudy Giuliani's relationship with President Trump?

A I do not know.

Q Well, did you know that at the time Rudy Giuliani was holding himself out as the personal attorney of President Trump?

A It was my -- yes, I believed he was reporting that he was the personal attorney. I do not know if that was true or if there was a formal relationship, but I saw tweets to that effect or news reports to that effect.

Q And you have no reason to doubt that?

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A I did not actually focus that much on Giuliani, just that there was concerns about this, and I noticed it, and I said it was more in the frame of I hope this doesn't continue. But I had no engagement with him and did not directly -- yeah, I had no direct engagement with him.

Q Do you know whether Ambassador Volker had direct engagement with Rudy Giuliani?

A I learned after the fact that he had been in touch with him, and Ambassador Volker relayed to me that he believed Mr. Giuliani would continue with this vein. I think he -- but I don't know the exact nature of those communications. But he did relay to me that he had been in touch and that he did not think this issue was going away.

Q When did you have that conversation with Ambassador Volker?

A I don't remember. I think it would have been late spring, but I don't know for sure. I don't remember.

Q Do you recall whether it was prior to President Zelensky's inauguration on May 20th?

A I believe it was, because I think it was also before Ambassador Taylor had been -- had been convinced to go out to Kyiv.

Q When Ambassador Volker told you that he believed that Rudy Giuliani would not abandon these efforts, did he communicate that to you in person or over email?

A In person, I believe.

Q What else did Ambassador Volker tell you during that conversation?

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A That happened in the context of: And we need to get Zelensky to show that he's different, we need to get Zelensky to show that he is serious about reform, and that we would have to do something -- that we'd have to do something to change the narrative.

But it was not -- it was -- the comment about Giuliani was a small comment in passing. The larger discussion was: We need to do something to develop a relationship.

Q Are you aware of a phone call between Rudy Giuliani and Ambassador Volker on or about May 10th of 2019?

A Only based on news reports. I did not have any knowledge of it at the time.

Q You indicated that Ambassador Volker said you had to change the narrative. Did you have an understanding of what he meant by that?

A And just to be clear, those are words to that effect. That was not a direct quote.

In the sense of we wanted to get -- he -- and I came to believe this as well -- believed that it was important that President Trump have a personal relationship with President Zelensky, and that they meet as quickly as possible, both to show the Russians that the U.S. was committed, but also so that they could develop a personal relationship and that would -- that positive relationship.

And we believed that once they met they would hit it off. They were both political outsiders who had committed to changing the status quo, and we thought they would connect, and so that would help insulate the policy from daily controversies.

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Q And was this in the context of a White House visit or a meeting elsewhere?

A Any of the above. The goal was a White House visit, because that has the largest significance. But any -- that also led to -- wanted to get a Vice President meeting, meeting on the margins of the U.N. General Assembly. But, you know, in sort of the scale of meetings, the best would be an Oval Office visit for President Zelensky.

Q And why is that?

A Because it is the best show of support and it has the greatest pomp and circumstance, and so that has the most impact, both in Ukraine but also in Moscow.

Q And did you have any conversations with any Ukrainian officials about a White House visit?

A I did. We met -- I would meet with representatives from the Ukrainian Embassy routinely to talk about trying to -- where they would express their interest in a White House meeting, and I would relay what we were talking about in terms of policy deliverables that we thought would be helpful to increase the chance of that and to show that Zelensky was committed to reform and could be a strong energy and security partner.

Q And what were those policy deliverables?

A There were sort of three veins that we were looking at. One was Kolomoisky. And Ambassador Volker and I were of the opinion that Kolomoisky also involved anti-trust reform, to break up the power of the oligarchs. And for Zelensky that was, in particular, it was

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showing that he was independent from an oligarch named Kolomoisky.

There was also -- so that was one tranche we were sort of showing. So a key deliverable on that was PrivatBank, making sure that does not get given back to Kolomoisky, but also trying to fix a law on illicit enrichment.

Then the other -- another vein was security assistance in trying to show that they were a strong security partner. That meant, in particular, purchasing -- encouraging them to purchase Javelins, which the President had authorized as part of his decision to provide Javelins.

And the third was improving energy cooperation, and that included increasing -- trying to create a situation where American companies could more successfully compete.

Q And when did you have these -- or when did these conversations begin with the Ukraine Embassy representatives regarding scheduling a White House meeting?

A I know for sure they were going on in May. They may have started a little bit earlier, but I know for sure they were going on in May.

And then we also met with -- Ambassador Volker met with Zelensky in Kyiv during the inauguration, and I believe it came up there. But then also we talked about it again during the Toronto conference, we had a meeting there, that was an issue there. And it was a very strong request from early on of the Zelensky administration.

Q So you've mentioned a conversation Volker had at the

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inauguration. You've mentioned Toronto. Were there other communications that you personally were involved in with Ukrainian officials regarding setting up a White House meeting?

A I was meeting with representatives from the Embassy at least every other week, I believe.

Q During the May time period?

A During May-June time period, yeah.

Q And you were discussing, it sounds like, these three policy deliverables. Is that right?

A Correct.

Q Did the topic of Rudy Giuliani ever come up with any of these conversations with Ukrainian officials?

A I have no direct recall of that. I would be surprised if they didn't ask about it, but I had no direct knowledge of it. So it was more just how do we -- we focused on how do we -- how can we focus on these three areas of deliverables and sort of push forward on that.

Q So you don't specifically recall, but it may have come up?

A Yes.

Q What about the topic of investigations, did that come up in the context of any of these conversations regarding a White House visit?

A With the Ukrainians?

Q Yes.

A Not that I'm aware of. Not that I recall.

Q What about the topic of Burisma?

A No.

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Q Hunter Biden?

A No. The only exception, I don't remember, this would be if some sort of comment about a news article that the Ukrainians may have asked about, but it was not a topic of discussion.

Q And what about 2016 election interference in the U.S. elections?

A I don't remember discussing that.

THE CHAIRMAN: I just wanted to follow up on a couple quick questions in terms of the context.

In your opening statement you said that after the delegation returned from the inauguration the participants wanted to brief the President on the trip, and Ambassador Sondland was quickly able to arrange a meeting with the President for May 23rd. It was in the context of preparing that meeting that you discussed these three deliverables. Is that right?

MR. ANDERSON: Correct. We had a meeting outside the White House mess where we talked about what are some areas that we could -- what are some things that we could ask the Ukrainians in which they would show they were committed to reform and to being a strong partner.

THE CHAIRMAN: And in terms of your statement that Ambassador Sondland was quickly able -- was able to quickly arrange a meeting for the President -- with the President -- what date was the inauguration?

MR. ANDERSON: I believe it was May 20th.

THE CHAIRMAN: And Ambassador Sondland was able to get a meeting with the President just 3 days later?

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MR. ANDERSON: Yes. We were still debating internally whether it would be the Department of Energy or the Department of State that would be formally requesting the meeting, but Ambassador Sondland was able to schedule the meeting pretty quickly.

THE CHAIRMAN: And does that indicate to you that the speed with which Ambassador Sondland was able to arrange that meeting that Ambassador Sondland was either very well connected with the President or with Mick Mulvaney to get that meeting that quickly?

MR. ANDERSON: We thought he had connections to the White House and was taken more seriously than the State Department bureaucracy.

THE CHAIRMAN: And, in fact, he was very successful, wasn't he, in getting the meeting?

MR. ANDERSON: He did, yes.

THE CHAIRMAN: And so the discussion of these deliverables to demonstrate Zelensky's commitment to reform, you're discussing them in the context of a meeting your colleagues are about to have with the President? Is that right?

MR. ANDERSON: Correct.

THE CHAIRMAN: And what was the connection between discussing those deliverables that you were going to want Zelensky to produce and what you expected the participants in the meeting with President Trump to discuss?

MR. ANDERSON: It was my understanding that they were going to go in and argue that we have 90 -- you know, the first 90 days is critical, and we need -- we should go all in to and make sure we have

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a strong partner there. And they are pledged to deliver on these areas. And so if they're serious and deliver on this, we should -- that would be a good test to make sure they are a strong partner.

So it was trying to identify ways that we could judge the seriousness of the Ukrainian Government.

THE CHAIRMAN: So the idea was that in this meeting with the President, the participants in the meeting would say, effectively, Mr. President we think you should have a meeting with President Zelensky if Zelensky is willing to commit to these three things?

MR. ANDERSON: Roughly. I don't know if it would be that explicit. But it would -- the idea would be we can get progress in these three key policy areas that we want to achieve, and we think a White House meeting would help lead to that. But I don't know -- I was not in the meeting, so I don't know exactly how it was phrased.

THE CHAIRMAN: And the discussion of these deliverables would have taken place in the chronology after Ambassador Volker would have talked with Rudy Giuliani earlier in May?

MR. ANDERSON: Again, I don't know that he did have that conversation, but I've seen news reports about it, so it would have happened after that if those news reports are correct.

THE CHAIRMAN: And one of those deliverables, I mean, this is not specifically mentioned in your statement, but I think you mentioned in your testimony, in terms of improving bilateral security, increasing purchases of key U.S. military equipment, part of that was referring to Javelins.

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MR. ANDERSON: Correct.

THE CHAIRMAN: And, in fact, President Zelensky would bring up the Javelins in his conversation with the President, right before the President asked for a favor. Am I right?

MR. ANDERSON: Correct.

THE CHAIRMAN: Mr. Mitchell.

BY MR. MITCHELL:

Q These three key policy deliverables that you testified to earlier and also were found in your opening statement, these were policy deliverables that were conceived by you and others prior to meeting with the President, correct?

A Correct. They had been discussed, and I think Ambassador -- I think the delegation had sketched them out during their trip, but they were fleshed out in significantly greater detail.

In the interagency process we had a phone call, I think it was June 5th or so that there was a weekend with Embassy Kyiv, our mission to the EU, and energy folks, where we talked about how we could delineate these. We had an options paper where we discussed in greater detail about how these things could work out. And then we ended up meeting with Ambassador Bolton and he endorsed those lines of effort as well.

Q And do you know whether these three key policy deliverables were, in fact, communicated to President Trump on May 23rd?

A I do not.

Q Did you get a readout of that May 23rd meeting?

A I did. There was an email circulating around with that

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summary. But I don't recall exactly -- I don't recall exactly what was in it. I believe the areas were discussed, but I don't know to what extent and to what detail.

Q Okay. To the best of your recollection, what was the readout that you received of the May 23rd meeting?

A Ambassador Volker told me that the President said something to the effect of the Ukrainians tried to take me down. And then the four principals, Ambassador Volker, Sondland, Senator Johnson, and Secretary Perry, convinced him that, no, this is different, there is a real possibility of change here, Ukraine is on the cusp of turning a whole page, and if we engage now we can make a real difference here and they can become a strong security partner.

That is my understanding from Ambassador Volker of what took place. But I am pretty sure there was an email which involved -- which included input from Ambassador Sondland as well summarizing the meeting.

Q Did Ambassador Volker mention to you whether Rudy Giuliani was discussed at the May 23rd meeting?

A I don't recall Ambassador Volker mentioning Giuliani in relation to that meeting.

Q What about investigations?

A I don't recall investigations coming up.

MR. MITCHELL: I think my time is up.

BY MR. CASTOR:

Q When was the first time you heard Ambassador Volker mention

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the Rudy Giuliani aspect?

A When The Hill statements came out -- when The Hill news reports came out, and I believe President Trump tweeted something about those articles. Ambassador Volker sent me a question, what is the background to this? And that's when I provided some context about Lutsenko and what he was doing. So that was the first time I remember discussing anything related to this with him.

Q When did you learn that Ambassador Volker was engaging with Mr. Giuliani?

A It was several -- it was several weeks after he had done it. But I don't remember exactly when that was. But if you know when he -- I remember he saying something to the effect of, I was in touch with him, but I don't -- and that was after the fact. So I don't know the exact.

Q Did he tell you anything else about the interactions he had with Mr. Giuliani?

A Just that he didn't think it would go away. Like his concerns were we're not going to be -- I understood what he was saying, that if we -- we shouldn't hope that he'll focus on something else and move on to another issue, he's going to keep raising this issue. And so --

Q Who is he?

A Mr. Giuliani.

Q Okay. Did he ever relay to you that he believed Mr. Giuliani was amplifying a negative narrative about the current outlook with President Zelensky and Ukraine?

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A I understood from his comments that he believed this was an obstacle to improving relations and putting pressure on Russia.

Q And do you know if he was engaging with Rudy Giuliani to try to convince him that his views of Ukraine that he was promoting were not accurate?

A That was -- I understood that he had reached out to him to try and sort of provide him some more information, and that's when he got the sense that this issue was not going to go away.

Q Okay. Did he ever give you any readout of whether he thought he would be successful with convincing Mr. Giuliani that he had an incorrect take on Ukraine?

A I understood that by Ambassador Volker admitting this issue, which they would stay, that was an indication admission that he was not successful in changing his opinion.

I will also note that in our discussions with Ambassador Taylor and trying to convince him to take the position, we thought it was important that someone with independent stature be out there. In fact, I had a direct -- I discussed that with Ambassador Taylor, that it was important that there was someone who could be independent of any outside pressure.

Q And what did Ambassador Taylor say to you in return?

A Ambassador Taylor was wondering how he could do a job -- how he could be successful at this job. And we were exchanging messages about this, and we had additional private conversations. But I said, I think -- I believe my response, to the best of my recollection, was

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it's not so much -- I can't promise that you'll be successful, but you'll do a lot better job than the alternatives, and I think the country needs you to step up to this, something to that effect.

Q Did Ambassador Taylor relay to you his concerns concerning the Giuliani involvement?

A He was -- yes. He was repeatedly concerned -- repeatedly expressed his concern that Giuliani would make his job difficult, and he requested a meeting with the Secretary to discuss those concerns. And he requested that he be reassured about -- that he would be able to do the job and that our support for Ukraine would not -- our policy for Ukraine would not change. He also made it clear that if that policy changed, he would -- he would resign.

Q Okay. Did you ever hear any discussion of Ambassador Volker encouraging some sort of investigation that would have involved Burisma or the Bidens?

A I did not. There was some vague discussion in -- there was a meeting in the Department of Energy, I believe it was June 18th, where either in the meeting or on the margins there was some discussion of investigations. And I don't remember and I looked back in my readout, my email readout of that, and there was no mention of it.

So it was a very vague discussion. But I remember it was enough that when I spoke to Ambassador Taylor afterwards, we agreed that the three lines of effort that had been identified were the right ones and anticorruption was important.

But we also had to make sure that any call for Kolomoisky was not

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called for individual -- for not specific individual cases, as that was not appropriate, and that there was a specific process that existed for doing -- for requesting help on ongoing cases.

Q And what was that process?

A I don't believe we mentioned it, but it is call an MLAT, a mutual legal assistance -- it falls under mutual legal assistance treaty.

Q And that would be if the Ukrainian Government was going to initiate some sort of investigative activity with a U.S. person?

A Or if the Department of Justice wanted help investigating an ongoing matter, they could file a request. We have a legal attache in Kyiv who can help with these issues. So there's a formal channel for that.

Q But if there was, you know, an investigation regarding this company Burisma of Ukrainians and wrongdoing that they participated in, would that be something that Ambassador Volker would be comfortable recommending?

A I don't know what Ambassador Volker would be comfortable recommending.

Q Okay. So he never discussed that with you --

A No.

Q -- that he was trying to advocate for that?

A No.

Q Okay. Are you familiar with the company Burisma?

A Honestly, no. I mean, I've read news reports about it.

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Q Okay.

A But I was very focused when I was in Kyiv on the conflict and the fighting, and that was more than enough work for me.

Q So the company never came to your attention when you were -- because you were in Kyiv for --

A Three years.

Q -- for 3 years.

A Correct.

Q And during that time period, the Burisma operation was subject to a number of investigations?

A I remember hearing a vague news -- a vague complaint or unease about the Vice President's son. I did not know his name or what company it was, but I remember hearing someone comment on that. And it may have been George Kent, I don't remember. But there was -- I remember that coming up once, maybe on the margins of the Vice President's visit or maybe somewhere else. But, again, that was not something I focused on.

Q I believe you testified here today that corruption in Ukraine is pretty widespread?

A Correct, but getting better.

Q And so are most of the oligarchs and their control, you know, the entities they control, are they, you know, most points in time subject to charges of corruption?

A Yes. Corruption in Ukraine is a tool that is wielded, and since everyone is corrupt, who you prosecute is a political decision.

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And I have believed that corruption is in many ways a tool -- a management tool in Ukraine where that's how you ensure, when there is no institutional structures that work, you use corruption to make sure you can incentivize, you can get what you want.

Q Are there certain sectors in Ukraine which are especially beset by corruption, like the energy industry?

A It is my understanding the energy sector is very corrupt, but I also understand that some of the energy sector is also better run because it has more a formal structure that are listed on in European companies.

So it would be very hard to say which sector is more corrupt. It also depends on whether you mean sort of the grand corruption where the President appoints its person or if it's the petty corruption where you can't get health insurance without informal fee for service, right? So it's very hard to say what's the most corrupt.

Q Okay. So, you know, any allegations that Burisma may have, you know, their oligarch, Zlochevsky, may have misappropriated, you know, energy licenses to his own benefit, that's something you weren't familiar with at the time?

A I was not familiar with that.

Q Okay. The allegation that they went out and put certain officials on their board to prevent or at least give them some cover from investigative work, is that something you only heard of after the fact?

A I know that is common practice in the former Soviet Union

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to try to -- that all companies try to get Westerners on their boards and try to make it look more legit. As to more specifically the Ukrainian situation, I cannot comment.

Q Okay. During your time in Kyiv, do you remember if the Vice President, Vice President Biden, because you were there from 2014 to 2017, do you remember if there were any visits from the Vice President?

A There were visits. I helped organize -- I was the site officer for the meeting with President Poroshenko. But I was not in any of the meetings.

Q Do you remember how many times the Vice President visited?

A I believe it was five or six, but that would include before I was there. But that is my -- but that's a rough estimate.

Q Okay. That in total he was in Ukraine five or six times?

A But he was a -- it was also our understanding that he had a -- we saw him as one of the lead policy people on Ukraine, that he was sort of very focused on Ukraine.

Q And what was he interested in with respect to Ukraine, do you remember?

A My understanding was that he led the gamut. And so I was told that several of my reports that I wrote on the conflict, the nature of the fighting, Russia's role, those were, I was told, were well-read in the Office of the Vice President. I also understand he was there in terms of corruption.

Q Uh-huh.

A But, you know, other than people telling me good job, you

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know, your report was there, I don't know.

Q Do you remember a visit in December 2015 where the Vice President came to Kyiv and got involved with advocacy related to one of the prosecutor generals at the time, his name is Shokin?

A I remember that. I believe that is when I was working on being the site officer for the -- for his -- I believe it was a lunch and meeting with the President, with President Poroshenko.

Q What do you remember about the preparations for that visit or that particular issue, if you remember anything?

A What I was focused on was the logistics of where the motorcade would go, how long the meetings would go, whether it would be -- so I was very focused on those things. I'm happy to discuss those, but I don't think that you're --

Q So you weren't involved with the preparation for the issue of the prosecutor general?

A No.

Q Do you have any information or firsthand -- firsthand recollections about the issue with the prosecutor?

A I have no firsthand recollection.

Q Do you know if anybody at the Embassy at the time did or was that something being handled out of Washington?

A I believe the Ambassador -- I believe that was -- that would have been -- was that Pyatt? Or 2015, no, it would have been Ambassador Yovanovitch, I believe. So she would have been involved. But, again, that is only based on the structure.

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Q Speaking of Ambassador Pyatt, earlier you mentioned his opinion on Javelins, but I don't think you told us what his opinion was?

A He was very supportive of increasing our defensive assistance.

Q Okay. So he was aligned with some of the other policymakers you discussed?

A Uh-huh. Correct.

Q Okay. When is the first time you met Ambassador Sondland?

A I believe it was in December at this -- at the meeting we had right before the -- on the -- when we went and had the lunch after the Kerch incident. We had the -- he hosted a lunch for us in Brussels. We may have had a brief pull-aside meeting for 5 minutes and another trip we had through Brussels, but I don't remember. Our first substantive meeting was at this lunch.

Q And how many times in total do you think you were in a meeting with Ambassador Sondland?

A Well, when he came to Odesa, it was -- we had -- I think there was something like 10 meetings that day, and he was in most of those, and we had a -- he and Ambassador Volker, before the meeting, this was on June 19th before the meeting with the Department of Energy, Ambassador Volker and he met in a coffee shop near the Department of Energy and I was in that meeting.

Q Any other time periods where you spent considerable meeting time with Ambassador Sondland?

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A It was in the -- at the White House before the meeting with the -- before his meeting with the President. So that would be the 23rd, I believe.

Q Is that pretty much the universe?

A Yeah, I had touch -- I was in more frequent touch with his office. But I did not directly interact with him other than when I was with Ambassador Volker.

Q Do you ever hear Ambassador Sondland describe what I think has been characterized as a large remit to work on issues beyond necessarily the EU?

A There were people who were uncomfortable with his larger remit, but my view was he is someone who is trying to do the right thing and is energetic and has political capital, and so he can help us move the ball forward.

Q Okay. Did Ambassador Volker have any concerns that you were aware of regarding Ambassador Sondland's involvement?

A Ambassador Volker encouraged people who were energetic and wanted to do the right thing to play a role, and he did not think it was useful to try and turn them off.

Q So there was no concern between yourself or Ambassador Volker of Sondland's involvement in some of these things?

A We believed we had to help steer, and he had an nonconventional approach. But, no, we thought he could be helpful.

Q And sometimes people with unconventional approaches, you know, he wasn't a professional diplomat, he was an outside businessman,

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sometimes people like that need to be, you know, focused into the proper channels. Is that correct?

A Yes.

Q Did you ever have any communications with George Kent about some of these Biden, Burisma, 2016 issues?

A With Biden, Burisma specifically? No. But if you mean by issues, I did let him know after the meeting that we had with Ambassador Bolton, which I believe was June 10th -- there's a lot of dates swirling in my head at the moment -- but I relayed to him through a message before he -- early in the morning, before he went to his meetings, I had other meetings.

So I gave him a quick message saying, I just want to give you a heads-up. And I said something to the effect of, Ambassador Bolton said he supported our lines of effort, he supported White House engagement, but warned that Giuliani was a key voice on Ukraine and could be an obstacle.

So that was the only communication I remember having with George Kent about the Biden, Giuliani, Burisma, any of that stuff.

Q When did it become apparent to you that there was some effort to convince the Ukrainians to probe allegations related to 2016 or Burisma?

A My last day in the office was July 12th, and so I'm not sure I ever was aware of -- that it had gotten specific. I had a communication from Alex Vindman, which I relayed to Ambassador Volker, I believe it was July 10th, which was basically saying we need to make

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sure we separate any collusion investigation stuff from our policy.

Q Okay.

A And that's the message that I sent to Ambassador Volker on WhatsApp, and I made sure that system was available on our State Department servers.

Q A lot of people in the State Department use WhatsApp. Is that correct?

A Correct.

Q It's almost essential in certain parts of the world, right?

A Our counterparts will not respond to text messages in many places. They assume intelligence services are listening, which is a good assumption. And so we have just used that practice.

Q So most State Department officials have a policy or practice of archiving their WhatsApp messages for purposes of the Federal Records Act?

A Yes. I mean, there is some -- it's not always clear what constitutes a Federal record. But, yes, a lot of this is informal communication, which then gets documented in email or other formats.

Q When Vindman expressed concerns on July 10th, granted, that's just before you left the job, do you remember any other color or details that he provided about his concerns?

A That was shortly after the meeting with Danylyuk, is my understanding, and I believe it was in the aftermath of that. But, honestly, I was focused on trying to get Catherine on board and me out the door.

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Q Did you attend that meeting, the July 10th meeting?

A No, I did not.

Q And did you get a readout? You may have testified to that.

A I do not believe I got a detailed readout. I do remember hearing from -- I think it was from Alex, saying that it was cut short, and that -- but I did not have time to get a formal readout.

Q Okay. Do you remember if Lieutenant Colonel Vindman expressed any concern about what Ambassador Sondland may or may not have said at that meeting?

A I don't recall. He did in that -- he must have said something because I relayed to Ambassador Volker that Vindman was concerned about separating investigations from our policy.

Q Okay. What was Vindman's view of the National Security Council's, you know, role here with the Sondland piece coming into play? Were they frustrated about the Sondland element?

A Not necessarily. I think there was some concern that there was -- I don't know what he thought about this. I don't think we ever had a discussion about Ambassador Sondland that I can recall.

Q And did you have a relatively good working relationship, yourself and Ambassador Volker, with the National Security Council at the time?

A Yes.

Q Regular communications?

A We had regular communications. And I -- we would have routine -- we would routinely have meetings at the NSC. I would meet

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with Alex. And we would have regular coordination sessions, secure communications with the French and Germans, and we would hold it at the White House with either Dr. Hill or Lieutenant Colonel Vindman, so that we could show close coordination with the White House with our partners.

Q No major policy disagreements with them that you can remember?

A There were no major policy differences. I think Dr. Hill sometimes got nervous with Ambassador Volker's forward-leaning approach sometimes. But no policy differences.

Q And how did she -- how did you know that she got nervous about Ambassador Volker's forward-leaning approaches?

A Because it was relayed to me by Catherine Croft when she was at the NSC.

Q Okay.

A And so we made a point of coordinating very carefully. And especially when Catherine was there we would have if not -- I think it was weekly phone calls to make sure that she could let Fiona know, or Dr. Hill know, what we were doing at all times.

Q And did that prove successful or was it still a touchy situation?

A I think she had a very stressful job, but I think she understood we were working within -- we had a common policy view and we respected her authority and position. But I think she was sometimes -- she always wanted more information about what we were

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doing.

Q She's excitable, too, isn't she?

A I'm not sure I would characterize her that way.

Q Okay. How would you characterize her -- like how did she manifest her nervousness?

A Well, there was one meeting when she was frustrated, that she believed Ambassador Volker -- that we had not coordinated sufficiently. And so she felt she was not aware of something we were doing.

But, in general, she was a consummate professional, and she was incredibly knowledgeable and knew more about -- it was always insightful to go meet with her because she would always have other ideas of, well, this will impact this policy and this policy. And we were laser focused on Donbas and Ukraine, and she was always interested -- she would always put it in context of other problems they were facing.

Q Okay. And was that the only time she got frustrated with you?

A Yes.

Q Okay.

A Well, the only time she expressed frustration. She may have been frustrated in private, but --

Q Okay. Fair enough.

Any issues with Lieutenant Colonel Vindman? Any disagreements?

A No.

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Q No.

We were discussing a little bit earlier a Ukrainian MP, Serhiy Leshchenko. He was an investigative journalist, is that what you understand?

A That is my understanding from news reports and others. I'm not sure I've actually met him personally.

Q Okay. And do you know what exactly he published when he put out the information on Manafort?

A My understandings are based on news reports, so, I mean, I can try to remember those for you if you want. But it's not -- I have no --

Q Okay. You don't have any firsthand information or it wasn't discussed at the Embassy at the time?

A We discussed the news, but I don't remember any -- I have no particularly -- I have no information that was not otherwise available in the news, and I'm not even sure I remember it correctly.

Q Was there any concern expressed at the time that it gets tricky when, you know, officials in the Ukraine are dabbling in what could be considered the U.S. -- in the run-up to the U.S. election?

A We widely understood that Manafort had been working for a manifestly corrupt President. And it was the common understanding -- and again, I'm not substantiating this on any concrete facts, but this is my common understanding that I had from my time there, was that he had engaged in criminal activity and was getting illegal payments.

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And this was part and parcel of how opposition bloc operated, that they had -- there were -- which was the party that he was advising, and there was corruption and money flows.

But that's all just common understanding, I have no direct knowledge of that.

Q Do you have any familiarity with [REDACTED]

[REDACTED]?

A No.

Q Okay. How about [REDACTED]?

A No.

Q Okay.

In the run-up to the 2016 election, there was an op-ed by the Ukrainian Ambassador to the U.S., Ambassador Chaly. Do you remember that op-ed?

A I do not.

Q Okay. And it was taking issue with then-candidate Trump's -- some statements he had made regarding Crimea.

A I don't remember that op-ed.

Q Okay.

There's an Interior Minister in the Ukraine, Avakov. Is that somebody you're familiar with?

A Yes.

Q And he's a rather influential person at present, isn't he?

A I don't know at present, but he certainly was in the time that I was in Kyiv.

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Q And he's one of the few that survived the transition from Poroshenko to Zelensky?

A I left before the new government was formed, so --

Q Okay.

A -- if you say so, I believe that, but I don't know for sure.

Q Okay. He had some negative Facebook posts and other social media activity with regard to then-candidate Trump. Did you have any familiarity with that?

A No. My discussions with Minister Avakov were relating to the -- were strictly related to a town called Turakanay (ph), which the Russians and the Ukrainians were both occupying, and we trying to figure out if we could negotiate a withdrawal of forces from that area.

And so we had discussions with our assistant secretary at the time and with Ambassador Pyatt about how to do that. And the Russian response was just to raze the whole town and then withdraw. That's all. The limits of my interactions with him in Kyiv were related to that.

And then he came here to participate in the USIP event where he had a proposal for an inkblot approach to restoring control over Donbas. And so those were the only issues in which I engaged with him on.

Q Okay. Fair enough.

Do you have any -- what was your understanding of the interagency decisionmaking process with regard to Javelins in Ukraine in 2016? The policy then changed in 2017. What do you know about that?

A My understanding was there was broad support from the

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interagency, and that Ambassador Volker was consulted by then Secretary Mattis or his deputy. And I don't -- and I'm not sure, but he was -- they would check with him to make sure that he supported this policy.

And I just remember that at one point we were traveling in London, and we got a call, we set up a call through the Embassy either the Secretary or his senior advisors, and they wanted to make sure that we were still supportive, or that he was still supportive, Ambassador Volker was supportive of providing Javelins. And he agreed that he was. And they discussed the importance of this issue. And then it was handled at levels above my --

Q What was the administration's position before 2017, going back 2016, 2015?

A There was -- my understanding of the policy was that we did not want to provide lethal defensive assistance because it would undermine the unity of our -- with the Europeans, and would possibly escalate the conflict with the Russians.

Q Okay. And do you know what changed between when the administration -- when there was a switchover in administrations? Do you know what motivated the change?

A My understanding was it was a -- well, I don't -- I was not privy to the top level policy discussions. I will say the situation on the ground had changed in terms of the German National Security Advisor had told us that he didn't think it would be a big problem if we were to provide it.

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In fact, he made a joke to us, which was that, well, of course, they will have people in Germany who will complain out it, but they complain about providing weapons to the German military as well. So we thought that -- that's why it stuck in my head.

So the German position seemed to soften. The conflict at that point was much older and it was clear that it escalated. But beyond that I would -- yeah, I would have to direct you to the White House for policy or the principals.

Q Okay. The President's concern about Ukraine's atmosphere of corruption, what was your understanding of the President's beliefs on this, and how did he get there?

A So NSC -- I have no -- I have never met President Trump and I have no direct knowledge of what he believes. I know that when we -- in Ukraine when the transition happened, the President of Ukraine was of the view that, oh, corruption would no longer matter. And what we were telling our counterparts was, well, the language may change in the sense of it may not be the good governance, rule of law language that was happening before, but that we assured him that the U.S. was still concerned about this issue because it went to the heart of is our assistance effective.

So that was a -- that was -- that is the only thing I can speak to, is what we were telling the Ukrainians at the time was that, don't think that we no longer care about corruption. We may be using different words, it's about business climate. And if there is no -- if there is corruption, then there is no -- it's hard for us to get business

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here and hard for us to justify providing assistance.

Q Do you know whether the President's concerns were related to his experience as a businessman?

A I do not know.

Q And then the influence of Kolomoisky, I believe you mentioned that earlier.

A Correct.

Q What was the view of the genuine threat Kolomoisky presented to the new administration, the new Zelensky administration?

A I'm not sure I understand the question. What did I think the threat was of Kolomoisky?

Q Well, what was the considered judgment of the interagency regarding Kolomoisky?

A I don't know if I can represent the interagency writ large. I can tell you that President Zelensky came to power promising to be a servant of the people, as his slogan is. And if he were to pursue the interests of a single oligarch, that would undermine our efforts. But I don't think I can speak to anything broader.

Q Was there any concern that while on one hand President Zelensky was elected on an Kolomoisky platform, on the other hand he was -- you know, had the support of a major oligarch that had his own corruption allegations?

A I'm not sure I would necessarily accept the premise of that question in the sense of we did not know to the extent -- it was not a given that he really represented Kolomoisky.

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Q Okay.

A It was --

Q Was it Kolomoisky was a supporter of his? Is that fair?

A He had appeared on Kolomoisky's TV channel, and President Zelensky -- or then-candidate Zelensky said -- was quite clear that he did not represent Kolomoisky, and that Kolomoisky had benefited quite significantly from his presence, from Zelensky's content being on his channel, and that he didn't think he owed Kolomoisky anything.

So, you know, we -- I don't -- yeah, I think that's what we knew.

Q Do you know if the National Security Council officials, Dr. Hill and Lieutenant Colonel Vindman, had concerns about Kolomoisky?

A I think you'd have to ask them.

Q Okay. But you don't remember any discussions where they raised that with you?

A There were discussions about that it was important that Zelensky demonstrate his independence and pursue Kolomoisky reform, but I think that's -- I think that's about all I can say to that.

Q In your view, did President Zelensky demonstrate that, at least up until the time that you left the post?

A When I left on July 12th he had not had -- he did not even have his own foreign minister in place.

Q Okay. So it was too early?

A So it was too early.

Q Okay. The inauguration, that you spoke earlier today in another round of questioning about how quickly the delegation had to

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come together, and you mentioned your involvement with that, looking for a Cabinet secretary. And at one point I think you said that there was an interest in having the Vice President join the delegation?

A Or to lead the delegation. But, yeah.

Q And, ultimately, the Vice President was unable to do that. Is that because of scheduling conflicts or --

A I don't know.

Q Do you know any facts about that decision of the Vice President not to go?

A I don't.

Q Okay. And the inauguration was put together in 3 or 4 days? How was --

A It was put together very quickly. What the Ukrainian Embassy told me was that Zelensky wanted to seize the moment, and there was a lot of back and forth over when the inauguration would take place, some proposals for it being I think as late as June 5th or 6th. But that Zelensky wanted to seize the moment, I think was the -- or strike while the iron is hot, or something to that effect. But I don't know. That was just what was relayed to me by an Embassy official.

Q So the U.S. had 3 or 4 days to put this delegation together?

A We had to scramble, yes.

Q Okay. What was the nexus for Secretary of Energy to be involved with this trip?

A I do not know. I believe I received an email or a communication of some sort that said that he was available and

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interested.

We looked at -- I remember there were -- and, again, just to be clear, I was not the one directly involved with it, but I was providing input. There was a question of some other people also participating, and they were -- several people were either unavailable or at funerals or some other situation.

So as to why Secretary Perry was interested, you'd have to ask him or his staff.

Q Were you ever in any meetings with Secretary Perry?

A I was in two meetings that I can recall. One was the White House prep meeting before his meeting with the President, and then the other was the meeting at Department of Energy on June 18th.

Q Okay. You know, at some point I believe Ambassador Sondland started representing himself, Ambassador Volker, Secretary Perry as the three amigos. Is that something you remember?

A That does sound familiar. Although, when I looked back through my emails, I also saw that as a reference to myself and my French and German colleagues. So I'm not sure if that --

Q Okay. And what was the, as it related to Ambassador Sondland, Volker, and Secretary Perry, what was the three amigos? Do you remember where that came from?

A I don't. It was the three of them working together on a complex policy issue, so -- but beyond that, I don't -- I don't know.

Q Did you ever hear Ambassador Volker refer to himself as one of the three amigos, or was that mostly a Sondland thing?

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A I don't remember Ambassador Volker using that phrase.

Q Okay. In your time working for Ambassador Volker, he's somebody you had great respect for? Is that fair?

A I do. He is a very accomplished diplomat, very polished and very good at public diplomacy. And I learned a lot working with him.

Q Somebody who always acted, to the best of your knowledge, with honesty and integrity?

A He was committed to a mission, and he believed that it was vital that the U.S. stand with Ukraine and that we push back against Russian aggression. And that, I think, was a core belief of his that has motivated him for a long time, and I shared that belief.

Q Now, were you working for Ambassador Volker during the time period when he started to work with Yermak on a possible statement that President Zelensky would make to demonstrate his commitment to Kolomoisky?

A I am not aware of any effort of his to craft a statement. So all I can say is he had been in touch with Yermak, who was believed to be the next National Security Advisor, but what they discussed, I don't know. That was right as I was finishing up.

Q And he had a pretty good relationship with Yermak, to the best of your knowledge?

A I believe they had met once or twice by the time I left.

Q So their relationship was just in the early stages?

A As far as I can recall, yes.

Q How about with Danylyuk? Did Ambassador Volker have a good

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relationship with Danylyuk, to your knowledge?

A To my knowledge, they met several times and they seemed to get along relatively well, although I don't know if I was ever in a meeting with them together. But I don't remember. But he seemed -- but Ambassador Volker seemed to respect Danylyuk and believe he was helpful.

But I'd add one thing about Ambassador Volker, where he is a consummate diplomat. And I think in our last trip together in Toronto he demonstrated that by -- we met with the socialist, her own phrase, feminist socialist, Foreign Minister of Sweden, the nationalist, his term, Foreign Minister of Hungary, and several EU officials and Ukrainian officials, and all of them, despite their diverse political perspectives, all thought Volker was an ally and a key partner.

And I think that very much was Ambassador Volker's approach, which was to talk to people in the terms of reference that they understood and to try and work with people to get them to the right place.

Q The trip to Toronto you took with Ambassador Volker -- how many trips do you remember taking with him?

A It was about one a month. My wife insisted it be no more than one a month because there was a lot of travel. So it was several, probably around 20 or so, over the 2 years.

Q And what do you remember about the trip to Toronto?

A It was a full schedule. We started -- we had meetings from 6 o'clock in the morning to I think about 10 o'clock at night.

We met with President Zelensky, which was supposed to be a

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30-minute meeting, and I think it lasted almost an hour, and we kept Prime Minister Trudeau waiting.

And we met with, as I mentioned, the Swedish Foreign Minister, the Polish and Hungarian Foreign Ministers, senior EU officials, civil society. And we did a press -- he did a press briefing. And we also had some time to listen to Prime Minister Trudeau speak. And he also attended a dinner with the foreign ministers and other high level officials.

Q How many other meetings were you in with President Zelensky?

A I'm pretty sure there was only one other meeting that I met with him, where I was in a meeting with him, and that was in Kyiv. And that would have been before the first round of the elections, if I remember correctly. So before he was President.

Q The meeting in Toronto, what do you recall from that meeting?

A There was --

Q What was the date of that again?

A July 1st or 2nd.

Q July 1st or 2nd.

A And I wrote up a summary, an informal summary, which I sent around. There was also a formal cable summarizing the full trip.

But it was a discussion about -- President Zelensky reiterated that he wanted a White House meeting. President Volker urged him to make a -- to set up a phone call with President Trump.

President Zelensky expressed some concern that perhaps that might obviate the need for a White House visit, and President -- Ambassador

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Volker assured him that it would not, that developing a personal relationship with the President would be helpful to the effort of a White House visit.

President Zelensky reiterated that they had made progress on a few of the areas we had identified. They were making progress on securing agreement to the process, paperwork, bureaucratic reality to purchase Javelins, that they had just announced some energy tenders which had gone to some U.S. companies.

And I believe there was one other area of progress, and there was some discussion about what President Putin had been doing, about some what were called disengagement areas where the two sides were hoping to create a line of separation between the two forces.

And the idea that we had come up with when I was in Kyiv was to try and identify three areas we could start that were sort of lower risk, build some separation there between the forces, and then over time expand along the line of contact. And so there was a particular focus on one town called Sanysluhanskin (ph), so he talked about that.

We also talked about the possibility of a joint visit with Ambassador Volker and President Zelensky. His advisor later pulled him aside and said, I don't think President Zelensky could do that trip. But we talked about a joint visit of some sort later that month.

Q Okay. Did you talk about the 7/10 meeting with Danylyuk and Bolton upcoming?

A Not that I'm aware of.

Q And what other U.S. State Department officials were there

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in the meeting, do you remember?

A Deputy Assistant Secretary Kent was there. There would have been also the -- our Ambassador to Canada, who is now our Ambassador to the U.N., who I believe the name is Cook, I think, but I'm not certain. But our Ambassador was there. A political officer from the Embassy was there as well. And I think our Assistance Coordinator was also there.

Q Ambassador Sondland was not there?

A I don't believe so.

Q Ambassador Taylor wasn't either?

A No, I believe he was in Kyiv. Yes, he had sent in an email the day before the meeting highlighting -- summarizing progress on deliverables and trying to refine some things that we could ask.

Q And do you remember any discussion with President Zelensky, Ambassador Volker, about any of these -- the investigations of 2016 or Burisma?

A No. But there was some discussion about the -- one of the members of the Ukrainian delegation made a joke about, we won't hold you accountable for -- don't hold me accountable for who I represented as a lawyer. He had been a lawyer who had worked for Kolomoisky. And he said, well, don't hold me accountable for who my clients were. And then there was some joke about Giuliani as well. But that was it. I don't remember the actual sort of the --

Q A lighthearted moment?

A Yes.

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[4:39 p.m.]

BY MR. CASTOR:

A I don't remember the actual -- the --

Q A lighthearted moment?

A Yes.

Q And they understood the Ukrainians, to the best of your knowledge, understood that Ambassador Volker, DAS Kent, represented the interest of the United States?

A Yes, they were -- Ambassador Volker was seen in many ways not just the negotiator, but as the broader voice on Ukraine policy.

Q So if there is an official U.S. position, or an official U.S. request, Ambassador Volker would be a reliable person to communicate that?

A I don't know what the Ukrainians believed, but Ambassador Volker was our -- my understanding was he was trusted by the Secretary to carry forth policy. So what he stated I took to be U.S. policy.

Q Did you ever have any discussions after the meeting with DAS Kent about what occurred in that meeting?

A Um --

Q Did DAS Kent express any concerns?

A I don't believe we discussed -- I don't remember discussing that trip. I think he then went on leave right afterwards and I finished up, so --

Q Okay. Did DAS Kent send you any readout of the meeting, or did you send my readouts yourself?

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A I sent out a readout to the broader State Department audience.

Q So you were the person that did the email, summarizing the meeting?

A I didn't email summarizing the meeting, but the official record was from the Embassy. There was an Embassy cable summarizing the trip and other things, but I sent an email that was -- the idea that that would be the grist for the most of it. There was an official note taker, but I wanted to get a quick summary out to people, so they could take action if necessary.

Q Did the official note taker, DAS Kent, take issue with your readout of the meeting?

A No.

Q Okay. So there was no dispute about what had occurred there?

A No.

Q Okay. And so, like you said, there was no mention of investigations, or a statement, or anything of that sort. It was just a lighthearted moment about Rudy Giuliani?

A Not that I remember.

Q Do you remember any discussion about having President Zelensky do a CNN interview talking about his anticorruption initiatives --

A No.

Q -- or any other interview on TV?

A No.

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Q When did you first become aware that there was an effort to undercut her ability to serve as ambassador?

A I actually don't know much about this situation. I -- I was outside that -- that process.

Q Okay.

A So I don't know much, yeah.

Q When did you become aware that there was an issue?

A I think April, maybe May.

Q And how did you become aware of it? Was it news accounts, or was it internal State Department?

A I think it was probably at a staff meeting, but I'm not sure. I don't remember.

Q Okay. And do you remember what was communicated generally?

A What I remember -- what I remember learning was that there was -- they were considering withdrawing her from Kyiv. And this was right around the time, I believe, she was back in D.C. to receive a -- she was inducted into the National Defense University's Hall of Fame for her excellent service. And I think that is when I -- I believe that is around the time when I heard that she may not go back, or she may be recalled.

Q Did you have any discussion with Ambassador Volker about the situation?

A I notified him that that was a possibility. And I asked if he wanted to do a statement of support or do any -- a tweet, or anything of that nature. And he said, not at this moment, and then he -- yeah.

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Q He had a good relationship with her, to the best of your knowledge?

A To the best of my knowledge, they did.

Q Do you know if he spoke to her during that time period when she was -- just before she was recalled or brought home, whatever the appropriate term is?

A I believe I tried to set up a phone call at one point, and he told me that he'd already spoken to her.

Q Okay. You had worked with Ambassador Yovanovitch relatively closely, I think you mentioned.

A Yes.

Q And so you had a lot of respect to her?

A I do.

Q Did you have any communications with her while this was going on, or after she had come home?

A I attended her induction into the National Defense University Hall of Fame, and my -- I continued to have contact with her. There was a funeral for her mother, I think on Saturday, I attended that funeral.

Q Okay. Sorry to hear the passing of her mother. When she was visiting with us, we understood that her mother was not doing well, so we certainly pass our condolences along.

A It is a tough period, yes.

Q Did Ambassador Yovanovitch ever relate to you the source of her being brought home?

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A No.

Q So you never had any discussions about Rudy Giuliani, whether he was amplifying a negative narrative relating to her?

A She would -- no, she's a consummate professional, and would not have engaged me on those issues.

Q Do you know if Ambassador Volker tried do anything to engage with State Department officials, to support Ambassador Yovanovitch prior to this time period?

A I do not know.

Q You never had any discussion with him about it?

A I asked him about, as I said, about whether we should do a tweet, and he said no. And at one point, we were discussing another way that we could maybe when the State, the Embassy announced her receiving this award for the National Defense University, whether we would amplify that and congratulate her, but by that point, she had been -- I'm not sure the Embassy ever did an announcement of that.

Q After you left, there was a hold put on certain Ukraine aid. I believe that was on July 18th I believe, it was July 18th. Did you have any advanced warning that that was going to be an issue?

A No.

Q So at the time that you departed your post, there were no issues regarding aid?

A I did not know anything regarding aid by the time that I left.

Q During the transition period with yourself and Ms. Croft, what were some of the transition tricky points? You pointed out to

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her about the job, specifically about the Rudy Giuliani component in some of these nontraditional forms of diplomacy that were ongoing?

A I don't believe we discussed -- I don't remember discussing Rudy Giuliani specifically. We talked a lot about the substance of negotiations. I still sincerely believed that we might be able to get rushed back to the negotiating table. So we talked about sequencing an interim peacekeeping force; what special status would look like; what you need to do in the fall; what are some things coming up; a lot of discussion about Ambassador Volker's possible joint visit to the front lines of eastern Ukraine. And as you might imagine, organizing a visit to a war zone is complicated. And so there was a lot of discussion of that. I think there was discussion about working with Ambassador Taylor. But part of the reason she -- she spent in Kyiv. Part of that was to make sure she had a good relationship with the team there. But I don't remember a specific conversation about Giuliani.

Q Prior to your interview here today, and you'll have to excuse me, as it works here on the Hill sometimes the minority doesn't have advance notice of what witnesses are coming, and for what reason, we get to show up, and so we do. We like to participate in a meaningful way. Did you have any idea about why the committees were interested in speaking with you?

A I had expected that for a long time since I was working for Ambassador Volker that either my documents or myself would be subpoenaed, but --

Q Okay. So it was just because you were working with

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Ambassador Volker that you thought the committees would want to speak to you?

A I think you have -- yeah. I'm not sure I understand.

Q Did anybody give you any topics that were of particular interest today?

A I had no advance notice of what specific questions or comments, so I prepared by reviewing my notes, but reviewing my emails, and trying to, sort of, make sure I had an understanding of the timeline in my head.

Q Okay. Did anybody at the State Department try to encourage you not to participate, other than letter from Under Secretary Bulatao?

A Other than Under Secretary --

Q -- communications, did they come and tell you not to -- I'm asking if you had any --

A I received some emails, and I notified them of my attorney, that I had an attorney, and then they directed all communications to him. So I don't know if you want to ask him.

MR. CASTOR: I don't.

MR. MACDOUGALL: I'm not answering any questions and I'm not under oath.

MR. CASTOR: I didn't indicate I was going to ask any questions.

MR. MACDOUGALL: Ask the witness your next question.

BY MR. CASTOR:

Q So did anybody in L encourage you not to participate in this process?

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A I believe I had one email initially. I don't remember who it was from, but I notified them I had an attorney, and all communications went through him so --

Q How about anybody in leg affairs?

A I don't remember. It was either, I received an email from maybe it was one or two emails, and it was either from L or H, I don't remember which they were. I immediately just said, Okay, this is about this issue, talk to my lawyer. I did not want to get involved in a sort of a -- yeah. I wanted to make sure my lawyer was involved in all those things.

Q Were you a part of any meetings at the State Department regarding collection of documents?

A I was called. I am now a language student, so I do not work in the main State Department building. So when there was a subpoena, they called me and said you need to -- there was a tasker from our executive secretariat saying, Here is what you need to do, and I made a point of doing that. And I think it was time 24 hours. And so I stopped my studying and worked on making sure all my documents were available. And I notified people that if there were relevant documents, where they would be in my office, or my former office.

MR. CASTOR: My time is up.

MR. GOLDMAN: Should we take a 5 minute break?

MR. MACDOUGALL: Yes.

MR. GOLDMAN: Come back at 5:o'clock.

[Recess.]

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MR. GOLDMAN: We are back on the record. And majority's round of 45 minutes, Mr. Mitchell.

BY MR. MITCHELL:

Q You testified earlier that Ambassador Volker had what you described as a forward-leaning approach. What did you mean by that?

A That he wanted the government to be nimble, and to make policy decisions quickly, and not spend endless -- not to go through endless committee reviews, and we know what we want do, let's go ahead and do it.

Q Did that affect the way in which he conducted diplomacy?

A We had many discussions about the need to move quickly and try to get things done. So in that respect, I would say, yes, but -- so yeah.

Q You testified earlier that Dr. Hill expressed frustration about, I think you said what we were doing, but I don't think you elaborated what that was. Do you recall what you were doing that caused frustration by Dr. Hill?

A I actually don't and I think -- I don't recall. It was around the time of a Presidential meeting with his -- with President Putin, but I don't remember which one it was, and I don't remember the specific issue that it was.

Q To the best of your recollection, did it have anything to do with Ukraine?

A It was more -- what I recall is that it was a question of coordination and her not getting -- being frustrated because she

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thought she should have known something. But I don't remember the substance, and it was not something she disagreed about what we were doing. It was more information flow, management sort of questions.

Q You testified earlier that you had a communication with Ambassador Volker in which -- some time in May, I think it was, in which he told you that this issue, that being Rudy Giuliani, was not going to go away. Do you recall that?

A Yes.

Q What was your understanding of what Ambassador Volker meant by this issue?

A What I understood was, I had hoped that this was a passing issue that with -- that was linked to maybe Serhiy Leshchenko or something else, and that the tweets would be the end of the story and we would move on. And Ambassador Volker -- I took it to mean Ambassador Volker was warning me that No, Giuliani is not moving on to other issues, and so this might still be a problem for us moving forward.

Q You mentioned Leshchenko. But what do you mean by "this issue"?

A So Mr. Giuliani tweeted that there were enemies around -- enemies of the President around Zelensky. And we took it to be problematic for improving our relationship if he was still spreading that message, that there were enemies that Ukraine -- the people around President Zelensky were enemies of the President. So that is what I meant by this issue.

Q With the President being President Trump?

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A Enemies of President Trump around President Zelensky.

Q All right. And this issue was one that you were concerned with at the time, correct?

A Correct.

Q As was Ambassador Volker?

A We discussed, assuming what he was concerned with, but it was something to discuss and improve.

Q But can you explain why -- was Rudy Giuliani just any old U.S. citizen who was doing this, these efforts in Ukraine, or was your concern related at all to the fact that Giuliani had a close relationship with President Trump?

A Well, I don't actually know how close his relationship was with his -- with the President. I -- but what I worried was that he would -- that if this continued, it would influence the President's thinking about Ukraine, and that would be problematic for our efforts to reenergize our relationship.

Q It was your understanding at the time that Rudy Giuliani could have some influence over President Trump?

A Correct.

Q To be clear again, when you say "this issue," you're talking about Rudy Giuliani, but you're also talking about specifically the investigations that he was peddling into Biden, Burisma the 2016 U.S. elections, correct?

A Not precisely. I was -- it was more the sense that Ukraine was -- there are enemies in Ukraine that Ukraine was not an ally. I

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believe that Ukraine -- that Ukraine is a strong partner of the United States, we have strong security relationships, and the Ukrainian Government is trying to achieve closer integration with the West, and that that was a core priority, and, therefore, worth supporting because it achieved our U.S. interest. And this, what I took to be false perception, is there were enemies of the President in the President's administration was inaccurate, and would be a problem for our policy moving forward.

Q You're focusing now on that specific tweet, but Rudy Giuliani, as you testified earlier, was pushing investigations as well in Ukraine, correct?

A There were news reports about that in The Hill, I believe, in March and April.

Q And you testified a couple of times about separating general anticorruption efforts with conducting specific investigations. What did you mean by specific investigations?

A There were news reports that I've since read -- there were news reports back in March and April, and from what I learned later, that was referring to Burisma, and I was not involved in that level of detail. So what I knew was that Giuliani had the potential to undermine efforts to improve relations.

Q But on July 10th, you indicated that you had a conversation with Lieutenant Colonel Vindman, correct?

A Correct.

Q About -- was that about specific investigations?

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A I don't remember the full details of that conversation. What I remember is the message I sent back to Ambassador Volker, which was -- which was talking more the broader policy, and I relayed that Vindman had said -- had expressed concern about the need to maintain our policy and keep it separate from investigations and collusion.

Q When you say "collusion," you mean -- what do you mean by collusion?

A I took that to mean general concerns that -- I don't even know the contours, the specific contours of this idea, but it was referring to some idea that Ukraine was involved, that it was Ukraine involved in the 2016 election, not Russia. But again, I have not tried to sort out the details of that situation, so I just knew that there was a theory about the 2016 election that did not match with what our Intelligence Community had identified, and that that was a confusion.

Q And this communication that you had with Ambassador Volker relaying Lieutenant Colonel Vindman's concerns on July 10th, was that following an earlier meeting on July 10th at the White House with a Ukrainian delegation that Vindman was part of?

A I don't know where it falls in the sequence of events of that day. I can check the time stamp, but I don't remember at the moment.

Q Can you recall whether Volker was part of that same meeting?

A I believe he was, but I don't -- I believe that there was an effort that he would be involved. I don't remember if he actually was. He had a very complicated schedule of traveling a lot for both this job and for his other job. So, I don't know -- and when I was

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looking through my notes, I saw that he was authorized to be in the meeting. I don't know if he actually attended, I don't remember that.

Q So you didn't talk to Ambassador Volker about that meeting?

A No, I think -- no, not that I remember.

Q Okay. To the best of your recollection, sitting here right now, today, do you recall what Lieutenant Colonel Vindman told you about that meeting?

A No. All I recall is what I mentioned about relaying it. In fact, I didn't remember that I had this conversation until I was looking back through my notes to try and prepare, and I saw this message to Ambassador Volker.

Q Okay. All right. Going back to the time period at the end of May, there was a May 29th invitation letter from the White House to President Zelensky. Were you involved at all in the drafting of that letter or the issuance of the letter?

A I was not.

Q On June 13th, in your opening statement, you say that you accompanied Ambassador Volker to a meeting with National Security Advisor John Bolton?

A I think June 13th was the Department of Energy meeting.

Q Do you have your statement in front of you, sir? Page 3.

A So yeah, the 18th, yeah, okay.

Q So that meeting on the 13th, it was Ambassador Volker, National Security Advisor Bolton. Who else was there?

A The standard practice was for Dr. Hill to be there, Alex

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Vindman to be there, and then possibly Ambassador Bolton's deputy or someone else, but I don't remember the actual set list.

Q Did you take notes during that meeting?

A Presumably. I don't remember specific taking notes, but presumably I did.

Q Do you know if there was a readout from that meeting?

A There was definitely a readout. And I sent one to George, an informal one the first thing in the morning so he would have something for his morning meetings. And then I would have sent a high side email later that day.

Q Okay. And you indicate in your opening statement that Bolton cautioned that Mr. Giuliani was a key voice for the President on Ukraine, which could be an obstacle to increased White House engagement. What did National Security Advisor Bolton say about Rudy Giuliani?

A To the best of my recollection, he made a joke about every time Ukraine is mentioned, Giuliani pops up and that the President was listening to Giuliani about Ukraine.

Q Anything else?

A That is what I remember.

Q Did anyone else -- how did anybody respond to that comment by Bolton?

A I don't remember a response; these meetings were pretty compressed, and we covered a lot of ground in those meetings. So I think that's when we -- I think that's when we switched to Well, could

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we get the Vice President to go to Toronto, or what are some other engagement options?

Q And also in your opening statement, you said that this could be an obstacle to increased White House engagement. What did you mean by that?

A If Mr. Giuliani is saying that Ukraine is an enemy of the President, or that there are people in Ukraine that are an enemy of the President, then that would make it -- then the President would be unlikely to engage on Ukraine issues, or develop a positive relationship with the new administration in Ukraine.

Q Because President Trump may listen to what Rudy Giuliani, his personal attorney, says to him?

A Presumably.

Q And you indicated that you relayed a summary of this meeting to DAS Kent?

A Correct.

Q Did you have a conversation with DAS Kent about this meeting as well?

A Not that I recall.

Q All right. Then on June 18th, you had another meeting with Secretary Perry, the Department of Energy, and there was a preparatory meeting for that as well?

A Not the -- no. We met Ambassador Sondland for coffee, I think, half an hour before the meeting, but I don't know if that -- maybe -- that could be considered preparatory, but not a broader

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preparatory like we had with the -- at the White House.

Q When you were talking with Ambassador Sondland at coffee, did the topic of Rudy Giuliani or these investigations come up?

A Not that I remember.

Q What about during the meeting with Secretary Perry?

A I don't remember any specific discussions about Giuliani, but I know that in my conversation with Ambassador Taylor later that day, we talked about the need to make sure we don't talk about individual investigations, which -- yeah, so presumably, there was something that made -- that made us discuss that.

Q What you mean by that is, there would have been a discussion during a meeting with Secretary Perry about individual or specific investigations based on your communication after the fact with Ambassador Taylor?

A I don't recall -- I don't recall that, and when I did the -- I did a summary email of the meeting, and there is no mention of that. So I think it was more just a -- it may have -- so I don't recall anything -- I don't think that's an accurate -- I don't think I can accurately say I recall that.

Q Do you know why you would have sensed this meeting -- sorry -- this communication to Ambassador Taylor after the meeting regarding the importance of not calling for a specific investigation?

A Well, I called to talk to him about the atmospherics of the meeting, the general mood, and how things are going, and how we could

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move forward on these three lines of effort. So, it may have been that we knew he was worried about Giuliani, and so maybe he raised it that way, but I remember because -- I just remember that we were -- we did say it was important not to talk about -- not to push for individual investigations.

Q And why?

A Because if you're going to do individual investigations there is a formal process for that, which is the, we should go through the Department of Justice and our policy is for anticorruption writ large, not individual cases.

Q And when you say our policy, you mean the policy of the State Department?

A Longstanding U.S. Government policy, as I understood it, was that we did not interfere in individual cases. We tried to set broad policy strokes of moving forward of anticorruption.

Q And, in your mind, would it be a problem -- other than it would be contrary to longstanding U.S. policy -- would it be a problem to call for investigations into specific cases, not through an MLAT channel?

A I would be concerned about changing policy without appropriate consideration, but that is -- yeah.

Q You said earlier about a delegation to Toronto at the beginning of July which you also attended. Is that right?

A Correct.

Q Do you recall Ambassador Volker meeting with President

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Zelensky during a pull-aside?

A There was -- as -- yes, after the big meeting, he had a brief pull-aside with President Zelensky and a few of Zelensky's staffers.

Q Were you present for that pull-aside?

A I was not present for that -- well, I was in the room, but I was not part of that conversation.

Q Other than Volker and President Zelensky's staffers, who else was part of that pull-aside?

A I don't remember. I don't remember any other U.S. official being present in the pull-aside.

Q Did Ambassador Volker tell you before the pull-aside what he was doing?

A No, it was not uncommon. In fact, it was quite routine to have a pull-aside with the leaders to have a small -- smaller session after or before meetings.

Q Did Ambassador Volker tell you what happened during the pull-aside after?

A I don't remember getting a readout of the pull-aside.

Q Are you aware of a conference call on or about June 28th between Ambassador Volker, Sondland, Taylor, and Perry?

A I remember that there was a -- there were conversations that they had. I'm including one that I think Ambassador Bolton organized, but I don't remember that one in particular.

Q Do you know whether the same group of individuals spoke with President Zelensky on or about June 28th by telephone?

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A I do not remember.

Q Did Ambassador Volker ever tell you that these communications that occurred on June 28th need to be kept very close-hold?

A I -- I don't even remember him telling me about these phone calls. So I don't -- so there would be no -- I don't remember him also saying keep it close-hold.

MR. GOLDMAN: Off the record.

[Discussion off the record.]

BY MR. GOLDMAN:

Q So Mr. Anderson, a couple of just general questions. Do you have any knowledge of any conversations or communications -- withdrawn.

By the time that you left on July 12th, did you have any knowledge of any conversations, or communications, between Ambassador Volker and any Ukrainian officials about any specific investigations that Ukraine might initiate?

A No. I don't remember -- I don't recall Ambassador Volker talking about specific investigations.

Q How about that term, or the term "investigations"?

A Not that I recall.

Q So if he did, he just didn't tell you about it. Is that your testimony?

A If he -- or that I don't remember, because I -- all I'm saying is I don't remember that. So if he --

Q Okay. You've outlined a number of conversations that you

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had with various American officials about this issue of investigations. Are there any other conversations with any American officials about broadly the notion of investigations that were in the -- that were in the media at a minimum that you can recall?

A You're talking about at the time I -- by the time I left.

Q By the time you left --

A In the last -- few weeks.

Q What I'm trying to get at is not what you've read in the press --

A Right.

Q -- but any conversations you had in your role as a Foreign Service officer, whether it was before July 12th, or perhaps after July 12th.

A I had discussions with my counterpart at the Ukrainian Embassy, where I reiterated that our policy was to pursue anticorruption and antitrust reform broadly, that we were not, despite what he was reading in the press, that was -- despite these other things, what we were focusing on were these issues.

Q What prompted you to have that conversation with this individual in our Embassy in Ukraine?

A This would have been here with a Ukrainian diplomat, and it would have been perhaps him asking, Well, what's going on? I don't remember the specifics, but it would be -- it was the type of conversation in response about news reports.

Q And when was this?

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A This would have been May or June. I don't recall specifics.

Q And other -- what specifically in the news reports did this Ukrainian diplomat ask you about?

A I don't remember.

Q But do you recall that it related to some of these narratives about investigations in the media?

A I remember having a conversation about anticorruption, and what we really wanted him do in anticorruption, which related to the anticorruption court, related to PrivatBank, illicit investment (ph) and to -- and that was really what our key levels were that we wanted on anticorruption.

Q I understand, but what did he ask you about? That's the question.

A So one I thing I have to be careful about is saying what a foreign official told me specifically. Just as a general rule, I don't think we do that, but I don't recall specifics. What I remember is a general discussion about this topic, and so, I could presume what would spark that, but I don't think that's appropriate for me to speculate. But what I remember is that we had a discussion about what our actual policies were.

Q But you understood that the news reports at the time related to investigations of Biden and Burisma and the 2016 election?

A I remember there was confusion, so I reiterated what our actual policy was. But I don't remember the details.

Q Okay.

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You have been hewing very closely to this idea of this tweet that you have in your opening statement about Americans. I am going to show you a news article, which we'll mark as exhibit 1, which is a May 9th, 2019, New York Times article.

[Majority Exhibit No. 2
was marked for identification.]

MR. GOLDMAN: Do you want a copy?

MR. CASTOR: I have one.

MR. GOLDMAN: Sorry, we're at exhibit 2. You put "1" in.

BY MR. GOLDMAN:

Q Is this article familiar to you?

A I don't remember the specific article, but this does, but I remember this issue coming up. And I subscribe to The New York Times.

Q Okay. Well, I'm just going to read a couple of paragraphs that I think are relevant: Mr. Giuliani said he plans to travel to Kyiv, the Ukrainian capital, in the coming days and wants to meet with the nation's President-elect to urge him to pursue inquiries that allies of the White House contend could yield new information about two matters of interest -- intense interest to Mr. Trump. One is the origin of the Special Counsel's investigation into Russia's interference in the 2016 election. The other is the involvement of former vice president Joseph R. Biden's son and a gas company owned by a Ukrainian oligarch.

So this is May 9th. And you said you subscribe to The New York Times, right? And your entire job is to focus on Ukraine?

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A Yes.

Q Fair to say --

A Sorry.

Q Fair to say that if The New York Times has an article about Ukrainian foreign policy, that that's something that would have come to your attention?

A I was aware of this issue, yes.

Q So is it also fair to say that as of around this time, you were aware that it wasn't just the tweet about President Trump having enemies in Ukraine, but you were also aware that Rudy Giuliani was pushing Ukraine to initiate these two investigations?

A Yes.

Q Okay. And so, from that point forward, every reference to specific investigations that you testified here to today, related to these two investigations. Is that accurate?

A I wouldn't -- I think it's being a little specific. If we knew that there was this issue out here -- out there, the trip did get canceled, and we knew that there was there effort. I think that would be why -- this goes along with why we were talking with Taylor about the need to avoid specific investigations. This would also be why, perhaps, the Ukrainians were asking, Well, what is the policy, and I reiterate what our official policy was.

Q I actually am trying to get you to be more specific intentionally, because you continue to draw it out to say this issue or these matters. And I'm wondering, are there any -- when Ambassador

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Taylor references specific investigations on June 18th, are there any other specific investigations that you think he might be referring to than these two, Biden, Burisma, and 2016 election?

A I'm not sure I can -- I think you're asking me -- I think we were not specific, because this was not -- we were not that specific because this was an issue floating around outside our official purview, outside of our official duties, and so, it was something we were aware of, but we were not focused on this. This trip was canceled. I mean, this was not my official responsibility. I was aware of it, we knew there was risk that if this continued, it could impact our official duties, but this was not something that anyone had told me at the time that Hey, this is something you need to take care of or you need to focus on. So it was -- I think the reason we were not specific is we knew there was some -- this was a possibility out there and so, we were trying to -- we were still trying to operate in the normal policy channel of here's what we would like. Here's what our policy is and trying to make sure we kept that walled off.

Q And the specific investigations were outside of the official policy channel. Is that right?

A It was -- it was not within my policy of Ukrainian negotiations.

Q I am fully aware of that, and we fully understand that this is tangential to what you were focusing on. But it also was tangential to the original job that Ambassador Volker was focusing on, yet, he was very involved in this. So the reason we're asking you these

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questions is because you were the special -- you were Ambassador Volker's deputy essentially. And so, we're trying to understand what the dynamic was, even if it's unrelated to what your activities are. But when you say "specific investigations," that's your term, and we're just trying to understand what you mean by specific investigations that you and Ambassador Taylor wanted to keep out of the official policy as you described that conversation.

A I'm sorry. What is the question?

Q What are those specific investigations, as of June 18th, when you had this conversation?

A It would be investigations of the nature referenced in this article.

Q Okay. And in this article, the two investigations are the Biden Burisma investigation and the 2016 election --

A Yes.

Q -- correct?

A But we did not specifically -- I don't remember ever specifically discussing these specific investigations. It was more -- this general approach was not part of our official policy.

Q Understood. And these were the same -- were these the same investigations that you understood Colonel Vindman to be referencing in that conversation on July 10th when he said that we need to keep collusion and investigations out of the official policy?

A I would say indirectly, it was Giuliani's efforts.

Q And I think you testified earlier that you drew a distinction

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between anticorruption efforts and specific investigations. Is that right?

A Correct.

Q And you felt like anticorruption efforts, writ large, were part of the official U.S. policy, correct?

A It was our policy to push -- we have specific deliverables on anticorruption that we had developed. Individual investigations were not part of that policy that I was aware of.

Q And, in fact, advocating for specific investigations was something that ran counter to U.S. policy to root out corruption, correct?

A As I understood policy at the time, it was contrary, yes.

Q And you did review the July 25th call record between President Trump and President Zelensky, correct?

A I read it in the papers.

Q Right. You only read it when it was published?

A Right.

Q Understood. And to your recollection, does the President reference the specific investigations, or does he reference broader anticorruption efforts?

A That is not related to my --

MR. MACDOUGALL: Wait, wait, wait. Let me object to that. If I understand your question, you're asking the witness, based upon his review of a public document what his analysis is? Is that your question?

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MR. GOLDMAN: Yes, as an expert on Ukraine and foreign policy and someone who is in charge with implementing foreign policy.

MR. MACDOUGALL: Can you restate the question?

MR. GOLDMAN: Sure.

BY MR. GOLDMAN:

Q You read the July 25th call record. Did President Trump reference the specific investigations that you understood Rudy Giuliani to be advocating?

A I'm not sure I can answer that question. It seems like I am being asked to speculate on something I'm not familiar with.

Q You're not asked to speculate. You are asked did you read a document? Did -- well, let me ask you this way: Did the call record mention the word "Biden"?

MR. MACDOUGALL: You're asking him which does he recall?

MR. GOLDMAN: I'm happy to show you the document if you don't remember it. It's not a very -- it's not a controversial topic here. And I don't understand why it is so difficult for you to answer the question.

MR. ANDERSON: Because this was not --

MR. MACDOUGALL: The question you are asking is it his recollection, you can show him the document if you'd like, specific as to the facts. Is that the question?

MR. GOLDMAN: Yes.

MR. MACDOUGALL: Well, mark the document. This is exhibit 3.

[Majority Exhibit No. 3

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was marked for identification.]

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[5:50 p.m.]

MR. GOLDMAN: I'm just going to point your attention to the top of page 3. And the President says: "I would like you to do us a favor though, because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike. I guess you have one of your wealthy people... The server, they say Ukraine has it."

Were you familiar with -- are you familiar with what this relates to?

A Honestly, I was not familiar with the CrowdStrike reference or the server.

Q So perhaps that's our disconnect. So you didn't know what that reference was to when you read this?

A No.

Q And then, if you go ahead to the top of page 4, President Trump says: "The other thing, there's a lot of talk about Biden's son, that Biden stopped the prosecution. A lot of people want to find out about that, so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution, so if you can look into it... It sounds horrible to me."

Is that a request for a specific investigation?

A That appears to be a specific request for investigation.

Q And, in your recollection as to reading this document, does the President mention any of the broader anticorruption efforts that were part of the U.S. official policy?

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A Not in my reading of this document.

Q And one last thing. You mentioned the high court for corruption?

A Uh-huh. Not that actual name.

Q Yeah. What is the name, do you recall?

A It was -- we referred to it generally as the Antitrust Court, but I don't actually -- again, that was not my specific area of responsibility. So I remember President Poroshenko had stalled on implementing it, said he never would, then got pushed, and he finally agreed to do it, but he hadn't actually appointed the judges, if I remember correctly. And then Zelensky moved it forward and started implementing it.

Q And how soon after he was elected did President Zelensky do that?

A I don't remember. It may have even happened after I left.

Q But you know that at this point, he has already implemented this court?

A I remember seeing a news article or report that he had moved forward on that.

Q And this is a significant anticorruption effort that was part -- that the U.S. was promoting in Ukraine?

A Yes.

Q And Zelensky made it happen in a way that Poroshenko had not?

A Correct.

Q And are you aware of any other reforms that President

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Zelensky has already implemented related to anticorruption?

A Not specifically.

Q Are you aware of whether he removed immunity from parliamentarians --

A Yes.

Q -- so they can now be prosecuted on corruption charges?

A He has done that, correct.

Q So that's another anticorruption reform that President Zelensky has implemented. Is that right?

A Yes.

MR. GOLDMAN: All right, thank you. We are done. We yield to the minority.

MR. CASTOR: Thank you. We are done.

MR. GOLDMAN: Mr. Anderson, thank you very much for coming in. And we're adjourned.

MR. ANDERSON: Thank you. Go Nats.

[Whereupon, at 5:53 p.m., the deposition was concluded.]

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[PkgNumber]

Declassified by order of the President
September 24, 2019

~~EYES ONLY~~
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MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(C)~~ Telephone Conversation with President
Zelenskyy of Ukraine

PARTICIPANTS: President Zelenskyy of Ukraine

Notetakers: The White House Situation Room

DATE, TIME July 25, 2019, 9:03 - 9:33 a.m. EDT
AND PLACE: Residence

~~(S//NF)~~ The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn't given much of a chance, and you ended up winning easily. It's a fantastic achievement. Congratulations.

~~(S//NF)~~ President Zelenskyy: You are absolutely right Mr. President. We did win big and we worked hard for this. We worked a lot but I would like to confess to you that I had an opportunity to learn from you. We used quite a few of your skills and knowledge and were able to use it as an example for our elections and yes it is true that these were unique elections. We were in a unique situation that we were able to

CAUTION: A Memorandum of a Telephone Conversation (TELCON) is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telecommunications connections and variations in accent and/or interpretation. The word "inaudible" is used to indicate portions of a conversation that the notetaker was unable to hear.

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Derived From: NSC SCG
Declassify On: 20441231

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achieve a unique success. I'm able to tell you the following; the first time, you called me to congratulate me when I won my presidential election, and the second time you are now calling me when my party won the parliamentary election. I think I should run more often so you can call me more often and we can talk over the phone more often.

~~(S//NF)~~ The President: [laughter] That's a very good idea. I think your country is very happy about that.

~~(S//NF)~~ President Zelenskyy: Well yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many many new people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.

~~(S//NF)~~ The President: Well it's very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it's something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn't do anything. A lot of the European countries are the same way so I think it's something you want to look at but the United States has been very very good to Ukraine. I wouldn't say that it's reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.

~~(S//NF)~~ President Zelenskyy: Yes you are absolutely right. Not only 100%, but actually 1000% and I can tell you the following; I did talk to Angela Merkel and I did meet with her. I also met and talked with Macron and I told them that they are not doing quite as much as they need to be doing on the issues with the sanctions. They are not enforcing the sanctions. They are not working as much as they should work for Ukraine. It turns out that even though logically, the European Union should be our biggest partner but technically the United States is a much bigger partner than the European Union and I'm very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

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~~(S//NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike... I guess you have one of your wealthy people... The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.

~~(S//NF)~~ President Zelenskyy: Yes it is very important for me and everything that you just mentioned earlier. For me as a President, it is very important and we are open for any future cooperation. We are ready to open a new page on cooperation in relations between the United States and Ukraine. For that purpose, I just recalled our ambassador from United States and he will be replaced by a very competent and very experienced ambassador who will work hard on making sure that our two nations are getting closer. I would also like and hope to see him having your trust and your confidence and have personal relations with you so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine. I just wanted to assure you once again that you have nobody but friends around us. I will make sure that I surround myself with the best and most experienced people. I also wanted to tell you that we are friends. We are great friends and you Mr. President have friends in our country so we can continue our strategic partnership. I also plan to surround myself with great people and in addition to that investigation, I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.

~~(S//NF)~~ The President: Good because I heard you had a prosecutor who was very good and he was shut down and that's really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to

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call you. I will ask him to call you along with the Attorney General. Rudy very much knows what's happening and he is a very capable guy. If you could speak to him that would be great. The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that. The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.

~~(S//NF)~~ President Zelenskyy: I wanted to tell you about the prosecutor. First of all I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

~~(S//NF)~~ The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, their incredible people.

~~(S//NF)~~ President Zelenskyy: I would like to tell you that I also have quite a few Ukrainian friends that live in the United States. Actually last time I traveled to the United States, I stayed in New York near Central Park and I stayed at the Trump

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Tower. I will talk to them and I hope to see them again in the future. I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also want to ensure you that we will be very serious about the case and will work on the investigation. As to the economy, there is much potential for our two countries and one of the issues that is very important for Ukraine is energy independence. I believe we can be very successful and cooperating on energy independence with United States. We are already working on cooperation. We are buying American oil but I am very hopeful for a future meeting. We will have more time and more opportunities to discuss these opportunities and get to know each other better. I would like to thank you very much for your support

~~(S//NF)~~ The President: Good. Well, thank you very much and I appreciate that. I will tell Rudy and Attorney General Barr to call. Thank you. Whenever you would like to come to the White House, feel free to call. Give us a date and we'll work that out. I look forward to seeing you.

~~(S//NF)~~ President Zelenskyy: Thank you very much. I would be very happy to come and would be happy to meet with you personally and get to know you better. I am looking forward to our meeting and I also would like to invite you to visit Ukraine and come to the city of Kyiv which is a beautiful city. We have a beautiful country which would welcome you. On the other hand, I believe that on September 1 we will be in Poland and we can meet in Poland hopefully. After that, it might be a very good idea for you to travel to Ukraine. We can either take my plane and go to Ukraine or we can take your plane, which is probably much better than mine.

~~(S//NF)~~ The President: Okay, we can work that out. I look forward to seeing you in Washington and maybe in Poland because I think we are going to be there at that time.

~~(S//NF)~~ President Zelenskyy: Thank you very much Mr. President.

~~(S//NF)~~ The President: Congratulations on a fantastic job you've done. The whole world was watching. I'm not sure it was so much of an upset but congratulations.

~~(S//NF)~~ President Zelenskyy: Thank you Mr. President bye-bye.

-- End of Conversation --

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Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump

By [Kenneth P. Vogel](#)

May 9, 2019

WASHINGTON — Rudolph W. Giuliani, President Trump's personal lawyer, is encouraging Ukraine to wade further into sensitive political issues in the United States, seeking to push the incoming government in Kiev to press ahead with investigations that he hopes will benefit Mr. Trump.

Mr. Giuliani said he plans to travel to Kiev, the Ukrainian capital, in the coming days and wants to meet with the nation's president-elect to urge him to pursue inquiries that allies of the White House contend could yield new information about two matters of intense interest to Mr. Trump.

One is the origin of the special counsel's investigation into Russia's interference in the 2016 election. The other is the involvement of former Vice President Joseph R. Biden Jr.'s son in a gas company owned by a Ukrainian oligarch.

Mr. Giuliani's plans create the remarkable scene of a lawyer for the president of the United States pressing a foreign government to pursue investigations that Mr. Trump's allies hope could help him in his re-election campaign. And it comes after Mr. Trump spent more than half of his term facing questions about whether his 2016 campaign conspired with a foreign power.

"We're not meddling in an election, we're meddling in an investigation, which we have a right to do," Mr. Giuliani said in an interview on Thursday when asked about the parallel to the special counsel's inquiry.

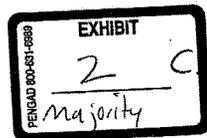
"There's nothing illegal about it," he said. "Somebody could say it's improper. And this isn't foreign policy — I'm asking them to do an investigation that they're doing already and that other people are telling them to stop. And I'm going to give them reasons why they shouldn't stop it because that information will be very, very helpful to my client, and may turn out to be helpful to my government."

Mr. Giuliani's planned trip, which has not been previously reported, is part of a monthslong effort by the former New York mayor and a small group of Trump allies working to build interest in the Ukrainian inquiries. Their motivation is to try to discredit the special counsel's investigation; undermine the case against Paul Manafort, Mr. Trump's imprisoned former campaign chairman; and potentially to damage Mr. Biden, the early front-runner for the 2020 Democratic presidential nomination.

The investigations had been opened by Ukrainian prosecutors serving during the term of the country's current president, Petro O. Poroshenko. He lost his re-election bid last month to Volodymyr Zelensky, a comedian and political newcomer. Mr. Zelensky has said he would like to replace the prosecutor who oversaw some of the matters, Yuriy Lutsenko, who has met multiple times with Mr. Giuliani to discuss the issues.

Mr. Zelensky is set to take office on June 3.

Mr. Giuliani said he had been planning for several weeks to travel to Kiev to deliver a paid speech to a Jewish group about Middle East policy.



But intermediaries for Mr. Giuliani worked to organize meetings with people who they believed would have insights into the incoming Zelensky administration and the investigations in which Mr. Giuliani was interested. And in recent days, Mr. Giuliani reached out through intermediaries to request a meeting with Mr. Zelensky, he said, adding, "It's not confirmed yet."

If the meeting does occur, Mr. Giuliani said, "I am going to tell him what I know about the people that are surrounding him, and how important it is to do a full, complete and fair investigation."

He said his efforts in Ukraine have the full support of Mr. Trump. He declined to say specifically whether he had briefed him on the planned meeting with Mr. Zelensky, but added, "He basically knows what I'm doing, sure, as his lawyer."

The White House did not immediately respond to a request for comment on Thursday.

Mr. Trump has called attention to the scrutiny of Mr. Biden's son Hunter Biden, and to questions about the former vice president's involvement in the removal of a Ukrainian prosecutor whose office had authority over investigations of the oligarch whose company paid Hunter Biden.

Mr. Trump has also sought to stir up interest in claims that Ukrainian officials tried to benefit Hillary Clinton in 2016 by focusing attention on Mr. Manafort's business in Ukraine. The attention forced Mr. Manafort to resign from the Trump campaign, but allies of the Ukrainian officials involved have denied that they acted improperly to benefit Mrs. Clinton's campaign. Mr. Trump has recently suggested he would like Attorney General William P. Barr to look into the material gathered by the Ukrainian prosecutors.

Mr. Giuliani has been working on the effort with other allies of Mr. Trump whose involvement has not been previously reported, including Victoria Toensing, a lawyer who was named last year, along with her husband, as part of the legal team representing the president in the special counsel's investigation. The appointment was rescinded less than one week later amid concerns about conflicts of interest, but Mr. Trump's legal team suggested that Ms. Toensing and her husband, Joseph E. diGenova, would assist the president "in other legal matters."

On social media and in regular appearances on Fox News, the couple advanced the theory that the special counsel's investigation was the result of a Justice Department effort to frame Mr. Trump. They increasingly began pushing the claim that "the real collusion began in @Ukraine," as Ms. Toensing put it in a post on Twitter in March.

The tweet spotlighted a story in the conservative media in which Mr. Lutsenko, Ukraine's top prosecutor, announced he was opening an investigation into whether Ukrainian officials tried to help Mrs. Clinton during the 2016 presidential election by disseminating documents related to Mr. Manafort's work in Ukraine before 2014.

Ms. Toensing has also met with Mr. Lutsenko, the Ukrainian prosecutor who has pushed the investigations, Mr. Giuliani said. (Mr. Giuliani had previously said that Ms. Toensing was representing Mr. Lutsenko, but after this article published, he said that he had been mistaken.)

Ms. Toensing will accompany Mr. Giuliani to Ukraine, he said, explaining that she was "concerned" for Mr. Lutsenko and wanted the incoming president to "promptly understand what he's trying to do."

Asked about the trip and her interactions with of Mr. Lutsenko, which have not been previously disclosed, she responded, "I'm not going to talk to you about this matter."

Also involved in planning the trip and pushing the investigations is Lev Parnas, a Ukrainian-American businessman who knows Mr. Giuliani well.

Mr. Parnas turned up in Kiev, presenting himself as a representative of Mr. Giuliani seeking information about Mr. Lutsenko's claims, and about Hunter Biden's involvement in the Ukrainian gas company, according to people familiar with Mr. Parnas's activity.

He organized a phone call between Mr. Giuliani and Mr. Lutsenko, as well as a separate call between Mr. Giuliani and Mr. Lutsenko's predecessor in the Ukrainian prosecutor general's office, according to Mr. Giuliani. He said Mr. Parnas also helped arrange a trip to the United States for Mr. Lutsenko in January. During it, the prosecutor met for hours with Mr. Giuliani in New York.

Mr. Parnas is an executive of an energy company that donated \$25,000 to a pro-Trump super PAC last year, prompting a Federal Election Commission complaint by a nonpartisan campaign finance watchdog accusing Mr. Parnas, his business partner and the company of violating campaign finance laws.

A lawyer for Mr. Parnas, who had previously defended the contribution, did not respond to a request for comment about his client's work with Mr. Giuliani in Ukraine.

Mr. Giuliani has done work in Ukraine before, having been hired in 2017 by the Ukrainian-Russian developer Pavel Fuks.

Mr. Giuliani described that work as related to emergency management consulting, but Mr. Fuks said in an interview that he hired Mr. Giuliani as "a lobbyist for Kharkiv and Ukraine" to lure American investors. "This is stated in the contract."

Mr. Giuliani said that work had ended, and that Mr. Fuks had nothing to do with his current efforts.

"My only client is the president of the United States," he said. "He's the one I have an obligation to report to, tell him what happened."

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[PkgNumberShort]

Declassified by order of the President

September 24, 2019

~~EYES ONLY~~~~DO NOT COPY~~

MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(S//NF)~~ Telephone Conversation with President
Zelensky of Ukraine

PARTICIPANTS: President Zelensky of Ukraine

Notetakers: The White House Situation Room

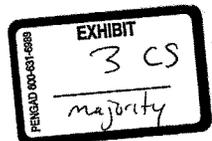
DATE, TIME July 25, 2019, 9:03 - 9:33 a.m. EDT
AND PLACE: Residence

~~(S//NF)~~ The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn't given much of a chance, and you ended up winning easily. It's a fantastic achievement. Congratulations.

~~(S//NF)~~ President Zelensky: You are absolutely right Mr. President. We did win big and we worked hard for this. We worked a lot but I would like to confess to you that I had an opportunity to learn from you. We used quite a few of your skills and knowledge and were able to use it as an example for our elections and yes it is true that these were unique elections. We were in a unique situation that we were able to

CAUTION: A Memorandum of a Telephone Conversation (TELCON) is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telecommunications connections and variations in accent and/or interpretation. The word "inaudible" is used to indicate portions of a conversation that the notetaker was unable to hear.

Classified By: 2354726
Derived From: NSC SCG
Declassify On: 20441231

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achieve a unique success. I'm able to tell you the following; the first time, you called me to congratulate me when I won my presidential election, and the second time you are now calling me when my party won the parliamentary election. I think I should run more often so you can call me more often and we can talk over the phone more often.

~~(S//NF)~~ The President: [laughter] That's a very good idea. I think your country is very happy about that.

~~(S//NF)~~ President Zelenskyy: Well yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many many new people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.

~~(S//NF)~~ The President: Well it's very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it's something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn't do anything. A lot of the European countries are the same way so I think it's something you want to look at but the United States has been very very good to Ukraine. I wouldn't say that it's reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.

~~(S//NF)~~ President Zelenskyy: Yes you are absolutely right. Not only 100%, but actually 1000% and I can tell you the following; I did talk to Angela Merkel and I did meet with her. I also met and talked with Macron and I told them that they are not doing quite as much as they need to be doing on the issues with the sanctions. They are not enforcing the sanctions. They are not working as much as they should work for Ukraine. It turns out that even though logically, the European Union should be our biggest partner but technically the United States is a much bigger partner than the European Union and I'm very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

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~~(S//NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike... I guess you have one of your wealthy people... The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.

~~(S//NF)~~ President Zelenskyy: Yes it is very important for me and everything that you just mentioned earlier. For me as a President, it is very important and we are open for any future cooperation. We are ready to open a new page on cooperation in relations between the United States and Ukraine. For that purpose, I just recalled our ambassador from United States and he will be replaced by a very competent and very experienced ambassador who will work hard on making sure that our two nations are getting closer. I would also like and hope to see him having your trust and your confidence and have personal relations with you so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine. I just wanted to assure you once again that you have nobody but friends around us. I will make sure that I surround myself with the best and most experienced people. I also wanted to tell you that we are friends. We are great friends and you Mr. President have friends in our country so we can continue our strategic partnership. I also plan to surround myself with great people and in addition to that investigation, I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.

~~(S//NF)~~ The President: Good because I heard you had a prosecutor who was very good and he was shut down and that's really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to

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call you. I will ask him to call you along with the Attorney General. Rudy very much knows what's happening and he is a very capable guy. If you could speak to him that would be great. The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that. The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.

~~(S//NF)~~ President Zelenskyy: I wanted to tell you about the prosecutor. First of all I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

~~(S//NF)~~ The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, their incredible people.

~~(S//NF)~~ President Zelenskyy: I would like to tell you that I also have quite a few Ukrainian friends that live in the United States. Actually last time I traveled to the United States, I stayed in New York near Central Park and I stayed at the Trump

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Tower. I will talk to them and I hope to see them again in the future. I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also want to ensure you that we will be very serious about the case and will work on the investigation. As to the economy, there is much potential for our two countries and one of the issues that is very important for Ukraine is energy independence. I believe we can be very successful and cooperating on energy independence with United States. We are already working on cooperation. We are buying American oil but I am very hopeful for a future meeting. We will have more time and more opportunities to discuss these opportunities and get to know each other better. I would like to thank you very much for your support

~~(S//NF)~~ The President: Good. Well, thank you very much and I appreciate that. I will tell Rudy and Attorney General Barr to call. Thank you. Whenever you would like to come to the White House, feel free to call. Give us a date and we'll work that out. I look forward to seeing you.

~~(S//NF)~~ President Zelenskyy: Thank you very much. I would be very happy to come and would be happy to meet with you personally and get to know you better. I am looking forward to our meeting and I also would like to invite you to visit Ukraine and come to the city of Kyiv which is a beautiful city. We have a beautiful country which would welcome you. On the other hand, I believe that on September 1 we will be in Poland and we can meet in Poland hopefully. After that, it might be a very good idea for you to travel to Ukraine. We can either take my plane and go to Ukraine or we can take your plane, which is probably much better than mine.

~~(S//NF)~~ The President: Okay, we can work that out. I look forward to seeing you in Washington and maybe in Poland because I think we are going to be there at that time.

~~(S//NF)~~ President Zelenskyy: Thank you very much Mr. President.

~~(S//NF)~~ The President: Congratulations on a fantastic job you've done. The whole world was watching. I'm not sure it was so much of an upset but congratulations.

~~(S//NF)~~ President Zelenskyy: Thank you Mr. President bye-bye.

-- End of Conversation --

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Opening Statement of Christopher J. Anderson to the House of Representatives
Permanent Select Committee on Intelligence, Committee on Foreign Affairs, and
Committee on Oversight and Reform

October 30, 2019

Mr. Chairman and Ranking Member. Thank you for the opportunity to provide this statement today. I have served as a Foreign Service Officer in the State Department since 2005. I have spent most of my career serving in countries on the periphery of the Russian Federation including Mongolia, Armenia, and, most recently, Ukraine. For the last five years, I have worked in Kyiv and Washington to advance our national security interests by promoting a peaceful resolution to the conflict in eastern Ukraine, countering Russian aggression, and defending the principles that international borders should not be changed by force. It has been a privilege to serve our country and promote our national interests on such an important foreign policy issue while working alongside dedicated and talented public servants. These efforts have benefited from strong bipartisan support.

My work in Ukraine began with a three-week temporary duty to Kyiv in March 2014 just after Russia invaded and occupied Crimea. I returned to Kyiv in September 2014 to serve as the External Unit Chief in the Political Section of our Embassy. I served in Kyiv from 2014–2017 and worked closely with Ambassador Yovanovitch from 2015–2017.

In August 2017 Ambassador Volker asked me to serve as Special Advisor for Ukraine Negotiations. I served in this position from late August 2017 until July 12, 2019. In this role, I helped develop negotiating positions, analyzed Russian and Ukrainian ceasefire proposals, and provided context on the history of the conflict and past negotiations. I also traveled with Ambassador Volker to the front

lines of the conflict, to negotiate with the Russians, and to meet with European counterparts.

On November 25, 2018, Russia escalated the conflict further when its forces openly attacked and seized Ukrainian military vessels heading to a Ukrainian port in the Sea of Azov. While my colleagues at the State Department quickly prepared a statement condemning Russia for its escalation, senior officials in the White House blocked it from being issued. Ambassador Volker drafted a tweet condemning Russia's actions, which I posted to his account.

In December 2018, Ambassador Volker and I traveled to Brussels to meet with EU officials and key NATO Allies to push for a more assertive European response to Russia's escalation. During this visit, we met with Ambassador Sondland, who hosted a lunch bringing together key EU officials for a discussion on coordinating our response to Russia's escalation.

When Volodymyr Zelenskyy was elected president in April, Ambassador Volker and I were hopeful that a newly empowered Ukrainian president could reinitiate high-level U.S. engagement. Before the inauguration in May, my colleagues and I saw a tweet by Rudolph Giuliani alleging that President-elect Zelenskyy was surrounded by enemies of President Trump. In an effort to counter the negative narrative sparked by Ambassador Yovanovitch's withdrawal and Giuliani's statements, we pushed for a high-level delegation to attend Zelenskyy's inauguration. Secretary Perry, Ambassador Sondland, Ambassador Volker, NSC Director Alexander Vindman, and Senator Ron Johnson, traveled to Kyiv as part of a Presidential delegation for the inauguration.

After the delegation returned, the participants wanted to brief the President on the trip. Ambassador Sondland was able to quickly arrange a meeting with the President for May 23. I participated in the preparatory meeting at the White House

in which we discussed key deliverables that would demonstrate President Zelenskyy's commitment to reform. We focused on three key areas: 1) demonstrating Zelenskyy's independence from powerful vested interests and pursuing anticorruption reform as well as antitrust reform; 2) strengthening U.S.-Ukrainian energy cooperation; and 3) improving our bilateral security relationship which included Ukraine increasing its purchases of key U.S. military equipment.

Ambassador Volker told me after the meeting that the President had agreed to invite President Zelenskyy to the White House for a meeting and would issue a letter shortly. The President signed a letter on May 29 that included an invitation for President Zelenskyy, but the letter did not include a specific date for the visit.

On June 13, I accompanied Ambassador Volker to a meeting with National Security Advisor John Bolton. In that meeting, Bolton stated that he agreed with our three lines of effort and that he also supported increased senior White House engagement. However, he cautioned that Mr. Giuliani was a key voice with the President on Ukraine which could be an obstacle to increased White House engagement. He did suggest that perhaps the Vice President would be available to travel to Toronto to meet with President Zelenskyy in early July at the Ukraine Reform Conference that the Canadian government was hosting. We later learned that the Vice President would not attend the conference. The morning after the meeting, I sent a brief message to Deputy Assistant Secretary George Kent summarizing the meeting and relaying NSA Bolton's message about Mr. Giuliani. I sent around a more formal summary later that day to my State Department colleagues.

On June 18, Secretary Perry hosted a follow-up meeting at the Department of Energy to discuss how to move forward on these three key areas. In preparation for that meeting, colleagues in different offices in the State Department, the

Department of Energy, and our missions in Kyiv and Brussels worked to develop a joint list of policy outcomes that would demonstrate Zelenskyy's commitment to reform and improve the bilateral U.S.-Ukraine relationship.

In the meeting at the Department of Energy on June 18, there was broad agreement on the interagency framework regarding policy deliverables. There were some initial discussions about how to delineate the lines of effort among the Department of Energy, the State Department, Ambassador Volker, Ambassador Sondland, and Ambassador Taylor (who joined by phone from Kyiv). There was also general agreement that it would be important to schedule a White House visit quickly, even if the actual date of the visit was after the Ukrainian parliamentary elections. There were some vague discussions in the meeting about how to address Mr. Giuliani's continued calls for a corruption investigation. After the meeting I spoke with Ambassador Taylor in a phone call to discuss the atmospherics of the meeting and next steps. We agreed on the importance of not calling for any specific investigations, but otherwise agreed the three lines of effort were useful.

Ambassador Volker then led a delegation to the Ukraine Reform Conference in Toronto July 1–2. We met with several Ukrainian officials including President Zelenskyy. In the meeting, President Zelenskyy highlighted progress in some of the key areas we had identified and pushed for a date for a White House visit. Volker urged him to schedule a call with President Trump in order to start building a relationship and thereby increase the chance of securing a date for the White House visit.

I was scheduled to complete my assignment as Special Advisor for Ukraine Negotiations on July 12, 2019. In the few remaining days of my assignment, I continued to push my Ukrainian counterparts for concrete progress in key reform areas. The Ukrainians remained focused on scheduling a White House visit—

seeing such a visit as a critical step in empowering Zelenskyy in his negotiations with the Russians. My last day with Ambassador Volker was July 12. Catherine Croft was my successor.

In closing, I want to reiterate that my colleagues and I in the Foreign Service are non-partisan and advance the foreign policy set by our duly elected leaders. I take that commitment as well as my oath to defend the Constitution seriously. Working abroad to advance the interest of the United States has at times led to harassment and intimidation by hostile intelligence services, death threats, and other significant challenges for my family and I. I have accepted these burdens because I believe we are advancing a cause greater than ourselves and are working to promote the general welfare.

Thank you again for the opportunity to provide this statement, and I welcome your questions.

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

DEPOSITION OF: CATHERINE CROFT

Wednesday, October 30, 2019
Washington, D.C.

The deposition in the above matter was held in Room HVC-304,
Capitol Visitor Center, commencing at 9:15 a.m.

Present: Representatives Schiff, Himes, Carson, Speier,
Quigley, Swalwell, Heck, Welch, Demings, Krishnamoorthi, Nunes,

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1 Wenstrup, Stefanik, and Ratcliffe.

2 Also Present: Perry, Massie, Jordan, Zeldin, Kelly, McCaul,
3 Bera, Armstrong, Raskin, Malinowski, Cicillini, Espaillat, Keating,
4 Maloney, Meeks, Stewart, Wasserman Shultz, and Meadows,

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1 For the COMMITTEE ON OVERSIGHT AND REFORM:

█ [REDACTED]
█ [REDACTED]
4 [REDACTED]

5

6 For the COMMITTEE ON FOREIGN AFFAIRS:

█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
10 [REDACTED]

11

12

13 For CATHERINE CROFT:

14 MARK J. MACDOUGALL
15 ABBEY MCNAUGHTON
16 AKIN GUMP STRAUSS HAUER & FELD LLP
17 Robert S. Strauss Tower
18 2001 K Street, NW
19 Washington, D.C. 20006-1037

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3 THE CHAIRMAN: Let's come to order. Good morning, Ms. Croft,
4 and welcome the House Permanent Select Committee on Intelligence,
5 which, along with the Foreign Affairs and Oversight Committees, is
6 conducting this investigation as part of the official impeachment
7 inquiry of the House of Representatives. Today's deposition is being
8 conducted as part of the impeachment inquiry. In light of attempts
9 by the Department of State and the administration to direct you not
10 to cooperate with the inquiry, the committee had no choice but to compel
11 your appearance today.

12 We thank you for complying with the dually authorized
13 congressional subpoena, as other current and former officials from
14 across the Federal Government have done.

15 Ms. Croft is a career Foreign Service officer. In relevant
16 parts, she has served on the U.S. Mission to NATO as Ukraine desk
17 officer, at the National Security Council as Ukraine director, and most
18 recently, she currently serves as the special adviser for Ukraine
19 negotiations. Ms. Croft, thank you for your service.

20 We look forward to your testimony today, including your knowledge
21 of and involvement in key policy discussions, meetings, and decisions
22 on Ukraine that relate directly to areas under investigation by the
23 committees. This includes developments related to the recall of
24 Ambassador Yovanovitch; the President's July 25, 2019 call with the
25 Ukrainian President Zelensky; as well as the documentary record that

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1 has come to light about efforts before and after the call to get the
2 Ukrainians to announce publicly investigations into two areas
3 President Trump asked President Zelensky to pursue, the Bidens and
4 Burisma, and the conspiracy theory about Ukraine's purported
5 interference in the 2016 U.S. elections.

6 We will also have questions about the Department's response to
7 the impeachment inquiry, including the committee's subpoena, which the
8 Department continues to defy, despite the fact that we know that it
9 has already collected significant documentary evidence that goes to
10 the heart of our inquiry.

11 Finally, to restate what I and others have emphasized in other
12 interviews, Congress will not tolerate any reprisal, threat of
13 reprisal, or attempt to retaliate against any U.S. Government official
14 for testifying before Congress, including you or any of your
15 colleagues. It is disturbing that the State Department, in
16 coordination with the White House, has sought to prohibit Department
17 employees from cooperating with inquiry and with Congress, and have
18 tried to limit what they can say.

19 This is unacceptable. Thankfully, consummate public servants
20 like you have demonstrated remarkable courage in coming forward to
21 testify and tell the truth.

22 Before I turn to the committee counsel to begin the interview,
23 I invite Ranking Member Nunes to make any opening remarks.

24 MR. NUNES: I thank the gentleman. Welcome, Ms. Croft, for being
25 here. Hopefully, today's an improvement over yesterday, that won't

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1 be any coaching of the witnesses, or sidebars, with the witness'
2 attorneys, and then interrupting the questions that we have on our side.

3 That's what occurred yesterday, Ms. Croft, and for your counsel.
4 We don't tend to accept that as a proper way of a functioning interview.
5 It's not how it should go. We'd appreciate it if the majority would
6 not interrupt our side. And if this continues, I can tell you that
7 my colleagues that are not allowed in this room will continue to express
8 frustration, as we had last week when we -- when this room and the entire
9 committee is continually being bombarded with unclassified material,
10 people want to come down here. It's not appropriate to have these
11 hearings down in the Intelligence Committee. This is not an
12 Intelligence Committee matter.

13 And in fact, the only piece of the Intelligence Committee matter
14 that we actually had in jurisdiction we had in this, was the
15 whistleblower, who only the majority and their staff have met with.
16 And so, it's quite concerning this inquisition is going on down here.
17 We don't really want to be part of the cult, but we have no options,
18 so we are here. So hopefully today, Ms. Croft, you will be able to
19 answer all of our questions. With that, I will yield the chairman.

20 THE CHAIRMAN: I thank the gentleman for his opening statement.
21 Mr. Goldman, you are recognized.

22 MR. GOLDMAN: This is a deposition of Catherine Croft,
23 conducted by the House Permanent Select Committee on Intelligence
24 pursuant to the impeachment inquiry announced by the Speaker of the
25 House on September 24, 2019.

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1 Ms. Croft, could you please state your full name and spell your
2 last name for the record, and if you could just pull the microphone
3 close to you. It remains on, and you can just speak normally.

4 MS. CROFT: Catherine Croft, the last name, C-r-o-f-t.

5 MR. GOLDMAN: So if I could just ask you to lift the microphone
6 a little and pull it a little bit closer and then --

7 MS. CROFT: Is that better?

8 MR. GOLDMAN: Yes.

9 MS. CROFT: Okay. Catherine Croft, the last name, C-r-o-f-t.

10 MR. GOLDMAN: Thank you. Along with other proceedings and
11 furtherance of the inquiry to date, this deposition is part of a joint
12 investigation lead by the Intelligence Committee, in coordination with
13 the Committees on Foreign Affairs and Oversight and Reform. In the
14 room today are majority staff and minority staff from all three
15 committees and this will be a staff-led deposition. Members, of
16 course, may ask questions during their allotted time as has been the
17 case in every deposition since the inception of this investigation.

18 My name is Daniel Goldman, I'm the director of investigations for
19 the Intelligence Committee's majority staff, and I want to thank you
20 again for coming in today.

21 Let me do some brief introductions. To my right here is Nicolas
22 Mitchell, senior investigative counsel for the Intelligence Committee.
23 Mr. Mitchell and I will be conducting most of the interview for the
24 majority. And now, I'll let my minority counterparts introduce
25 themselves.

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1 MR. CASTOR: Good morning. Steve Castor, Republican staff of
2 the Oversight Committee.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 MR. GOLDMAN: This deposition will be conducted entirely at the
8 unclassified level. However, the deposition is being conducted in
9 HPSCI's secure spaces and in the presence of staff with appropriate
10 security clearances. And we understand that your attorneys also have
11 their security clearance. It is the committee's expectation that
12 neither questions asked of you, nor answers provided by you, will
13 require discussion of any information that is currently, or at any
14 point, could be properly classified under Executive Order 13526. You
15 are reminded that EO 13526 states that, quote, "In no case shall
16 information be classified, continue to be maintained as classified,
17 or fail to be declassified," unquote, for the purpose of concealing
18 any violations of law, or preventing embarrassment of any person or
19 entity.

20 If any of our questions, however, can only be answered with
21 classified information, please inform us of that fact before you answer
22 the question, and we can adjust accordingly.

23 Today's deposition is not being taken in executive session, but
24 because of the sensitive and confidential nature of some of the topics
25 and materials that will be discussed, access to the transcript of the

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1 deposition will be limited to the three committees in attendance.

2 Under the House deposition rules, no Member of Congress nor any
3 staff member can discuss the substance of the testimony that you provide
4 today. You and your attorney will have an opportunity to review the
5 transcript after today's deposition.

6 Before we begin, I'd like to go over some ground rules. We will
7 be following the House regulations for depositions, which we have
8 previously provided to your counsel. The deposition will proceed as
9 follows: The majority will be given 1 hour to ask questions, then the
10 minority will be given 1 hour. Thereafter, we will alternate back and
11 forth between majority and minority in 45-minute rounds until
12 questioning is complete. We will take periodic brakes, but if you need
13 a break at any time, please let us know.

14 Under the deposition rules, counsel for other persons or
15 government agencies may not attend. You are permitted to have an
16 attorney present during this deposition and I see that you have brought
17 two. At this time, if counsel could please state their appearance for
18 the record.

19 MR. MACDOUGALL: Mark MacDougall, Akin, Gump, Strauss, Hauer and
20 Feld, Washington, D.C.

21 MS. McNAUGHTON: Abbey McNaughton, Akin, Gump, Strauss, Hauer
22 and Feld, Washington, D.C.

23 MR. GOLDMAN: There is a stenographer taking down everything that
24 is said here today in order to make a written record of the deposition.
25 For that record to be clear, please wait until each question is

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1 completed before you begin your answer, and we will wait until you
2 finish your response before asking the next question.

3 The stenographer cannot record nonverbal answers such as shaking
4 your head, so it is important that you answer each question with an
5 audible verbal answer.

6 We ask that you give complete replies to questions based on your
7 best recollection. If a question is unclear, or you are uncertain in
8 your response, please let us know. And if you do not know the answer
9 to a question or cannot remember, simply say so.

10 You may only refuse to answer a question to preserve a privilege
11 recognized by the committee. If you refuse to answer a question on
12 the basis of privilege, staff may either proceed with the deposition,
13 or seek a ruling from the chairman on the objections. If the chair
14 overrules any such objection, you are required to answer the question.

15 Finally, you are reminded it is unlawful to deliberately provide
16 false information to Members of Congress or staff. It is imperative
17 that you not only answers our questions truthfully, but that you give
18 full and complete answers to all questions asked of you. Omissions
19 may be also considered as false statements.

20 Now as this deposition is under oath, Ms. Croft, will you please
21 stand and raise your right-hand to be sworn.

22 Do you swear that your testimony provided here today will be the
23 whole truth and nothing but the truth?

24 MS. CROFT: I do.

25 MR. GOLDMAN: Let the record reflect that the witness has been

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1 SWORN.

2 Now, Ms. Croft, if you have an opening statement or your attorney
3 has any matters to discuss, now is the time.

4 MR. MACDOUGALL: Mr. Chairman, thank you so much. Before Ms.
5 Croft begins her testimony, I would like to make a brief statement for
6 the record. Catherine Croft is a career Foreign Service officer
7 currently working as special adviser for Ukraine negotiations. On
8 October 28th, 2019, Ms. Croft received a letter through her lawyers
9 from Under Secretary of State Brian Bulatao, in which we were instructed
10 that Ms. Croft cannot participate in the impeachment inquiry being
11 conducted by the House of Representatives and these committees.

12 Under Secretary Bulatao's letter stated that these instructions
13 were issued pursuant to a directive from the Office of White House
14 Counsel. Nonetheless, Ms. Croft has been served with a valid subpoena,
15 and so she is obliged to be here today.

16 While Ms. Croft is prepared to respond to all of the committee's
17 questions to the best of her ability, I need to address one
18 consideration at the outset. A great deal of attention has been
19 directed to the information submitted to the Office of the Inspector
20 General of the Intelligence Committee by an unnamed government employee
21 pursuant to the Intelligence Community Whistleblower Protection Act.
22 Ms. Croft is not the whistleblower.

23 As the committee's well aware, the governing statute permits
24 whistleblowers to preserve their anonymity. We believe that Ms. Croft
25 is obligated to respect in her testimony today the legal standards and

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1 equities that protect whistleblower anonymity in the Intelligence
2 Community. So the extent we reasonably conclude that any questions
3 directed to Ms. Croft this morning are intended to assist anyone in
4 establishing the identity of the whistleblower, we will make the
5 necessary objections and give the witness appropriate instructions.
6 With that, Ms. Croft has a brief opening statement.

7 THE CHAIRMAN: If I could, Counsel, before the opening statement.
8 None of the members of this committee or staff should ethically seek
9 to out the whistleblower through this witness' testimony. We will not
10 countenance any effort to do so. And if you or your client believe
11 questions are directed in that manner, you should object. We will
12 certainly not the require the witness to answer questions that would
13 violate the whistleblower's right of anonymity.

14 MR. MACDOUGALL: Thank you, Mr. Chairman.

15 MS. CROFT: Thank you for the opportunity to provide my statement
16 today. For the last 9 years it has been my honor to serve my country
17 as a Foreign Service officer. In that capacity, it has been a privilege
18 to serve along colleagues of intelligence, integrity, and
19 determination to advance U.S. interests, some of whom have already
20 spoken to this committee. I'm not sure that I have anything to add
21 to the testimony of those who came before me, but I will answer your
22 questions to the best of ability.

23 My work on Ukraine started in 2013 when I was posted to the U.S.
24 mission to NATO. My portfolio included Ukraine -- NATO-Ukraine
25 relations when the citizens of Ukraine took to the streets to demand

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1 a European future and an end to corruption. When Russian tanks rolled
2 into Crimea, I was assigned to NATO headquarters in Brussels. At that
3 time, we did not know where the tanks would stop. Russia's aggression
4 in Ukraine posed, and continues to pose, a real and immediate threat
5 to our national interests and a Europe free, whole and at peace.

6 My firm belief in the importance of Ukraine's future to U.S.
7 national interests led me to the Ukraine desk. From August 2015 to
8 July 2017, I was one of several Ukraine desk officers at the State
9 Department headquarters. In my portfolio, I focused on security
10 assistance, arm sales, and defense reform. But like all desk officers,
11 my work also included supporting efforts to combat corruption in
12 Ukraine, and holding leader accountable for lack of high level
13 prosecutions.

14 In July 2017, as the Trump administration was considering
15 overturning the ban on providing Ukraine defensive weapons I was asked
16 to join the National Security Council staff at the White House. As
17 the director covering Ukraine, I staffed the President's December 2017
18 decision to provide Ukraine with Javelin anti-tank missile systems.
19 I also staffed to September 2017 meeting with then-President Poroshenko
20 on the margins of the U.N. General Assembly. Throughout both, I heard,
21 directly and indirectly, President Trump describe Ukraine as a corrupt
22 country.

23 During my time at the NSC, I received multiple calls from lobbyist
24 Robert Livingston who told me that Ambassador Yovanovitch should be
25 fired. He characterized Ambassador Yovanovitch as a, quote, "Obama

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1 holdover," end quote, and associated with George Soros. It was not
2 clear to me at the time, or now, at whose direction or at whose expense
3 Mr. Livingston was seeking the removal of Ambassador Yovanovitch.

4 I documented these calls and told my boss, Fiona Hill, and George
5 Kent, who was in Kyiv at the time, I am not aware of any action that
6 was taken in response. I left the NSC in July 2018, and started
7 studying Arabic at the Foreign Service Institute in preparation for
8 a tour in Baghdad. That plan was cut short in May 2019 when I was asked
9 to take over as Ambassador Volker's adviser. I spent the month of June
10 embedded in our embassy in Kyiv to prepare, and then spent the week
11 of July 8th overlapping with my predecessor, Christopher Anderson.
12 That week was the first time I became aware that are Ambassador Volker
13 was in touch with Rudolph Giuliani. However, Ambassador Volker's
14 conversations with Giuliani were separate from my work and I was
15 generally unaware of when they spoke or what they spoke about. I have
16 never had any contact with Rudolph Giuliani.

17 On July 18 I participated in a sub PCC video conference where an
18 OMB representative reported that the White House chief of staff, Mick
19 Mulvaney, had placed an informal hold on security assistance to
20 Ukraine. The only reason given was that the order came at the direction
21 of the President. I had heard about the hold before that date, but
22 I do not remember the specific date. During the July 25 phone call
23 between President Trump and President Zelensky, I was traveling with
24 Ambassador Volker in Kyiv. I did not listen in on the call. I
25 accompanied Ambassador Volker in meetings with Ukraine officials, and

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1 to the line of contact between Ukrainian armed forces and Russian-led
2 forces in eastern Ukraine.

3 The only readout I got of the July 25 call was based on what
4 President Zelensky told Ambassadors Volker, Taylor, and Sondland about
5 the call at a meeting on July 26th. The focus of the call, as I
6 understood it, was to schedule a face-to-face meeting between President
7 Trump and President Zelensky. We hope that such a meeting would help
8 undue President Trump's long-held view of Ukraine as a corrupt country.

9 Since July, my sole focus has been supporting efforts to resolve
10 the conflict in eastern Ukraine. Zelensky's election and his mandate
11 to tackle corruption ignited a new energy and to stall talks. Right
12 now, even as Ukrainians face casualties nearly every day in defense
13 of their own territory against Russian aggression, decide they are
14 making progress in disengaging at key crossing points.

15 Zelensky has shown a willingness to take political risk to bring
16 Russia back to the table. His best chance at success is with our
17 support, along with our European partners. It is my hope that even
18 as this committee's process plays out, we do not lose sight of what
19 is happening in Ukraine, and its great promise as a prosperous and
20 democratic member of the European Community.

21 Thank you for the opportunity to speak, and I welcome your
22 questions.

23 THE CHAIRMAN: Mr. Goldman is recognized for 1 hour.

24 EXAMINATION

25 BY MR. GOLDMAN:

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1 Q Thank you, Mr. Chairman. Ms. Croft, welcome again. So just
2 so we're clear about your background, you were at the -- on the Ukraine
3 desk at the State Department in D.C. here from 2015 to July 2017. Is
4 that right?

5 A That's correct.

6 Q So if you want to just pull the microphone toward you and
7 leave it on, then you can just and it will be easier.

8 THE CHAIRMAN: It will be pointed right at your mouth, it will
9 be picked up.

10 MR. GOLDMAN: It is for the folks in the back.

11 BY MR. GOLDMAN:

12 Q And then July 2017 to July 2018 you were the Ukraine director
13 at the National Security Council?

14 A That's correct.

15 Q From July 2018 until May 2019, what, if anything, did you
16 have to do with Ukraine?

17 A Nothing in any official capacity.

18 Q Did you still maintain an interest and keep up to date on
19 what was going on?

20 A Yes.

21 Q How come?

22 A I had been working on Ukraine for several years. I was
23 interested as a foreign policy professional, and I remained friends
24 with those who work in the field.

25 Q And who did you speak to in order to keep up to date on what

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1 was happening with Ukraine?

2 A I followed closely on Twitter, which is a pretty good source
3 of information. And I remained in contact with my predecessor, Chris
4 Anderson. I remained in contact with friends that were serving on the
5 Ukraine desk at the State Department; and I remained in touch with my
6 colleagues at the Ukrainian embassy, my Ukrainian colleagues.

7 Q You said in your opening statement -- let me ask you this:
8 How aware were you in real time of the issues that arose in March and
9 April of this year with Ambassador Yovanovitch?

10 A To the extent those events were reported in the media, I was
11 tracking that.

12 Q Did you speak to anybody at the State Department about what
13 was going on?

14 A Not that I recall.

15 Q Did you speak to Ambassador Yovanovitch?

16 A I sent her one email just telling her I was sorry for what
17 was happening.

18 Q And you said in your opening statement that when you were
19 at the NSC, you received some messages that were critical of Ambassador
20 Yovanovitch. Is that right?

21 A That's correct.

22 Q From Bob Livingston. Is that right?

23 A That's correct.

24 Q And who is Bob Livingston?

25 A I had never met Bob Livingston, I understood him to being

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1 a lobbyist.

2 Q Prior to being a lobbyist, do you know what he did?

3 A By virtue of googling, I did, yes.

4 Q And what was that?

5 A That he had served in Congress.

6 Q And do you recall when he first contacted you?

7 A Not specifically, no.

8 Q And how many times did you hear from him?

9 A I can say with certainty at least twice, but I believe more
10 times than that.

11 Q What exactly do you recall him saying to you?

12 A As I reported in my opening statement, I recall him saying
13 that she had to go, she should be fired, that she was an Obama holdover,
14 and made mention of her somehow being connected with George Soros.

15 Q Other than being an Obama holdover, or an alleged connection
16 do George Soros, did he -- did he mention anything about her
17 performance, or any positions that she had taken?

18 A I don't specifically recall.

19 Q Anything else you can remember about what he had said to you?

20 A Not without looking at the notes that I took
21 contemporaneously but no longer have access to.

22 Q And what did you do after he -- after you spoke to him?

23 A I reported the conversations both to my then-boss Fiona Hill,
24 and then to George Kent who was then deputy chief of mission at our
25 embassy in Kyiv.

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1 Q What was their reaction?

2 A They were, I think, dismayed at the maligning of her
3 character, but no direct action was taken that I was aware of.

4 Q You had -- you knew Ambassador Yovanovitch from your work
5 on the Ukraine desk?

6 A Yes.

7 Q And at the NSC?

8 A That's correct.

9 Q And what was your assessment of her competence and
10 capabilities as a diplomat?

11 A I assessed her to be an extraordinarily competent and
12 skillful diplomat, and a pleasure to work for and with.

13 Q What did you understand the allegations about
14 George -- related to George Soros to be?

15 A At the time, conspiracy theories were floating in the media
16 about George Soros, including allegations that Fiona Hill was
17 affiliated, in some fashion, with George Soros. So I understood this
18 to be part of a broader narrative used to malign public officials that
19 somebody of some interest disagreed with.

20 Q And you indicated the conspiracy theory. Did you understand
21 that there was any validity to any of the concerns that Mr. Livingston
22 raised?

23 A Not that I was aware of, no.

24 Q Did you receive any other complaints about Ambassador
25 Yovanovitch while you were at the National Security Council?

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1 A Not that I can specifically recall without reviewing my notes
2 from the time.

3 Q Do you know if there were any other complaints made by anyone
4 else or to anyone else? Did you hear anything about that?

5 A Not that I can specifically recall right now.

6 Q Were you aware of a letter written by Representative Pete
7 Sessions in the middle of 2018?

8 A I don't have a recollection of that letter right now.

9 Q Why are you smiling?

10 A Because I simply don't remember it. It seems like I should,
11 but I don't.

12 Q Okay. So, you said that you were following the issues
13 related to Ambassador Yovanovitch earlier this year from the media?

14 A That's correct.

15 Q And based on your knowledge and expertise about Ukraine and
16 your working relationship with Ambassador Yovanovitch, were you aware
17 of any factual basis for any of the allegations that were made against
18 her?

19 A No.

20 Q Now, you said in your opening statement that you were -- that
21 you staffed President Trump's meeting with President Poroshenko in
22 September 2017. Was that right?

23 A That's correct.

24 Q And you said that President Trump had concerns that Ukraine
25 was a corrupt country at the time?

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1 A Yes.

2 Q Can you explain a little bit more about what his concerns
3 were?

4 A The President, at the time, didn't elaborate what his own
5 concerns were. He just simply described Ukraine as corrupt.

6 Q And based on your experience working Ukraine issues, did you
7 also believe that in the past, Ukraine had been -- had suffered from
8 serious corruption?

9 A Yes. I think it was well-known that there was a lot of
10 corruption among senior leadership in Kyiv.

11 Q In fact, U.S. official policy towards Ukraine has been -- one
12 significant aspect of U.S. official policy related to Ukraine has been
13 to stamp out corruption. Is that right?

14 A That's correct.

15 Q You said you were also involved in the decision to provide
16 Javelins to Ukraine at the end of 2017. Is that right?

17 A Yes.

18 Q And that was a significant endeavor to provide lethal
19 defensive assistance to Ukraine in their war to fend off its aggression
20 from Russia. Is that right?

21 A Yes, that was a very significant policy change.

22 Q When was the -- when were the Javelins ultimately approved
23 to be provided to Ukraine. Do you recall with any specificity?

24 A That was in December of 2017.

25 Q And at that time, when were they supposed to be delivered?

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1 A The decision did not include a specific delivery date
2 that -- because that requires planning and, you know, moving equipment
3 around and things like that. So until we had the decision, we weren't
4 able to physically move the equipment or anticipate a deployment date.

5 Q Soon after the decision was made, was there a plan put in
6 place about the timing of the delivery?

7 A Yes.

8 Q And do you recall the first target date?

9 A I don't recall.

10 Q Do you recall if there were ever any delays related to
11 providing the Javelins to Ukraine?

12 A From the date of the President's decision to the delivery,
13 no I'm not aware of any delays.

14 Q Are you aware of -- so when, ultimately, were the Javelins
15 provided? Do you recall?

16 A I don't recall the specific date, no.

17 Q If -- would it -- if I told you there's been some reporting
18 that it was towards the end of March of 2018, would that sound correct
19 to you?

20 A That sounds -- that sounds reasonable, yeah.

21 Q Were you also aware, at that time as Ukraine director, that
22 Ukraine somewhat suddenly ceased to cooperate with the Special
23 Counsel's investigation?

24 A I'm sorry.

25 Q Special Counsel Robert Mueller?

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1 A Can you repeat the question?

2 Q Around that same time, March, April, 2018, there was
3 reporting that Ukraine stopped -- announced that they were going to
4 stop cooperating with Special Counsel Robert Mueller's investigation.
5 Were you aware of that?

6 A No.

7 Q You were on the National Security Council as Ukraine director
8 at that time?

9 A Yes. I don't have any specific memory of any conversations
10 with Ukrainians about the Mueller investigation, or participation or
11 cooperation.

12 Q Did you read it in the press?

13 A I imagine I would have at the time.

14 Q You just don't remember it sitting here today?

15 A I do not.

16 Q Understood.

17 Let's move ahead to 2019, we'll go back. So the one other
18 question I had on Ambassador Yovanovitch: When did you hear that she
19 was going to be recalled from Kyiv?

20 A I would have read it in the news along with everybody else.

21 Q Did you have any conversations with George Kent or anyone
22 else at the State Department about the allegations against Ambassador
23 Yovanovitch?

24 A Other than what was in my opening statement, no.

25 Q And so you only followed it from the media?

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1 A That's correct. As far as I recall, yeah.

2 Q When were you asked to become the special assistant for
3 Ukraine negotiations?

4 A In May of this year.

5 Q Who asked you?

6 A Christopher Anderson.

7 Q And what was his role at the time?

8 A He was special adviser to Ambassador Volker.

9 Q So he asked you to replace him?

10 A That's correct.

11 Q And -- just one second.

12 [Discussion off the record.]

13 BY MR. GOLDMAN:

14 Q What did Mr. Anderson say to you?

15 A He asked me if I wanted his job.

16 Q And did you agree immediately?

17 A No.

18 Q What was your -- what was your process before you ultimately
19 agreed?

20 A I said, no, in more or less that tone of voice. And then
21 thought about it for a little while and said, maybe I will think about
22 it. And so we spoke again a couple of times, I think, in the following
23 week or two.

24 Q And when did you ultimately agree to take the job?

25 A I don't remember the specific date, but it was roughly early

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1 to mid-May.

2 Q And when did you officially come on board?

3 A I think you could measure it by when I traveled to Kyiv, which
4 I believe was May 29th, but there I was embedded in the political section
5 for a month, and then officially started here in Washington on July
6 8.

7 Q So you were in Kyiv from May 29th until when?

8 A July 1, I believe.

9 Q One thing I just want to go back to before I move ahead to
10 your time in Kyiv, the Javelins -- the provision of the Javelins in
11 20 -- late 2017, early 2018, do you recall whether there was ever a
12 hold or a freeze put on the Javelin provision?

13 A There was a PCC process, and there was one hold -- sorry,
14 at the PC level, excuse me, the principals committee, and there was
15 one agency that put a hold on that decision.

16 Q And which was that agency?

17 A OMB.

18 Q Did you understand why?

19 A I understood the reason to be a policy one.

20 Q What was the policy one?

21 A In a briefing with Mr. Mulvaney, the question centered around
22 the Russian reaction.

23 Q What was the concern about the Russian reaction?

24 A That Russia would react negatively to the provision of
25 Javelins to Ukraine.

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1 Q What was the reaction to that concern from the other
2 agencies?

3 A I don't know that I can provide that information in an
4 unclassified setting.

5 Q Okay. Is there any way to provide broadly?

6 A I can broadly say that all of the policy agencies were in
7 support.

8 Q And you mean in support of providing the Javelins?

9 A Correct.

10 Q So how long was this hold placed?

11 A I don't recall specifically, perhaps a week or two.

12 Q And just to be clear, this policy went all the way up the
13 chain from sub PCC, to PCC, to DC, to principals committee. Is that
14 correct?

15 A That's correct.

16 Q And at all of the prior levels, so to speak, was there
17 any -- was there any concern expressed about this policy change?

18 A I think to go into specific details about what was discussed
19 at those meetings I would need to be in a classified setting.

20 Q I was just asking was there any concern expressed by anybody
21 that --

22 A All of the agencies were in agreement.

23 Q Okay. Including OMB up until the principals committee?

24 A I don't recall OMB expressing a policy objection at those
25 levels.

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1 Q Just so we understand, what role does OMB have in making
2 foreign -- official foreign policy?

3 A I think, typically, its role is usually limited to the budget
4 side of things. So it was rather unusual to have OMB expressing
5 concerns that were purely policy-based and not budget-oriented.

6 Q And your experience, either on the Ukraine desk at the State
7 Department or at the National Security Council, were you aware of OMB,
8 in any other circumstance, expressing policy reservations?

9 A At the beginning of the Ukrainian Javelin process, I had been
10 told that OMB was taking a policy interest. And OMB began sending
11 working level officials to attend meetings, even at the sub PCC level,
12 which was very unusual at the time. And they weren't just attending
13 Ukraine-related meetings, they were coming to all of our meetings,
14 which, as an aside, is quite taxing on a very small organization.

15 Q Small organization being the National Security Council?

16 A No, on OMB to staff that number of meetings.

17 Q Got it. Got it. So they -- OMB took an interest in
18 countries other than Ukraine policy as well?

19 A Yes.

20 Q How -- you said that the hold was a week or two. How -- what
21 was the process for the hold to be lifted? What did you understand
22 the reasoning to be?

23 A I was asked, along with my colleague, Richard Hooker to go
24 brief Mick Mulvaney on the decision. We did so, and then within a day
25 or two, the hold was lifted.

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1 Q And can you, without getting into classified material, can
2 you explain what your broad message was to Mr. Mulvaney?

3 A Broadly, the message was that the policy process had worked,
4 that the potential issues on all fronts had been thoroughly discussed
5 and sussed out, and that had the agencies were in agreement about the
6 policy moving forward -- or about their recommendation to the
7 President.

8 Q Did you address the concerns that he had expressed about
9 Russia's reaction to this policy change?

10 A Yes.

11 Q What did you say?

12 A I think that's the part that I can't refer to here.

13 Q Who directed you to go brief Mr. Mulvaney?

14 A I believe it was a staffer at OMB that said that Mr. Mulvaney
15 wanted to be briefed.

16 Q And do you -- if the decision was made at the end of December
17 to provide the Javelins. Did that decision go through the whole PCC
18 process?

19 A I'm sorry, the Javelin decision?

20 Q Yes.

21 A Yes. Sub PCC, PCC, DC, PC.

22 Q So at that point, the decision at the end of the December
23 had already been through this process?

24 A That's correct.

25 Q So what was the process that Mr. Mulvaney intervened in if

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1 it had already approved?

2 A At the PC level, he objected.

3 Q So he objected in December? I'm asking if he objected to
4 the initial decision, or did he object to the release or provision of
5 the Javelins?

6 A I see. I understand the question now. He objected in the
7 PC, it was a paper PC, but he objected in the PC.

8 Q The original one about the decision ultimately in December?

9 A Before the decision in December, in the tee-up to that
10 decision.

11 Q So that had nothing to do with the timing of the actual
12 provision of the Javelins to Ukraine?

13 A It held up the overall decision-making timeline.

14 Q Understood. Okay.

15 Now in -- did Rob Blair have a role in this process with Mr.
16 Mulvaney?

17 A I understood him to be playing some sort of policy role in
18 briefing Mr. Mulvaney.

19 Q What was that role that you understood?

20 A I don't know specifically.

21 Q Did you ever have any conversation with Mr. Blair about this?

22 A I did not, no.

23 Q Do you know whether the President weighed in, in any respect,
24 on this decision?

25 A The decision was made by the President.

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1 Q I understand. But do you know whether the President -- let
2 me ask you it a different way. Do you know whether the
3 President -- whether Mr. Mulvaney was relaying the President's concerns
4 when he put the hold on for fear of the impact on Russia?

5 A I don't know if the President and Mr. Mulvaney spoke on this.

6 Q Okay.

7 A I don't have any independent knowledge.

8 Q In your meeting with Mr. Mulvaney, did he reference the
9 President's views at all?

10 A Not that I recall, but the President's views were pretty
11 well-known.

12 Q And what were they?

13 A The President was skeptical of providing weapons to Ukraine.

14 Q Why?

15 A When this was discussed, including in front of the Ukrainian
16 delegation, in front of President Poroshenko, he described his concerns
17 being that Ukraine was corrupt, that it was capable of being a very
18 rich country, and that the United States shouldn't pay for it, but
19 instead, we should be providing aid through loans.

20 Q Okay. And so how did that relate to the provision of
21 Javelins?

22 A I'm sorry. What do you mean?

23 Q You said the President's views on Ukraine were very
24 well-known. And I'm trying to understand how the views that you just
25 expressed, might impact the ultimate decision to provide Javelins to

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1 the Ukraine?

2 A So those views were expressed directly to President
3 Poroshenko in response to his desire for Javelins.

4 Q Ah, okay. And were the Javelins, at that time, that were
5 being provided, a -- what -- a gift, or were they being sold to Ukraine?

6 A They were being provided using grant assistance through
7 foreign military financing.

8 Q So just so we understand, ultimately it was U.S. financial
9 support to Ukraine that Ukraine used to purchase the Javelins?

10 A Yes.

11 Q So you indicated the President's views that Ukraine should
12 pay for their own -- pay their own way, effectively, in reaction to
13 President Poroshenko's request for lethal military assistance? Is
14 that an accurate summary?

15 A That's how I understood the President's comments, yes.

16 Q After that meeting with President Poroshenko, did you have
17 any occasion to learn the President's views more specifically
18 on -- during the policy process to provide the Javelins?

19 A Inasmuch as I was tasked, and retasked, and retasked, and
20 retasked by General McMaster to write paper to help him make the case
21 to the President, I started to get a sense of what the President's
22 concerns were.

23 Q And what were those concerns?

24 A That Ukraine is corrupt, and that Europe should be stepping
25 up to do more to provide security assistance to Ukraine.

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1 Q Did you have an understanding at that time as to how much
2 security assistance Europe was providing to Ukraine?

3 A Yes.

4 Q And I mean, taking all the European -- EU countries together,
5 how did it compare to how much security assistance the United States
6 was providing?

7 A The -- our European partners in general their security
8 assistance is significantly less than U.S. security assistance. We
9 are, by far, the lead.

10 Q That's on an individual country basis, or all told?

11 A Even all told.

12 Q Because there's been reporting that all told -- does that
13 change over time, I guess, is the question since 2017 to the present?

14 A So our Ukrainian partners do provide security assistance,
15 and they do partner with us in training the Ukraine armed forces, and
16 they do provide separately some equipment and other financial
17 assistance. But the quantities are significantly less than what the
18 United States provides. One of the cases that we were attempting to
19 make at the time was that even though we lead on security assistance,
20 our European partners lead on providing overall economic assistance,
21 which, I think, it's fairly easy to make the case that in these Ukrainian
22 circumstances in 2015, 16, 17, economic security and national security
23 were closely tied.

24 Q Okay. So just so we're clear, the European countries led
25 on what you were calling economic assistance, and the United States

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1 led on what you're calling security assistance?

2 A I think that's correct, yes.

3 Q And how -- can you explain the difference between the two?

4 A So World Bank, IMF, EBRD, EU generally, then bilaterally,
5 several of our European partners -- also credit to Japan -- were
6 providing economic -- loan guarantees and other forms of sort of
7 economic aid to help stabilize the country, immediately following
8 Russia's invasion in 2015.

9 Q Would you say both are important to Ukraine's viability as
10 a democracy?

11 A Absolutely. I think without that, that assistance, Ukraine
12 wouldn't be in the relatively stable position that it is in now.

13 Q And would you say that the security assistance -- how should
14 I say this -- is more specifically appropriated than economic
15 assistance? In other words, does security assistance, is it tied more
16 directly to particular aspects of support than the economic assistance
17 would be?

18 A Yes. I think bipartisan support for Ukraine in Congress has
19 meant tremendous support, specifically on security assistance, and
20 that has meant some specific conditionality, including on defense
21 reform and provision of defensive weapons, and/or counter artillery
22 radar is part of the overall legislative package.

23 Q As part of that legislative package, in order to provide the
24 security assistance, there are a number of conditions that Ukraine must
25 meet. Is that right?

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1 A That's right.

2 Q And you -- I think you described a couple of them, but could
3 you just list the ones that you're aware of?

4 A I think the key one is with regard to the Ukraine Security
5 Assistance Initiative or USAI, which is the DOD pot of money, which
6 is specifically tied to DOD making a certification that Ukraine has
7 made adequate progress in defense reform. And then, sort of,
8 implementation of that legislation, the State Department and DOD have
9 worked together to, sort of, set standards for what it is we expect
10 Ukraine to do to reform its defense sector.

11 Q And does that also include anticorruption efforts?

12 A Yes.

13 Q But economic assistance that Europe is the lead on, does it
14 have the same -- are you aware of whether Europe insists on some of
15 the same conditionality?

16 A The conditionality for economic assistance tends to be set
17 sort of which IMF in the lead and then with other economic or
18 international financial institutions an countries like the United
19 States sort of falling behind on the IMF's lead on what conditionality
20 would look like.

21 Q Okay. So just to close the loop on this, Mr. Mulvaney's
22 concerns about the impact on Russia, do you know whether the -- did
23 you hear after your meeting with Mr. Mulvaney, whether he had a
24 conversation with the President about this issue before the decision
25 was made?

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1 A I'm sorry, before the Javelin decision in 2017?

2 Q Yes.

3 A No, I'm not aware of any conversations directly between the
4 two of them that I recall being told about.

5 Q And it was General McMaster's strong view that the U.S.
6 should provide the Javelins to Ukraine. Is that correct?

7 A Yes, also General Mattis at the time.

8 Q General Mattis. What about Secretary of State Tillerson?

9 A He also agreed.

10 Q So all the principals of the interagency agreed. Is that
11 correct?

12 A Yes.

13 Q And to your knowledge, it was a pretty -- other than OMB's
14 unusual intervention, it was broadly supported by the policymakers?

15 A Yes -- sorry, I need to revise. Yes, everybody agreed
16 except for OMB.

17 Q All right. And could you just explain why -- I'm sorry, Mr.
18 Chairman.

19 THE CHAIRMAN: Before counsel goes on to a different subject, I
20 want to ask a few follow-up questions. You mentioned that -- at one
21 point that you had taken notes contemporaneously with events. Is that
22 a pattern of yours, or a practice of yours?

23 MS. CROFT: I try to.

24 THE CHAIRMAN: And did you receive a request from the State
25 Department for all of notes and documents and records related to the

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1 investigation?

2 MS. CROFT: Yes.

3 THE CHAIRMAN: So the notes that you would have taken relevant
4 to Ukraine during the course of your time working on this, would those
5 have been provided to the State Department?

6 MS. CROFT: Yes, those have all been provided.

7 THE CHAIRMAN: My colleague asked you about concerns that were
8 raised by Mulvaney. If I understand correctly, Mr. Mulvaney didn't
9 raise these concerns in person, they were raised on paper. Is that
10 right?

11 MS. CROFT: Yes, in an objection on -- in -- during the course
12 of a paper PC.

13 THE CHAIRMAN: So during the course of the paper PC, Mr. Mulvaney
14 objected in writing to the provision of the Javelins at that point?

15 MS. CROFT: Yes.

16 THE CHAIRMAN: And are you able to tell us in an unclassified
17 forum the nature of his objection?

18 MS. CROFT: I can say that it was a policy based objection. And
19 then as I said before, when we spoke to him, Robert Hooker and I, he
20 asked about the Russian reaction.

21 THE CHAIRMAN: When you say he asked -- he asked in person or he
22 asked in writing?

23 MS. CROFT: He blocked -- he blocked the decision at the PC level
24 in writing, and then subsequently we briefed him in person, and that
25 was the conversation where he -- where he asked questions about the

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1 Russian reaction.

2 THE CHAIRMAN: And as best you can remember, when did the OMB
3 first put its hold on the provision of the Javelins? And when was the
4 decision made to release the hold?

5 MS. CROFT: I don't recall the very specific dates without access
6 to my files from that time, which I don't have access to.

7 THE CHAIRMAN: That would be documented in the records you
8 provided to the State Department?

9 MS. CROFT: No. Those would be records from my time at the
10 National Security Council, which would be -- which are in the National
11 Archives.

12 THE CHAIRMAN: Okay. Well, given that we don't have those with
13 us today, let's ask for the best of your recollection. About when was
14 the hold put in place? About how long elapsed before the decision was
15 made to release the Javelin?

16 MS. CROFT: My best guess, without access to my notes, is I
17 believe that that would have probably been in November or early
18 December, when, I think, back to when the President made his decision.
19 In the time that it took to facilitate the President's decision, I don't
20 recall specifically when the paper PC went out, what those dates were.

21 THE CHAIRMAN: So you're talking about November, December, 2017?

22 MS. CROFT: That's correct.

23 THE CHAIRMAN: And can you give us sort of your best estimate of
24 the range of how long the hold would have been put in place, how many
25 weeks?

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1 MS. CROFT: My recollection is about 2 weeks, but like I said,
2 without my notes, it's hard to refresh my memory.

3 THE CHAIRMAN: And what was going on with respect to Ukraine
4 during those 2 weeks, in terms of what you were following in press
5 accounts? Do you remember?

6 MS. CROFT: I don't. I was very focused on the Javelin decision.
7 I don't have a specific memory of what was happening in the press at
8 the time.

9 THE CHAIRMAN: During the period, either before the hold, during
10 the hold, or after the hold, were you aware of any discussions going
11 on about Ukraine's participation or nonparticipation in assisting the
12 Mueller investigation?

13 MS. CROFT: Nothing that I was doing in my work at the National
14 Security Council in any way related to what was happening in the Mueller
15 investigation.

16 THE CHAIRMAN: No, I understand that. But we're obviously
17 looking at allegations concerning the hold-up of military assistance
18 in 2019. We're looking at a call record in which the President of
19 Ukraine asks -- says he's almost ready to get more Javelins. And we
20 know during this period there is a hold put on military assistance.
21 And as I'm sure you're aware from public accounts, there are questions
22 about why that hold was placed, and testimony that was related to
23 political demands by the President.

24 So what I'm asking you is, did it come to your attention in any
25 way, shape, or form, through conversation, open reporting or otherwise,

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1 that there may have been factors behind the first hold on the Javelins,
2 the 2017 hold on the Javelins, that were not related to policy, that
3 may have been related to investigations that the President wanted the
4 Ukraine to do, or work that the President wanted Ukraine to refrain
5 from doing in connection with the Mueller investigation?

6 MS. CROFT: I was not aware of any connection between those two
7 things, and don't recall having any conversations with anybody about
8 the Mueller investigation at that time. I would say that OMB's
9 decision to hold on the Javelin decision at the PC level, given OMB's
10 signaled interest in engaging in a policy basis came as a surprise,
11 but had -- was preceded by OMB engagement on the issue.

12 And in fact, I had, throughout from the beginning of my time at
13 the NSC, engaged OMB regularly to inform them about we were doing on
14 the Javelins in order to try to over -- overcome any policy concerns
15 that I could through the work of the interagency. So, in my mind,
16 because I hadn't heard any connection between what was happening in
17 terms of the Mueller investigation and security assistance, I had not
18 made that connection, and nobody had made that connection to me.

19 THE CHAIRMAN: I'm jumping forward a bit here, but in 2019, you
20 were not a part of the conversations about specific investigations,
21 the President had sought in connection with White House meeting or
22 military assistance, that you were largely not in the loop on that?

23 MS. CROFT: I was largely not in the loop on that.

24 THE CHAIRMAN: Jumping back to 2017 again, the policy rationale
25 that you have articulated in terms of not wanting to anger the Russians

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1 by providing Javelins to Ukraine, there was a strong policy consensus
2 to do it, OMB objected to it. Did any of the OMB objections that were
3 raised with you differ from the concern about angering or upsetting
4 the Russians?

5 MS. CROFT: Not that I recall.

6 THE CHAIRMAN: Mr. Goldman.

7 BY MR. GOLDMAN:

8 Q Moving back to 2019, I just want to --

9 [Discussion off the record.]

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1 [10:15 a.m.]

2 BY MR. GOLDMAN:

3 Q You said that you initially told Mr. Anderson no and you had
4 reservations. What were your reservations?

5 A I'd already done a lot of work on Ukraine. I was looking
6 forward to my assignment in Baghdad, and I think the nature of
7 corruption in Ukraine always made it a tricky country to work on.

8 Q By May, and you were -- were you aware of -- withdrawn.

9 You have already testified about you were following the press
10 accounts related to the false allegations against Ambassador
11 Yovanovitch, right?

12 A Yes.

13 Q Were you also aware of other narratives in the media related
14 to some of these other investigations that are the subject of this
15 inquiry?

16 A I was following the John Solomon reporting in The Hill with
17 concern and interest.

18 Q And what do you recall about the John Solomon reporting,
19 separate and apart from anything in connection with Ambassador
20 Yovanovitch?

21 A He appeared to be building a case based on sourcing through
22 then-Prosecutor General Lutsenko, and a former employee of the
23 Ukrainian Embassy in the United States, at the time, I think, very
24 focused on those two, that there was some connection between Ukraine
25 and interference in the 2016 elections, and the then-Ukrainian

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1 administration having a preference for the outcome of the 2016
2 election.

3 Q And were you aware of any factual basis to support those
4 allegations, based on your time focused on Ukraine around 2016?

5 A I was aware that Paul Manafort was associated with the
6 Yanukovych regime, which, of course, had been ousted and then-President
7 Poroshenko would have been a rival of Yanukovych. So I anticipated
8 that that might be sort of an angle of inquiry.

9 Q I don't understand. What does that have to do with the
10 allegations of -- Yanukovych was removed in 2014, right?

11 A Right.

12 Q Okay. So the -- what are the -- can you explain a little
13 more to me?

14 A It's a little bit weird. So Poroshenko and Yanukovych were,
15 of course, rivals. Poroshenko saw that Trump's campaign manager was
16 affiliated with Yanukovych, and so I could imagine at the time that
17 Poroshenko would have concerns about potential policy shifts on Ukraine
18 following the 2016 election.

19 I was also aware that the Republican platform had changed with
20 regard to provision of security assistance in the lead-up to that
21 election. So I imagined that Poroshenko was paying attention to that
22 fact as well.

23 Q Okay. So you understand why there might be a motivation,
24 but you were not aware of any factual basis for those allegations?

25 A Correct, absolutely.

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1 Q And were you aware by May that Rudy Giuliani was also
2 promoting some of these narratives?

3 A Yes. I started to see some of the same narratives pop up.

4 Q And then were you aware at that time about a narrative related
5 to Burisma Holdings and Vice President Biden?

6 A I was aware of Hunter Biden's role in the Ukrainian energy
7 sector from my time on the Ukraine desk.

8 Q And were you aware that that was -- that whole subject was
9 one of the things that Mr. Giuliani was promoting in the media?

10 A I became aware when he started tweeting about it.

11 Q And do you recall that there was a fairly -- there was an
12 article May 9th in The New York Times that got a fair amount of
13 attention, where Mr. Giuliani said that he was going to go to Ukraine
14 to pressure the Ukrainian Government for investigations?

15 A Yes. I --

16 Q Was this during the time that you were considering whether
17 or not to take this job?

18 A Yeah. I don't actually remember the day that Chris and I
19 had that conversation, but it was probably around that time.

20 Q And how, if at all, did these narratives that were being
21 played out in the media, through Mr. Giuliani and others, affect your
22 thinking on whether you were going to take this job?

23 A They made me certainly a lot more trepidatious.

24 Q Why?

25 A I knew from my experience on the Ukraine desk and from working

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1 at the NSC that, like I said before, the nature of the corruption in
2 Ukraine makes it a particularly difficult country to work on, because
3 it is difficult to know at any given time what interests are behind
4 what actions.

5 But one of the reasons that I ultimately agreed to take the job
6 was because I felt I was probably better positioned than most to help
7 and advise the Department to manage those tricky waters, and because
8 I didn't want anyone else to get exposed to what I'm doing today.

9 Q What do you mean by that? You took one for the team?

10 A Yes.

11 Q What were you concerned about others having to deal with?

12 A That I was watching those narratives play out in the media,
13 and I thought at the time that it was possible that the Trump
14 administration would choose to change its policy to suit domestic
15 politics.

16 Q Did you have any conversations with Ambassador Volker before
17 you took the job?

18 A Actually, no. I'd already -- I'd worked with him before.
19 We knew each other from before.

20 Q Do you recall when you first spoke with him?

21 A In this capacity or in general?

22 Q Sorry. Yes, in this capacity, after you -- I guess after
23 you accepted the job, when was the first time that you spoke with
24 Ambassador Volker?

25 A It would have been when I got back from Kyiv the week of the

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1 8th, but I'm not certain specifically. Oh, it was when we had a meeting
2 with [REDACTED]. So
3 whatever date that was. I don't have the specific date with me.

4 Q Was that in D.C.?

5 A That was here in D.C., yes.

6 Q So you didn't speak with Ambassador Volker from May until
7 you returned to D.C. after July 1st, even though you were going to be
8 working directly for him?

9 A No, I spoke with Chris. He was in touch with Kurt.

10 Q Did you speak with Mr. Anderson about these narratives that
11 were playing out in the media related to Mr. Giuliani?

12 A Not until I got back.

13 Q When you -- during the time that you were in Kyiv -- well,
14 when you arrived in Kyiv, who was leading the Embassy?

15 A The now DCM, Kristina Kvien, had just arrived around the same
16 time that I did, I think.

17 Q So Ambassador Yovanovitch was gone?

18 A She was gone.

19 Q The former DCM was gone?

20 A That's right.

21 Q And Ambassador Taylor had not yet arrived?

22 A Correct.

23 Q When Ambassador -- during your time in Kyiv in June, did you
24 have any conversations with Ambassador Taylor about the narratives that
25 were playing out in the media?

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1 A I had a conversation with Ambassador Taylor before he went
2 to Ukraine as he was considering taking the position.

3 Q And can you describe for us that conversation?

4 A As he's -- as I understand from media reports that he has
5 testified before, he had come to the Department with concerns that the
6 U.S. policy on Ukraine might change and wanted to get the Department's
7 views on that.

8 I sat down with him and shared my very frank assessment that the
9 White House was not likely to change its policy on Ukraine except in
10 the event that the President viewed it -- the -- that Biden was going
11 to be a credible rival for him in the upcoming election, and that
12 he -- that furthering the narrative that Russia was for the Republicans
13 and Ukraine was for the Democrats would be in his interest, and that
14 might push him to change the policy on Ukraine. But I said that,
15 otherwise, I saw no reason that our policy would change.

16 Q And were you aware at that -- well, when was that meeting
17 with Ambassador Taylor, do you recall?

18 A That would have been in May, very shortly before I headed
19 out to Kyiv.

20 Q So just before May 29th?

21 A Yeah.

22 Q And were you aware by that point that Vice President Biden
23 had announced his candidacy for President?

24 A I don't remember when he announced his candidacy for
25 President.

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1 Q But you knew that he was --

2 A Of course, yes.

3 Q -- a potential candidate?

4 A Yes.

5 Q So I just want to understand this. When you say the White
6 House policy towards Ukraine, do you mean official U.S. policy
7 supporting Ukraine in a bipartisan basis?

8 A No, I mean the President's views.

9 Q You mean the President's views?

10 A Yes.

11 Q And so what -- when you said the President's views were not
12 going to change, what were the President's views that you understood
13 at that time?

14 A What I've articulated so far, that he was skeptical of
15 Ukraine as a corrupt country, but he had reversed the decision on
16 Javelins. So I didn't take him to be sort of anti-Ukraine, aside from,
17 obviously, this very strongly held view that it is a corrupt country.
18 But I knew that the rest of the interagency remained united in its
19 support for Ukraine.

20 Q And so, can you explain how the Biden candidacy would
21 potentially -- how you thought the Biden candidacy would potentially
22 impact the President's views on Ukraine, as you explained it to
23 Ambassador Taylor?

24 A Yeah. This was just sort of my speculation, as somebody who
25 has watched Ukraine for a while and as somebody who had worked in the

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1 White House, but that my understanding was that, you know, in an attempt
2 to -- that it seemed logical to me that in an attempt to counter the
3 narrative about Russian support for the Trump administration in the
4 2016 election or Russian interference in the 2016 election that -- that
5 it would be useful to shift that narrative by shifting it to Ukraine
6 as being in support of the Clintons.

7 Q And how would that affect the President's policy views
8 towards Ukraine?

9 A The way I thought about it was that painting sort of Ukraine
10 as being against Trump would help distract from a narrative or balance
11 out a narrative that he had gotten help in the 2016 election from Russia.
12 Does that answer your question?

13 Q Understood. I guess the question is, if he already had
14 negative views of Ukraine, how would the effect of Vice President
15 Biden's candidacy change his views, which I think you said that's the
16 only way --

17 MR. RATCLIFFE: Just to be clear, are you asking the witness to
18 speculate as to the President's frame of mind?

19 MR. GOLDMAN: No. I'm asking the witness, based on her
20 experience for several years related to Ukraine, how she interpreted
21 the narratives that were in the media at the time related to
22 investigations.

23 MR. RATCLIFFE: You used the words "the President's thinking."

24 THE CHAIRMAN: Excuse me. Excuse me. She's describing a
25 conversation she had with Ambassador Taylor. I'll permit the

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1 question. You may answer.

2 MR. RATCLIFFE: Let the record reflect the chairman -- I'll
3 withdraw that.

4 THE CHAIRMAN: You can answer the question.

5 MS. CROFT: Sorry, can you repeat the question?

6 BY MR. GOLDMAN:

7 Q You testified that you indicated to Ambassador Taylor that
8 the only way that the White House policy would change was somehow
9 related to this Biden narrative.

10 A Yes, thank you.

11 Q And I'm just asking how the Biden narrative would change what
12 you've described as the President's negative views towards Ukraine?

13 A That, I think, in order to sort of credibly paint Ukraine
14 as the enemy in both the 2016 elections and potentially moving forward
15 to 2020 elections, that that would not be consistent with supporting
16 Ukraine, in terms of providing lethal assistance or other forms of
17 political support. Is that responsive?

18 Q It is responsive, but it goes back to, I think, the earlier
19 question I said, which is that the policy change would be from the
20 overall support for Ukraine to less support for Ukraine. Is that true?
21 The policy change that would flow from that would be to reverse the
22 support for Ukraine.

23 A That is correct. That was as Ambassador Taylor sort of
24 articulated his concern to me, and that was the question that I was
25 responding to when I gave that answer.

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1 Q And how did Ambassador Taylor articulate the concern to you?

2 A To the best of my recollection, he said, I want to do this
3 job, but only -- or I'm willing to do this job, only as long our policy
4 on Ukraine remains the same, meaning support for Ukraine. But if that
5 changes, or if that's going to change, then I would quit.

6 Q Did he bring up Rudy Giuliani or the Biden narrative to you?

7 A I raised the Biden narrative with him. I don't recall
8 whether we discussed Giuliani or not.

9 Q Do you know whether he had already met with Secretary Pompeo
10 by the time that you had this conversation?

11 A I believe he was due to meet with Pompeo after that
12 conversation.

13 Q And did he tell you what he expected to speak to Secretary
14 Pompeo about?

15 A My understanding is he was going to ask Secretary Pompeo the
16 same question.

17 Q And in that meeting with Ambassador Taylor, did he discuss
18 with you at all a May 23rd meeting at the White House with President
19 Trump related to Ukraine?

20 A I believe that we did discuss it with regard to how he saw
21 his role on Ukraine policy vis-à-vis Ambassador Volker specifically,
22 given the role I was taking on.

23 THE CHAIRMAN: We're going to come back to that next round. I
24 just have a couple questions before our time expires.

25 Going back to the Javelins, it was the consensus of U.S.

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1 policymakers within the NSC and State Department that the Javelins
2 should be provided. The lone objector was OMB. Is that right?

3 MS. CROFT: The lone objector in the paper PC on the Javelin
4 decision was OMB.

5 THE CHAIRMAN: So it was the view of -- apart from OMB, it was
6 the unanimous view that providing Javelins to Ukraine would help
7 Ukraine in its defense against Russia and would, therefore, be in U.S.
8 national security interest?

9 MS. CROFT: Correct.

10 THE CHAIRMAN: If we didn't provide Javelins to Ukraine, would
11 that serve Russia's interest?

12 MS. CROFT: In my opinion, yes.

13 THE CHAIRMAN: Our time has expired. One hour to the minority.

14 MS. CROFT: Sorry. I don't want to interrupt you once we start
15 on your hour. I wonder if I could use a break?

16 THE CHAIRMAN: Of course. Let's take a 5-minute break.

17 [Recess.]

18 THE CHAIRMAN: All right. Let's come to order.

19 One hour with the minority.

20 BY MR. CASTOR:

21 Q Ms. Croft, I'm Steve Castor with the Republican staff.
22 Thanks for being here today. I know this is not the most comfortable
23 environment, so thank you for your willingness to sit through this and
24 be helpful with your questions.

25 I'm an investigative person. I work on investigations of all

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1 types, not necessarily those relating to the State Department, so if
2 I get any of these pronunciations wrong or if I don't have a sufficient
3 understanding of how things really work at the State Department, I
4 hope -- I mean no disrespect, and I hope you'll just help me understand.

5 Before becoming Ambassador Volker's -- before joining his team,
6 you were in Arabic language training. Is that right?

7 A That's right.

8 Q And you were aiming to head to Baghdad?

9 A That is correct.

10 Q Okay. And how did you break that -- that assignment, you
11 know, in terms of going over to help Ambassador Volker?

12 A So for certain high-danger posts, the Department will allow
13 you to break assignment without any explanation, and that was the case
14 here.

15 Q Okay. And was it your initiative to break that or
16 did -- other than Mr. Anderson, I know you mentioned him.

17 A Yes, I broke the assignment to take this position. But
18 interestingly, just a few days later, I got the notice that my position
19 was removed in the drawdown.

20 Q Okay. And you had worked with Ambassador Volker before?

21 A Yes.

22 Q And you had a good working relationship with him?

23 A Yes.

24 Q How long have you known the Ambassador?

25 A I believe I would have met him in or around July of 2017,

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1 when he became the special rep.

2 Q Okay. That was the first time you met him?

3 A I believe so, yeah.

4 Q Okay. He's a person of high integrity?

5 A Yes.

6 Q A person that in all aspects of his work would do things that
7 he believed were in the best interest of the United States?

8 A Yes. In my opinion, yes.

9 Q You were on detail to the National Security Council, if I
10 have this correct, between July 2017 and July 2018?

11 A That's right.

12 Q How do those postings work or detailees when you're a State
13 Department official? How do you get selected or how do you bid for
14 those opportunities?

15 A In my case, I was approached by my predecessor, who asked
16 me to take on the role. And I was, of course, also hesitant. But then,
17 I agreed to sit down with Fiona Hill and Richard Hooker for an interview.

18 Q Who was the predecessor?

19 A [REDACTED].

20 Q And you interviewed with Fiona Hill?

21 A Yes, and Richard Hooker.

22 Q And how does the process work inside of the State Department,
23 in terms of getting permission to be a detailee?

24 A I think poorly. I can't illuminate, but it's a lot more than
25 that.

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1 Q What are the mechanics of it?

2 A As I understood it, there was a formal request from the
3 executive secretary at the NSC to the executive secretary at the State
4 Department, and then it is a black box until I'm told to report for
5 duty.

6 Q Okay. And how long was that? Like, how long were you in
7 limbo before you reported to the NSC?

8 A Longer than would be normal. I don't remember specifically
9 how long, but because at the time, Tillerson had put a block on all
10 NSC -- or on all State detailees to the NSC.

11 Q Okay. And was the block ultimately lifted? Is that what
12 allowed you to go over there?

13 A I believe it was lifted, if I recall correctly, on sort of
14 a case-by-case basis. So specifically, my detail was authorized.

15 Q Okay. And did you know anybody when you went over to the
16 NSC, or just those you interviewed with?

17 A I knew several members of the previous team.

18 Q Okay.

19 A In Pound (ph), Russia.

20 Q And did you know Dr. Hill?

21 A Only when I interviewed for the job.

22 Q Okay, that was the first time you met her?

23 A Yes.

24 Q And how did the reporting relationship work? You reported
25 to Dr. Hill, and then she reported to -- who did she report to?

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1 A I reported to Dr. Hill, and then she reported to the National
2 Security Advisor, sometimes through the Deputy National Security
3 Advisor.

4 Q At the time, it was General McMaster?

5 A I worked under both General McMaster and under Ambassador
6 Bolton.

7 Q If my dates are right, General McMaster was there until April
8 of 2018?

9 A That sounds right. I don't remember the specific date.

10 Q Okay. Were things different under General McMaster and
11 Ambassador Bolton, in terms of how the NSC worked?

12 A Oh, yeah.

13 Q And can you describe those differences?

14 A General McMaster had very strong views about process and how
15 process should work, and had worked hard to establish a process and
16 create a series of strategies and implementation plans. And, you know,
17 it was sort of -- it was sort of like being at war college, though I've
18 never been at war college, but that's how I imagine it felt; whereas,
19 under Ambassador Bolton, there were -- that process slowed down
20 significantly.

21 Q Okay. And you were at the NSC for a year?

22 A That's right.

23 Q And what were the circumstances of you leaving NSC?

24 A When I took the position at the NSC, because we, as Foreign
25 Service Officers, bid a year out, I had already -- or at some point

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1 very early on in my tenure, I had agreed to go to Baghdad following
2 the assignment.

3 Q Okay. So it was a 1-year posting?

4 A It was a 1-year posting. The NSC did actually ask me to stay
5 on for a second year, and I agreed to do it. But then with the
6 transition from McMaster to Bolton, I decided not to.

7 Q Okay.

8 A Not because of Bolton.

9 Q Okay. Why did you decide not to?

10 A I specifically had wanted to work for General McMaster, but,
11 also, because I had sort of decided that that transition was going to
12 create a lot of chaos and work, and that I needed some downtime.

13 Q And how was your working relationship with Dr. Hill?

14 A Excellent.

15 Q And did she include you in all the matters related to Ukraine
16 and your portfolio?

17 A Yes. As far as I'm aware, yeah.

18 Q And what was your portfolio?

19 A Ukraine, Moldova, Belarus, the Caucasus and OSCE.

20 Q And who took your job when you left the NSC?

21 A My job was divided up into different portfolios. So nobody
22 took my full portfolio.

23 Q Did you transition out of your job when you left the NSC and
24 went back to State Department with the incoming person?

25 A On the Caucasus side, no, that position was left vacant for

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1 a period of time. On the Ukraine, Moldova, Belarus side, I had a brief
2 overlap with Alex Vindman.

3 Q Okay. And did you have -- how long was the overlap?

4 A I think it was a week.

5 Q Okay. And was that a good transition period? Was that
6 enough time to get Lieutenant Colonel Vindman up to speed on the issues?

7 A It's more than NSC directors usually get.

8 Q Okay. And then when you were back at the State Department
9 working for Ambassador Volker, how did that situation work? He was
10 an unpaid official, correct?

11 A That's right.

12 Q Okay. And so, your organization, was it, you and him or did
13 you have additional staff support?

14 A We had an office management specialist, like a secretary.

15 Q But you were his only direct report?

16 A Yes.

17 Q And I'm going to go through some of the events that have been
18 part of the committee's inquiry, just to see if you have any firsthand
19 information on them. Were you part of the trip, did you participate
20 at all in the inaugural which was in May of 2019? I think that is
21 slightly before your posting began.

22 A That is correct, that was before my posting began.

23 Q Okay. Did your predecessor participate in that trip?

24 A I believe so, yeah.

25 Q So Mr. Anderson, he traveled to Ukraine?

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1 A That's my recollection, but I think he'd have to answer that.

2 Q Okay. And during the -- so you said that in the month of
3 June, you traveled to Kyiv and worked out of the embassy there?

4 A That's right.

5 Q Was that for the full month?

6 A Yeah. I got in -- I flew out May 29th or 28th, or something
7 like that, and I left, I believe, July 1.

8 Q Okay. And during your time in Kyiv, was Ambassador Volker,
9 was he traveling to Kyiv at the same time?

10 A Ambassador Volker was not in Kyiv while I was there on that
11 trip.

12 Q Okay. And what was the purpose of your going to Kyiv for
13 that one-month period?

14 A So while I had worked on Ukraine issues quite a bit in D.C.,
15 I had never actually served at our Embassy in Kyiv. So this was for
16 me -- we'd had a lot of turnover at the Embassy, so partly for me to
17 get to know the new team out in Kyiv and, in part, just to have some
18 time on the ground.

19 Q Okay. And that was effective for you?

20 A Yeah.

21 Q The -- Ambassador Volker had pretty good relationships with
22 the Ukrainian officials. Is that fair to say?

23 A Yes, I think that's fair to say.

24 Q Which Ukrainian officials did he have relationships with
25 that he kept in regular contact?

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1 A I understood him to be in very regular contact with Andrey
2 Yermak, as well as the now-foreign minister, Vadym Prystaiko. I
3 believe he met with President Zelensky four, five, six times, something
4 like that.

5 Q Were you in any of those meetings?

6 A I was not in any of those meetings.

7 Q Were you with Ambassador Volker during the July -- did you
8 travel to Kyiv with Ambassador Volker on the July 25th-26th trip?

9 A Yes, I was with him.

10 Q But you weren't in the meeting with President Zelensky?

11 A No.

12 Q Do you remember who was in the meeting with Ambassador Volker
13 and the President July 26?

14 A On the U.S. side?

15 Q Yeah.

16 A It was Ambassador Volker, Ambassador Sondland, Ambassador
17 Taylor, a representative from the political section as note-taker, and
18 I believe an interpreter from the U.S. Embassy was present as well.

19 Q And did you get a readout of that meeting?

20 A I got a very brief readout from Ambassador Taylor on the car
21 ride away from the meeting.

22 Q And what do you remember from that readout?

23 A I remember that his recount -- so he recounted to me what
24 Zelensky said in that meeting about the phone call with the President,
25 and that overall it was a very upbeat readout, and the part that I was

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1 focused on getting out of that readout was about the possibility of
2 scheduling a face-to-face meeting between the President and President
3 Zelensky.

4 And so we discussed the potential for an encounter at Warsaw,
5 because they were both going to be there at the same time. We
6 discussed -- but we discussed the need separately for an invite to an
7 Oval. And I recall Ambassador Taylor being fairly optimistic about
8 our ability to get that meeting scheduled.

9 Q Okay. There's been some discussion of whether during that
10 meeting, President Trump's demands were, you know, discussed or whether
11 the, you know, Ukrainians needed help navigating what those demands
12 might have been. Did you hear anything of that sort?

13 A I believe I recall hearing Ambassador Taylor mentioning that
14 the President raised investigations there, but I don't have a very
15 specific memory of anything that was said with that regard.

16 Q So the Ambassador told you that President Zelensky related
17 to him it was an upbeat meeting, but there was a mention of
18 investigations?

19 A No. I believe that Ambassador Taylor said that the
20 President did raise investigations in that meeting, but my memory of
21 that part of the readout isn't as strong as the part about trying to
22 get an Oval meeting.

23 Q Okay. Did you have an understanding of what the
24 investigations were at that point?

25 A I understood it to be investigations into interference in

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1 the 2016 election.

2 Q Okay. But not related to the company called Burisma?

3 A I do not specifically recall whether Burisma came up or not
4 in the readout that I got.

5 Q Is Burisma a company you're familiar with in your experience
6 as a Ukrainian -- an expert with Ukraine?

7 A No, not especially. I didn't deal a whole lot with energy
8 issues, except at a very sort of high-policy level.

9 Q You were on the Ukraine desk for a period of time, I think
10 you mentioned?

11 A Yes, 2 years.

12 Q What was that time period?

13 A August 2015 to July 2017.

14 Q And during your time on the Ukraine desk, did you ever come
15 across any information about Burisma?

16 A I had heard that Hunter Biden was on the board of an energy
17 company.

18 Q Okay. Which was Burisma?

19 A Yes.

20 Q Okay. But you hadn't heard anything about -- I guess there
21 was an oligarch named Zlochevsky who was a former ecology minister that
22 ran Burisma. Did you know that?

23 A Yeah, I don't know anything about Zlochevsky.

24 Q Okay. So you only knew about the Hunter Biden?

25 A I only knew about that, yeah.

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1 Q And what can you tell us about that?

2 A Nothing more than what I've already said, that at the time,
3 I was aware that the Vice President's son was serving on the board of
4 an energy company. But my portfolio didn't deal in -- on the energy
5 or the economic side at that time. I was very focused on the defense
6 issues, and so --

7 Q Okay. So that was just something you learned in passing?

8 A Yes, exactly.

9 Q Okay. And were there any other -- how did you learn it? It
10 was in cable traffic, or did a colleague mention it to you?

11 A I think it just came up, yeah, in conversation somebody was
12 sort of annoyed that that was the case, but I can't remember
13 specifically who said it, or under what circumstance.

14 Q And do you remember what they may have been annoyed about?

15 A You know, I think just sort of a general concern about the
16 appearance of the Vice President's son doing business in Ukraine.

17 Q At the time, Vice President Biden, did he have an interest
18 in Ukraine?

19 A Yes. I mean in a policy sense.

20 Q Oh, sure. What can you tell us about that?

21 A At the time, the Vice President was very engaged on Ukraine
22 policy. He spoke several times with President Poroshenko, and spoke
23 to -- if I recall correctly, spoke to other world leaders in support
24 of Ukraine as well.

25 Q You mentioned earlier in the first hour some of the different

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1 forms of assistance the United States provides to Ukraine. There's
2 the FMF and the USAI. Are those the two primary vehicles to provide
3 security assistance and economic assistance to Ukraine?

4 A Since -- yes, since 2015, those are the two primary vehicles.

5 Q And one is operated by DOD, the other is the State Department?

6 A That is correct.

7 Q And did you have any role in your dealings at the State
8 Department on the FMF component of this?

9 A Yes. My portfolio included both FMF and also the sort of
10 our full picture of security assistance.

11 Q Okay. And did the loan guarantee process also factor into
12 the FMF pot of money?

13 A No. Those were separate.

14 Q Okay. And how were those -- how were the loan guarantees
15 to Ukraine handled?

16 A I don't know the mechanics of how our loan guarantees worked.
17 Like I said, that was sort of handled by the economic side of the Ukraine
18 desk at the time, so I wasn't responsible for that.

19 Q Okay. But it was handled by State Department officials?

20 A There was a policy role in it, but exactly, like I said, how
21 the mechanics work about these loan guarantees I don't know.

22 Q Do you know how the loan guarantees figured into the
23 interagency process?

24 A I'm not exactly sure how to answer that question, but I think
25 I know what you're getting at, so I'm going to try to go there. And

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1 that is that, in general, our loan guarantees, like all other forms
2 of economic assistance, were conditioned on Ukraine meeting certain
3 reform benchmarks. And, as I testified before, those reform
4 benchmarks are usually sort of set with the IMF in the lead.

5 Is that responsive to you?

6 Q Yes, it is?

7 A Your question? Okay.

8 Q If there was going to be a decision to withdraw a loan
9 guarantee, would that go through the PCC process?

10 A I believe, yeah, that all of the questions about the loan
11 guarantees went through the interagency process. But, like I said
12 before, I wasn't participating in it contemporaneously.

13 Q Okay. Are you familiar, was there an interagency decision
14 in 2016 or before to provide Javelins to the Ukraine?

15 A No.

16 Q That was a new initiative in 2017?

17 A Let me be more -- try to be more specific with the question.
18 The interagency considered the question of whether to provide Ukraine
19 Javelins, but no positive decision was made until 2017.

20 Q Okay. And can you tell us what you remember about that
21 process?

22 A My recollection is that there was a series of interagency
23 meetings on whether we should lift the ban against providing Ukraine
24 defensive weapons, and specifically, how we should respond to Ukraine's
25 request for Javelin antitank missile systems.

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1 My under -- I recall that going up to, I believe, at least, the
2 PC level under the previous administration, I don't recall if that
3 decision was blocked at the NSA or at the Presidential level, but --

4 Q NSC or NSA?

5 A NSA, NSA.

6 Q Okay. I thought you said NSA.

7 A Okay.

8 Q Okay?

9 A Yeah.

10 Q You're not sure where it was blocked?

11 A I know that the agencies broadly supported the provision of
12 Javelins under the previous administration as well, but that the White
13 House did not authorize it.

14 Q And do you know what was the basis for that nonauthorization?

15 A My understanding at the time that it was at least, in part,
16 over concerns about how Russia would respond, and whether it would be
17 provocative.

18 Q But the interagency, what was united before it got to the
19 White House?

20 A The policy -- the policy agencies were united in their view.

21 Q And that changed in 2017?

22 A No, the policy agencies have always been consistent on their
23 views on the provision of Javelins.

24 Q Okay. So what changed between 2016 or earlier, and then the
25 new administration?

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1 A The President made a different decision than the previous
2 President had.

3 Q And do you remember when that occurred? I think you may have
4 mentioned it this morning, but just so I'm tracking it properly.

5 A Late December 2017.

6 Q Okay. So if I understood what you were testifying to this
7 morning, there was -- it was approved, but then there was a hold on
8 it?

9 A No. So the specific process was there was a sub PCC, a PCC,
10 a DC, and a paper PC. When that paper PC went out, all of the agencies
11 came back with their reactions. The only objector was OMB at the PC
12 level. Does that make sense?

13 Q Yes, it does.

14 A Okay. And that was -- so that was to get all principals on
15 the same page about what to recommend to the President. So that
16 preceded the President's decision.

17 Q Okay. And then OMB ultimately lifted their concern?

18 A Correct. They lifted their block, yeah.

19 Q They lifted their block, and that was when?

20 A It -- like I said before, I believe it would have been in
21 like November or early December, but I don't recall the specific dates.
22 And I am not allowed to keep my notes from that period of time, so I
23 have no way of refreshing my memory.

24 Q Okay, fair enough. Do you remember roughly how long it was?

25 A Like I said before, I believe it was -- you mean how long

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1 the OMB block was?

2 Q How long the hold was, yes.

3 A Yeah, I believe it was roughly a couple weeks, but, again,
4 I can't say for sure without refreshing my memory with my notes, and
5 I don't have access to those.

6 Q Okay. Was there anything unusual you remember about that
7 time period, or was it just part of the ordinary bureaucratic speed
8 bumps that often occur?

9 A No. OMB's decision to object, and to do so on a policy basis
10 was highly unusual.

11 Q Okay. But, ultimately, OMB lifted their hold and the money
12 was released, or the authorization for the money was released?

13 A Ultimately, OMB lifted their objection at the PC level, and
14 the decision went to the President.

15 Q There was discussion this morning in the first hour that the
16 delay of the Javelins served Russia's interest?

17 A Are you referring -- sorry -- a decision to not provide
18 Javelins --

19 Q Yes.

20 A -- would serve Russia's interest.

21 Q Yes, right. So I'm just trying to understand the difference
22 between the Obama and the new administration on that position. I mean,
23 if during the Obama era, there was a reluctance to provide the Javelins,
24 did that, too, serve Russia's interest?

25 A I believe so.

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3

4 Q Okay. Once you returned to the United States, I guess that
5 was the beginning of July, do you remember any significant events
6 relating to -- you know, involving Ambassador Volker's involvement
7 with the Rudy Giuliani piece of this?

8 A I don't know what you mean by like significant events, but
9 that is, as I've testified to, the first time that I learned that
10 Ambassador Volker was in touch.

11 Q And when was that?

12 A That would have been the week of July 8. I don't remember
13 the specific date.

14 Q Did you have any discussions with Ambassador Volker about
15 the challenges presented by the Giuliani involvement?

16 A We had one discussion in which I thanked him for keeping me
17 out of that mess, and then, you know, I think another, you know, a couple
18 times he mentioned sort of a need to get this Giuliani line of effort,
19 sort of, off the table, so we can get on with the business of our actual
20 policy. Those weren't his exact words, but that would have been the
21 spirit of --

22 Q Did he ever articulate to you his strategy with that?

23 A Not very specifically. Like I said, I had thanked him for
24 keeping me out of that mess.

25 Q Did he communicate to you that he believed Mr. Giuliani was

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1 amplifying a negative narrative and fueling the President's mistrust
2 of Ukraine?

3 A Yes. You know, my interpretation of his intention was that
4 he hoped that he could convince Giuliani and the President that the
5 new -- the new administration in Ukraine was different from the old
6 one, that they were serious about combating corruption, and that they
7 merited us dealing with in a serious fashion and that it was in our
8 interest to deal with the new administration and support their efforts
9 to combat corruption.

10 Q Did Volker ever walk you through some of the investigations
11 that were discussed at this time, or what the requests were?

12 A No, he never walked me through any of those conversations.

13 Q Did you ever hear Ambassador Volker talk about, you know,
14 investigating the Bidens as something that, you know, some parts of
15 the U.S. Government were interested in?

16 A I had one brief exchange, I think, with Ambassador Taylor
17 and Ambassador Volker, but I don't remember the exact date. I remember
18 that we were in Kyiv at the time. But concerned about the difference
19 between a request for, broadly speaking, investigation into
20 interference in the 2016 election, and then specifically, into specific
21 cases of corruption, and our sort of shared discomfort at the line
22 between those two things.

23 Q Okay. Were they interconnected or were they two separate
24 buckets?

25 A I don't know the answer to that question. Like I said in

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1 my opening statement, my work was sort of outside of that line of effort,
2 and I sort of was not briefed on Ambassador Volker's conversations with
3 Giuliani.

4 Q Okay. Did you know whether Ambassador Volker was advocating
5 for investigations related to the Bidens?

6 A I don't know what he may or may not have said to Giuliani,
7 or -- and, like I said, I wasn't present in his conversations one-on-one
8 with Zelensky, so I don't know the answer to that question.

9 Q Did he ever relate to you what his views on that were?

10 A I think he shared our collective discomfort with the idea
11 that we would be requesting specific investigations on a specific
12 individual, but, like I said, we didn't talk a lot about that. Most
13 of my conversations with him were centered around trying to get an Oval
14 meeting set up and trying to advance our negotiations. So I had a lot
15 of other things to talk to him about other than this.

16 Q Okay. Did he ever tell you that he told Giuliani that
17 there's no basis to investigate the Vice President, the former Vice
18 President?

19 A Like I said, he never talked to me about what his
20 conversations with Giuliani were about.

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1 [11:26 a.m.]

2 BY MR. CASTOR:

3 Q Okay. How frequently did you interact with Ambassador
4 Volker?

5 A Almost daily, I would say.

6 Q Okay. Was it mostly by email or is it telephone as well?

7 A Email and WhatsApp. Mostly WhatsApp.

8 Q Okay. Just texting on WhatsApp?

9 A Yeah. Or in person if we were traveling together or
10 something like that.

11 Q Okay. During your time with Ambassador Volker, did you ever
12 hear him mention the word the Bidens in connection with an
13 investigation?

14 A Oh, gosh. I don't have any specific memory of that, no.

15 Q So in any of the meetings that you attended with him you don't
16 recall the Bidens coming up -- with Ukrainians?

17 A I would have to go back through my notes to try to recall
18 if any of that ever came up.

19 Q Okay. But as you sit here today you don't --

20 A There's nothing that stands out in my memory right this
21 minute, no.

22 Q Okay. How about with the company Burisma?

23 A Same answer.

24 Q Okay. So your recollection of the discussion of
25 investigations, to the extent it got specific, it related mostly to

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1 the origins of the 2016 interference allegations?

2 A Aside from the one conversation I just told you about.

3 Q With Ambassador Taylor?

4 A Yeah. Yeah.

5 Q And how frequently did you witness conversations that
6 related to the 2016 component? Was this a small number or was this
7 a topic of some regular discourse?

8 A This was not a topic of anything that I engaged on in any
9 sort of regular fashion. Like I said, this was outside of my duties,
10 which were focused on the negotiations.

11 Q Okay. Are you familiar with the July 10th meeting with
12 Ambassador Bolton that was attended by Andrey Yermak, I think, and
13 Danylyuk?

14 A I'm aware of it.

15 Q Okay. But you didn't attend that meeting?

16 A I did not attend that meeting.

17 Q Did you help Ambassador Volker or any other State Department
18 official prepare for that meeting?

19 A No. My predecessor, Chris Anderson, was still in the
20 position at the time. That was the week that we were overlapping.

21 Q Oh, okay. Do you know if he went to the meeting?

22 A I don't believe he did, no.

23 Q Okay. Did you get a readout from that meeting?

24 A I did, but nothing very specific, just sort of a general
25 assessment of Danylyuk's performance and whether he was successful in

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1 convincing Bolton that the Zelensky administration was serious about
2 reforms, because that's what related to my portfolio. I know where
3 you're going, so that's why I answered the question that way.

4 Q So what did you -- what was that readout? Was it successful
5 on that?

6 A I had met Danylyuk several times before [REDACTED]
7 [REDACTED] So that's what I
8 was mostly concerned with.

9 Q Okay.

10 A And whether we would get an Oval, like I said.

11 Q And what was holding up the Oval Office meeting at that point.
12 Do you know?

13 A I don't know specifically. My understanding at the time was
14 that it was, again, that we had not been successful at convincing the
15 President that this new administration in Ukraine was different from
16 the old one, would be serious about combating corruption, and so forth.
17 All the reasons I've given before.

18 Q At any point in time did you come into contact with Ambassador
19 Sondland?

20 A Yes.

21 Q And when was that?

22 A It would have been the first time that we were all in Kyiv
23 together at the same time, which I believe was before July 25-26, that
24 visit. I think that I had -- which was the other visit? Maybe it was
25 July 25 and 26, I think that might have been the time I met him.

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1 Q And what was your understanding of his role related to
2 Ukraine?

3 A So that he had an interest in Ukraine policy, and that he
4 had the ability to talk directly to the President, and that Ambassadors
5 Volker and Taylor saw merit, rather than keeping him sort of outside
6 of the tent, instead bringing him in, along with all of his energy and
7 positive notions about Ukraine, to help sort of move the needle with
8 the President on his views about Ukraine and corruption.

9 Q Did he present any problems for Ambassador Taylor or Volker?

10 A I couldn't speak to that.

11 Q Okay. You know, when you mentioned bringing him in the tent,
12 it seems like not bringing him into the tent might create problems.
13 Is that what you were alluding to?

14 A I think -- I don't -- I couldn't really speculate about that.
15 I mean, as has been previously reported, it is unusual for the U.S.
16 Ambassador to the EU to be playing an active role on policy with regard
17 to a specific country that isn't in the EU. And I think there was some
18 consternation about what that was about. But I think that Ambassador
19 Volker and Ambassador Taylor saw an opportunity there.

20 Q Okay. How many different times were you with Ambassador
21 Sondland, in-person interactions?

22 A So I spent part of the 25-26, the part where he was with Kurt
23 on that trip, I was with that whole delegation. And then I saw him
24 up at the U.N. General Assembly on the margins of the President's
25 meeting with Zelensky.

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1 Q In September?

2 A In September.

3 Q So it was mostly before September, before the issue regarding
4 the 7/25 call became a big deal. The only time you were with Sondland
5 in person was on the 25 and 26 of July, that trip?

6 A I'm trying to remember all of my --

7 Q To the best of your recollection.

8 A I'm trying to remember all of my trips to Kyiv and when I
9 might have met with Ambassador Sondland. But that's what I'm recalling
10 right now.

11 Q Do you ever recall him mentioning Bidens, Burisma, 2016, or
12 anything relating to investigations in any of your times with him?

13 A Not that I recall, no. Our meetings would have been about
14 Ukraine and reforms and Oval meeting.

15 Q Okay. So you never heard him mention the word Bidens?

16 A Not that I recall, but --

17 Q Okay.

18 A That's a pretty specific question.

19 Q Okay. During any of the meetings that you participated with
20 Ambassador Sondland, did you hear him make any statements that
21 concerned you? That maybe he was outside of his lane or he was
22 representing communications about, you know, he had with the President,
23 any --

24 A I don't think in any of the meetings that I was in I heard
25 anything like that. I heard largely enthusiastic support for Ukraine.

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1 But, you know, I think he was sort of objectively outside of his lane.
2 So that's sort of a difficult question to answer.

3 Q Did he ever represent to you in your presence that he was
4 in contact with the President?

5 A Yes.

6 Q Okay. And what can you tell us about that?

7 A Only that he would make passing reference to: I'm going to
8 call the President after this or I've spoken with the President or
9 something like that. But this was always, like I said, at least in
10 my presence about the idea of getting this Oval meeting set up.

11 Q Okay. So did it seem like he was in constant contact with
12 the President?

13 A I wouldn't know. I just heard passing references.

14 Q Okay. Do you think Ambassador Volker, to the best of your
15 knowledge, you know, appreciated Ambassador Sondland's ability to have
16 communications with the President or was it a little bit of an issue?

17 A I never personally witnessed any, you know, conflict between
18 those two, but I don't know what they spoke about when I wasn't present.

19 Q Okay. You mentioned that your first week on the job you had
20 a discussion with Ambassador Volker about keeping you out of the Rudy
21 Giuliani?

22 A I don't remember if that was that week or if it was on a
23 different occasion.

24 Q Okay.

25 A And it wasn't really a conversation, that was just me

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1 declaring, keep me out of that mess, and he said okay. Well, sort of.
2 I said I'm really glad you're keeping me out of that mess. And he just
3 said, yup.

4 Q So you could tell by his reaction that he thought it was a
5 little bit of a complex situation?

6 A I think that's fair to say, yes.

7 Q Okay. I mean, he wasn't enthusiastic about Rudy Giuliani's
8 involvement, was he?

9 A Not that I understood, no.

10 Q Was Ambassador Sondland enthusiastic about Rudy Giuliani's
11 participation?

12 A I couldn't tell you. I don't know.

13 Q Was anyone?

14 A Not that I ever heard.

15 Q So nobody at the State Department, to your knowledge, was
16 enthusiastic by about Mr. Giuliani's role?

17 A I - no, not that I ever heard.

18 Q Before the 7 -- July 18th, 7/18 hold on the Ukraine security
19 assistance, were there any other meetings related to the matters under
20 investigation of the committees that we haven't talked about that you
21 were a firsthand participant in?

22 And that would be any meeting where Rudy Giuliani came up or
23 Ambassador Sondland was involved or, you know, efforts to get the White
24 House visit. Are there any other meetings or conversations you had
25 that we haven't discussed prior to July 18th that is worth talking

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1 about?

2 A I mean, as I reported, I found out that Ambassador Volker
3 was speaking to Rudy Giuliani before that, at some point, I don't
4 remember exactly what those circumstances were.

5 It's difficult to answer that question fully because nearly every
6 meeting that we had, in some way or another, was aimed at trying to
7 get a face-to-face meeting between Zelensky and Trump.

8 So I would say just about every meeting I had in some way involved
9 that, but I couldn't right now give you sort of a detailed accounting
10 of all of my meetings. But my records have been made available pursuant
11 to requests.

12 Q Okay. And during that time period what were the State
13 Department officials, like yourself, doing to support that effort?

14 A So I'm trying to think about what I was doing during those
15 specific dates.

16 Q Like what was the State Department's role in advocating for
17 the meeting or trying to get the meeting to occur?

18 A I mean, we were, you know -- the facilitation of the July 10
19 meeting, I think, was aimed at having a conversation about the viability
20 of a meeting like that.

21 Something like that would be sort of routine in all of our business
22 anyway. So you would -- you'd be talking to -- I would be talking to
23 a counterpart in Kyiv or a would be talking to a counterpart at DOD,
24 or whatever it is, about, hey, have you heard? Have we made any
25 progress? Do we have a date? I might have talked to the NSC. I don't

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1 know.

2 But, I mean, that would have been sort of part of my daily sort
3 of work just coordinating with my, you know, counterparts within the
4 State Department and across the interagency about, you know, sort of
5 what the latest is.

6 In terms of that specific line of effort, that was much more sort
7 of Ambassador Volker's lead because he's obviously more senior and can
8 do more about it than I can. I was just making sure that he was fully
9 staffed and what I knew about who was talking to who and when and, you
10 know.

11 Q Okay. But nothing you were doing --

12 A What was happening in eastern Ukraine, the violence, et
13 cetera.

14 Q But nothing you were doing in that time period related to
15 encouraging investigations or talking about --

16 A No. No. I had no involvement in anything related to -- the
17 one exception is, I did send one email to Bruce Swartz at DOJ relaying
18 Ambassador Volker's request for a meeting with the Attorney General.

19 Q Okay.

20 A And when asked what the topic was, I said 2016 elections.

21 Q Okay.

22 A But that's where my involvement in that ended. I just
23 relayed that, and then I understood those two to be in contact.

24 Q Do you know if Ambassador Volker had tried to call Bruce
25 Swartz?

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1 A I believe he did.

2 Q And do you know if Bruce Swartz replied?

3 A I don't know.

4 Q And he instructed you to email Bruce Swartz to see about the
5 viability of Ambassador Volker meeting with the Attorney General?

6 A He just sort of gave me a vague direction to get him a meeting
7 with the Attorney General, so that was my job.

8 Q Okay. So you emailed Bruce Swartz?

9 A Yes.

10 Q Did you call Bruce Swartz?

11 A No, I don't think so. I think I just -- I think I just emailed
12 him.

13 Q Did he email you back?

14 A Yes. And then I put him in touch with Kurt and then I was
15 out of the --

16 Q You put him in touch with who?

17 A With Ambassador Volker.

18 Q And did they having a meeting?

19 A I don't know.

20 Q So you don't know --

21 A I don't think so. I don't think. But not that I'm aware
22 of.

23 Q Do you know if they had any discussions, if they linked up?

24 A Who are they? Bruce Swartz --

25 Q Bruce Swartz and Ambassador Volker.

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1 A I think they probably did, but I'm not entirely certain. Is
2 it because I'm referring to everybody by their first name? I can change
3 that. Okay. I know it gets a little confusing.

4 Q So you emailed Bruce Swartz, you connected him to Volker,
5 and that was the end of it?

6 A Yes. That was the end of my involvement in it.

7 Q Okay. And then what can you tell us about the July 18th PCC
8 meeting?

9 A It was a sub-PCC.

10 Q A sub-PCC, I'm sorry.

11 A And it was inexplicably about some money that had been
12 allocated to DOE for some sort of cybersecurity line of effort, some
13 like \$1.1 million, or something like that, but where the collective
14 interagency was not happy with DOE's implementation.

15 All to say, sort of very routine low-level business. But then
16 George Kent pointedly asked: I heard that there was a hold on security
17 assistance. And that of course -- and that was sort of towards the
18 end of the meeting, but of course that blew up the meeting.

19 Q Okay.

20 A And the substance of it is what I reported in my opening
21 statement.

22 Q Okay. Did you tell us in your opening who -- who on the OMB
23 staff --

24 A I don't know.

25 Q -- had chimed in?

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1 A I didn't know.

2 Q Okay. And were you there in person or were on a SVTC?

3 A I was participating via SVTC.

4 Q And then what was the next fact or event you can remember
5 after the 7/18 meeting when the hold was placed?

6 A It was the 18th. I remember landing in Kyiv the most -- on
7 my most recent trip, which was for the YES Conference, so it would have
8 been like September 12 or 13, whenever I landed, and seeing that the
9 hold had been lifted.

10 Q So you didn't have any -- did you sit on any of the other
11 meetings at the PCC level or --

12 A I did not sit in on the PCC or the DC.

13 Q Do you remember when those occurred and what the dates were?

14 A I don't remember.

15 Q Did you get readouts of what was occurring?

16 A I would have gotten the SOC along with everybody else, the
17 statement of conclusions.

18 Q And who attended in your -- did Ambassador Volker attend
19 those?

20 A I don't think he did, but I don't specifically remember. I'm
21 pretty sure he didn't, but I'm not positive.

22 Q Okay. Who was representing the State Department, George
23 Kent?

24 A So typically at a -- and I don't remember specifically who
25 it would be, but at a sub-PCC it would normally be the DAS, so in this

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1 case George Kent. At a PCC, it would normally be the assistant
2 secretary, which would be Phil Reeker, but I don't recall who
3 represented. Like I said, I wasn't there. And at a DC it would
4 normally be the deputy, so -- our deputy secretary of state. But I
5 don't think that we met those levels at each meeting, but I don't
6 remember specifically.

7 Q During this time period was there a hope that the aid would
8 get released or --

9 A Yes.

10 Q Okay. So did you ever have a belief that this aid was not
11 going to get released?

12 A I believed that it would because of both bipartisan support
13 in Congress and the questionable sort of legality of OMB putting on
14 an informal hold.

15 Q And if the hold wasn't ultimately released, there would have
16 to be an effort, a rescission effort, a reprogramming, or some sort
17 of complicated --

18 A That was a discussion among the people that, you know, sort
19 of the legislative folks together with the legal folks and so forth,
20 and there was a lot -- there were a lot of conversations about exactly
21 what the mechanics of that might look like.

22 Q Okay. And were you involved in any of those discussions or
23 were you on the periphery?

24 A I was on the periphery of those conversations.

25 Q Okay. But you had a genuine belief that this would get

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1 worked out and the money would be released?

2 A Yeah, my hope was simply that it wouldn't become public in
3 the meantime and undermine our Ukraine policy.

4 Q Okay. Do you remember when it did become public?

5 A My recollection is that it sort of became public gradually.
6 So individual -- I think it was sort of individual Members of Congress
7 or staff knew about it at various points. And then I recall that Kurt
8 and I went and did a briefing at SFRC -- and I don't recall the date
9 of that, but it would be in my notes, which I don't have -- in which
10 we were asked about that. So we knew it was sort of inevitable that
11 it was going to get out.

12 Q And do you remember when it did get out? There was I think
13 an August --

14 A I don't specifically remember.

15 Q There was an August 29th Politico article talking about it.
16 Do you remember if it had been public before then?

17 A I think it was sort of known among the circles that do Ukraine
18 security assistance, sort of gradually, as I said. From July 18 on
19 it was sort of inevitable that it was eventually going to come out.

20 Q I should correct myself, the article was on August 28th.
21 Just for accuracy purposes, I'll add that.

22 And do you know if any Ukrainians knew about this or was this
23 primarily U.S. officials?

24 A Two individuals from the Ukrainian Embassy approached me
25 quietly and in confidence to ask me about an OMB hold on Ukraine security

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1 assistance.

2 Q And when was that?

3 A I don't have those dates.

4 Q But it was before the August 28th time period, do you think?

5 A I believe it was, yes.

6 Q Okay. And these are -- and what did you -- what do you
7 remember telling these folks?

8 A I remember telling them that I was confident that any issues
9 in process would get resolved. And I knew [REDACTED]
10 [REDACTED] that they had no
11 interest in this information getting out into the public.

12 Q Okay. And did they call you together or was it two separate
13 calls?

14 A Two separate. [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 Q So it was two separate calls close in time? And I apologize
25 if you can't remember this.

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1 A Yeah, I don't --

2 Q I'm just trying to piece some of this together.

3 A Yeah, I don't remember specifically. I would say maybe
4 about a weekish apart or something like that.

5 Q And you said that you went to brief the Senate Foreign
6 Relations Committee with Ambassador Volker?

7 A Yes.

8 Q When was that?

9 A I don't remember the date. But I could -- I have it in my
10 notes and I could report it to the committee later.

11 Q Okay. Did you brief any other congressional committees
12 during that time period?

13 A No.

14 Q And what do you remember from the briefing with SFRC?

15 A That this was, if I recall correctly, that this was in
16 preparation for a codel to Kyiv, that it was convened by [REDACTED]
17 and that, unsurprisingly, the staffers were well-informed about
18 Ukraine and were interested in what was happening and were just looking
19 to get briefed.

20 Q Was it a briefing on the security assistance issue or was
21 it a briefing about the codel where the security assistance had come
22 up?

23 A It was mostly a briefing about the new Zelensky
24 administration, Kurt's impressions of them, his travel to Ukraine, and
25 what he was sort of taking away from his interactions with the new

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1 President.

2 Q And just so you're sure, I wasn't asking you to go back and
3 find the date.

4 A Oh.

5 Q I'm not going to give you homework here, so -- in case you
6 made a -- I saw you make a note. So I'm not asking for that.

7 A I'm happy to, but --

8 Q I think we covered it.

9 MR. CASTOR: We have about 5 minutes left in our round, and I want
10 to make sure that our Members have an opportunity to -- okay. It's
11 good staff work to ask the Members if they want to ask questions, if
12 I do say so myself. It's not a first time I've asked, though.

13 MR. GOLDMAN: No.

14 MR. MEADOWS: It's the first time I'm not interjecting.

15 BY MR. CASTOR:

16 Q I think we had discussed generally that Ambassador Volker
17 was concerned Mr. Giuliani was amplifying a negative narrative about
18 the current state of affairs in the Ukraine?

19 A Yeah. I mean, without speaking for Kurt, I think that's a
20 fair assessment, yeah.

21 Q Do you think that Ambassador Volker believed that Mr.
22 Giuliani had any, like, firsthand investigative experience about this
23 or do you think he was just repeating issues that had been reported
24 on?

25 A I don't know the answer to that question. We didn't talk

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1 about it, so I couldn't tell you what his views were.

2 Q And did you ever discern whether this was an issue relating
3 to Mr. Giuliani's, like, other clients, other than the President of
4 the United States? Or did you have any idea about what Mr. Giuliani's
5 passion was as it related to Ukraine?

6 A No. I would -- no, I have no idea.

7 Q Okay. Did Ambassador Volker ever communicate to you that
8 he thought ultimately he would be able to convince the President that
9 the negative narrative that Mr. Giuliani was amplifying could be
10 corrected and, you know, wasn't in the best interest of the United
11 States?

12 A I would say that Ambassador Volker is a deeply and profoundly
13 optimistic person with high hopes for the future of Ukraine policy.
14 So, you know, whether he accurately assessed the possibility or not,
15 he projected a great deal of optimism about it.

16 Q Okay. And did he ever give you a readout -- they briefed
17 the President after the inauguration, which is just before you came
18 on board. Did he ever give you a readout of how that meeting went?

19 A You know, the readout that I had gotten was simply that the
20 President continued to view -- and I knew this from my own personal
21 experience -- continued to view Ukraine as a corrupt country. And
22 Ambassador Volker had used -- had shared with me the same line that
23 I believe he shared in his opening statement, which was, you know, they
24 tried to take me down. So I had heard him say that previously.

25 Q Did Ambassador Volker tell you that the President referred

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1 the delegation to Rudy to learn more or anything related to Rudy
2 Giuliani?

3 A My understanding about the takeaway from the May 25 meeting
4 with the President was that -- or the meeting following the
5 May 25 -- when was the meeting?

6 Q I think it was May 23rd, was the Oval Office.

7 A I'm losing my dates here. But the Oval meeting was that
8 Sondland, Volker, and sort of Perry, as a troika, or as the Three Amigos,
9 had been sort of tasked with Ukraine policy.

10 Q Okay. And that was a tasking from the President or --

11 A From the President, yeah.

12 Q Okay. And did part of that tasking, to your understanding,
13 include conferring with Mr. Giuliani?

14 A I believe I understood that Kurt had been asked to speak with
15 Giuliani, but like I said, I asked no followup questions about that.

16 Q Okay. And my time is just about up. The terminology Three
17 Amigos, what is that about? Like, when did you first hear the term?
18 Like, who coined it? What do you know about that?

19 A Oh, gosh. I mean, I think that -- that, I think, came out,
20 I mean, just sort of --

21 Q Was that just a term Ambassador Sondland liked to use?

22 A I think we were all sort of struggling to explain the very
23 unusual sort of policy configuration that had been established to deal
24 with Ukraine, and so that's sort of where some of these --

25 Q Did Ambassador Volker ever refer to himself proudly as part

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1 of the Three Amigos?

2 A I don't --

3 Q If you can remember.

4 A It doesn't sound like something he would say. I don't think
5 so.

6 Q Okay.

7 A I don't have any specific recollection either way.

8 MR. CASTOR: My time is up.

9 THE CHAIRMAN: It's my recommendation, because we have a second
10 witness represented by the same counsel so we can't do these
11 concurrently, that we work through lunch and have food brought in. We
12 can take a short break so you can eat out of the committee room, but
13 I will have food brought to you.

14 Do you want to take a quick break now, we're going to got
15 45 minutes rounds, or do you want to take a break after the next
16 45-minute round.

17 MS. CROFT: I think I'd like to take a very -- I can do it quickly,
18 though --

19 THE CHAIRMAN: Why don't we take a --

20 MS. CROFT: -- because I don't want to draw this out. I could
21 use a very short break.

22 THE CHAIRMAN: Let's take a 5-minute break, and this time let's
23 try to make 5 minutes be 5 minutes.

24 MS. CROFT: Okay. Actually short. Okay.

25 THE CHAIRMAN: Okay.

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1 [Recess.]

2 THE CHAIRMAN: Okay. Let's go back on the record. I just have
3 a few questions before I turn it back to counsel.

4 I won't ask you to go into the changed circumstances on the ground
5 in Ukraine between the Obama administration and the Trump
6 administration.

7 The invasion of Ukraine took place while Barack Obama was
8 President?

9 MS. CROFT: That's correct.

10 THE CHAIRMAN: And that was a very hot war initially?

11 MS. CROFT: Absolutely.

12 THE CHAIRMAN: And so over time the risk of escalation may have
13 changed?

14 MS. CROFT: Absolutely.

15 THE CHAIRMAN: But I was struck by something you said during the
16 Trump administration, and that was that it was very unusual for OMB
17 to weigh in on a policy decision like the provision of Javelins to
18 Ukraine. Why was that so unusual?

19 MS. CROFT: I had never heard of OMB injecting itself into a
20 purely policy discussion or decisionmaking process. What struck me
21 about it especially is, first, that that position was in contrast to
22 all of the traditional foreign policy-making agencies long held and
23 long expressed views. And, secondly, that the objection or concerns
24 expressed were not related to the money, the budget part of OMB, but
25 rather to the policy part of the decision.

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1 THE CHAIRMAN: I see. Now, the decision is ultimately made to
2 provide the Javelins in 2017, at the end of the year?

3 MS. CROFT: Uh-huh.

4 THE CHAIRMAN: You should say yes.

5 MS. CROFT: I'm sorry. Yes. Thank you.

6 THE CHAIRMAN: If we flash forward to 2019 and President Zelensky
7 raising in the call with President Trump the desire, we're almost ready
8 to buy more Javelins, would that have been the next increment of
9 Javelins they would have received after the approval of the first
10 Javelins at the end of 2017?

11 MS. CROFT: Yes.

12 THE CHAIRMAN: And I take it that the policy of the
13 administration, at least as you understood it, between the first
14 purchase and the second purchase that Zelensky referred to in that call
15 hadn't changed. It was still the policy of the administration to
16 provide Javelins.

17 MS. CROFT: Yes. I just want to be sort of clear on -- so the
18 2017 decision related to I guess what would technically be a purchase
19 but was in fact a provision using FMF, as we have discussed.

20 THE CHAIRMAN: Right.

21 MS. CROFT: Whereas, the more recent decision related to an
22 actual purchase with Ukrainian national funds.

23 THE CHAIRMAN: Right.

24 MS. CROFT: Sorry.

25 THE CHAIRMAN: But the policy of providing defensive weapons

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1 either through funding that we provided or through a purchase didn't
2 change. It was still the policy view that we should be providing
3 Javelins to Ukraine to defend itself against Russia.

4 MS. CROFT: Between 2017 and 2019 that policy did not change.

5 Q Okay. So when President Zelensky brought up his interest
6 in acquiring more Javelins and the President responded by saying, I
7 want you to do us a favor, though, or words to that effect, it would
8 have been up until that point of the conversation Zelensky's
9 expectation that the policy hadn't changed and that they would be able
10 to go forward with purchase of more Javelins?

11 MS. CROFT: In fact, the President had mentioned multiple times
12 in the sort of immediate aftermath of the decision to provide Javelins
13 in 2017 using FMF that Ukraine should be buying this from us. We
14 shouldn't be giving it to them.

15 So we had relayed that to the Ukrainians under President
16 Poroshenko. And it is my understanding that that process started then,
17 and that Zelensky came into office viewing it as a do-out to the
18 President.

19 THE CHAIRMAN: What do you mean by a do-out?

20 MS. CROFT: That his expectation was that Ukraine would go ahead
21 and buy equipment from the United States, not just let us give them
22 stuff.

23 THE CHAIRMAN: So responding to the President's comments on the
24 first purchase of Javelins, President Zelensky was responding by
25 saying, we're going to buy them this time and we're almost ready.

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1 MS. CROFT: That's correct. That's right.

2 THE CHAIRMAN: Nevertheless, was it within the President's power
3 to say, I'm not going to sell them to you?

4 MS. CROFT: That's a good question, and I don't know that I can
5 give you a very specific answer to it.

6 Technically, under the Obama administration there was no bar on
7 the sale of weapons to Ukraine. The policy bar was only on the
8 provision, or at least that's how I understood it at the time.

9 THE CHAIRMAN: I'm sorry?

10 MS. CROFT: Sorry, I can repeat that or wait.

11 THE CHAIRMAN: The President could decide, could he not, I may
12 have the lawful authority to sell you these, but I'm still not going
13 to sell them to you?

14 MS. CROFT: That's correct.

15 THE CHAIRMAN: My counsel is pointing out to me that the sentence
16 before President Zelensky brings up the Javelins reads, I -- this is
17 President Zelensky -- I would also like to thank you for your great
18 support in the area of defense.

19 So at this point he's thanking him for what's already been done
20 in the past. And what kind of support in the area of defense had the
21 Trump administration provided up until that point? Would it have been
22 the FMF that allowed them to buy the Javelins, among other things?

23 MS. CROFT: I believe so, yes.

24 THE CHAIRMAN: Okay. Let me jump ahead to your comments in
25 response to my colleagues' questions in the minority.

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1 When in July -- it was first, you know, sort of one of the meetings
2 you said was blown up by the news that there was hold on the military
3 assistance. This is now in 2019. I think you made a comment along
4 the lines that it was inevitable that people were going to find out
5 about this. Is that right?

6 MS. CROFT: That was my assessment at the time, yeah.

7 THE CHAIRMAN: News of this kind that there was a hold on this
8 military assistance wasn't something that's going to be kept bottled
9 up with as many people knowing about it as they did?

10 MS. CROFT: That's correct, yeah.

11 THE CHAIRMAN: And, in fact, I think you said that word of that
12 got to the Ukrainians, and two Ukrainian officials from the embassy
13 reached out to you quietly to ask you about this hold?

14 MS. CROFT: That's right.

15 THE CHAIRMAN: Now, you said that these two Ukrainian Embassy
16 officials -- and I'm not going to ask you to identify them either -- you
17 understood they had no interest in this becoming public. Is that
18 right?

19 MS. CROFT: That's correct. That's correct.

20 THE CHAIRMAN: And why would they not want this to become public?

21 MS. CROFT: Because I think that if this were public in Ukraine
22 it would be seen as a reversal of our policy and would, just to say
23 sort of candidly and colloquially, this would be a really big deal,
24 it would be a really big deal in Ukraine, and an expression of declining
25 U.S. support for Ukraine.

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1 THE CHAIRMAN: So Ukraine had every interest in this not coming
2 out in the press?

3 MS. CROFT: As long as they thought that in the end the hold would
4 be lifted, they had no reason for this to want to come out.

5 THE CHAIRMAN: So as long as they thought that they could work
6 through whatever was causing the hold, they wanted this to remain out
7 of the public attention?

8 MS. CROFT: Exactly.

9 THE CHAIRMAN: Okay. I'll yield to Mr. Goldman.

10 BY MR. GOLDMAN:

11 Q Following up on the conversations you had with the Ukrainian
12 officials in the embassy here in D.C., I believe you said that you could
13 not remember the dates of those conversations. Is that right?

14 A Yeah, I can't remember those specifics.

15 Q Were they on the phone or in person?

16 A They were in person.

17 Q Did you take notes?

18 A I don't believe I did take notes on those occasions.

19 Q Did you take notes after?

20 A I would have to review my notes to be certain, but I don't
21 think I did.

22 Q Okay. And just on the topic of your notes, while we're
23 there, you are still in possession of your -- the notes that you --

24 A Yes.

25 Q And did you review them before you came to testify here today?

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1 A Yes, briefly.

2 THE CHAIRMAN: If I could, counsel, sorry.

3 Would your calendars indicate the dates in which you would have
4 visited with Ukrainian officials.

5 MS. CROFT: No, but I believe if I dug through my emails and
6 other -- and other, like, sort of electronic communications, I could
7 probably find it, if that's of interest of the committee.

8 THE CHAIRMAN: Yes, it would be. Thank you.

9 BY MR. GOLDMAN:

10 Q And presumably these emails were turned over to the State
11 Department at their request to gather documents related to this
12 investigation?

13 A So my understanding is that the process in response to
14 the -- the information request is that the bureau that handles our
15 technology automatically looks through all of our email, so those are
16 automatically available to the committee through that, whatever that
17 process is, and I don't have visibility on it.

18 Separately, any of my communications that I've had with
19 Ukrainians or Ambassador Volker or otherwise via WhatsApp, I have
20 exported to the State Department system per State Department
21 guidelines. Those would have been made available in the same fashion.

22 Q So they did collect your documents to respond to the
23 subpoena, as far as you know?

24 A Separately, I made my handwritten documents all available
25 in response to the subpoena.

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1 Q Now, I want to try to go through a couple of dates to try
2 to jog your memory as to when these meetings might have been?

3 A Yeah.

4 Q Okay. You talked about an email that you sent to Bruce
5 Swartz at OIA to set up a meeting with the AG. Do you recall whether
6 your conversations with either of the Ukrainian officials happened
7 before or after that meeting?

8 A I don't recall the sequence, I'm sorry.

9 Q Do you take any vacation in August?

10 A No.

11 Q Okay.

12 A Sorry. I was told I was allowed to take vacation as long
13 as I could work anywhere that I was. So --

14 Q Do you have an approximate estimation of how far apart these
15 two conversations were?

16 A With the two different Ukrainians? I thought it was roughly
17 a week. But again, I can look up those dates and get back.

18 Q Okay. And the last question is, whether you know the date
19 or not of when it became public, do you remember it becoming public?

20 A I honestly don't specifically remember when it was reported
21 in the public.

22 Q But you remember at some point it became public?

23 A Yes, yes, I do remember that.

24 Q So do you recall how far before it became public you had these
25 conversations, the second of the conversations?

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1 A I remember being very surprised at the effectiveness of my
2 Ukrainian counterparts' diplomatic tradecraft, as in to say they found
3 out very early on or much earlier than I expected them to.

4 Q In light of when it became public?

5 A In light of when it became public.

6 Q And last question. Do you remember if these meetings were
7 before or after your briefing at SFRC?

8 A I could only guess right now, and to say that it was before,
9 but I'm not certain.

10 Q Okay. That -- all right. Well, we would appreciate if you
11 would try to look through your notes and emails and perhaps your
12 attorney can send a letter to the committees identifying the dates of
13 the meetings.

14 You mentioned that email to Bruce Swartz to set up a meeting with
15 the Attorney General, and I believe you testified that you did not
16 believe that Ambassador Volker met with the Attorney General himself.

17 Do you know whether Ambassador Volker met with anyone at the
18 Department of Justice?

19 A Other than attempts to connect him with Bruce Swartz,
20 which -- I'm not aware of any other contact.

21 Q So once you connected him after that, do you know whether
22 there was any follow up from Ambassador Volker with the Department of
23 Justice?

24 A I just kept reminding Ambassador Volker to call Bruce Swartz.
25 I have no idea what happened after that. So I don't -- I don't know.

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1 Q Why were you reminding him repeatedly to call him?

2 A Because he kept forgetting.

3 Q And Bruce Swartz said that he should call him?

4 A Yes, yes, Bruce Swartz had said, have him call me. And so
5 I just kept telling Kurt, hey, remember to call Bruce.

6 Q And do you know what the request related to in any way?

7 A I inferred that it was interference in the 2016
8 investigations, and I don't know remember exactly how I knew that, but
9 that's what I relayed to Bruce in my email to him.

10 Q And around the time that you reached out to Bruce Swartz did
11 you have a meeting with George Kent where you discussed whether there
12 was an ongoing investigation in the Department of Justice related to
13 the 2016 election?

14 A I believe we did have a brief pull-aside in which George
15 relayed his concerns about sort of everything that was going on to me,
16 but I don't -- I mean, that was on the margins of some other meeting,
17 and I don't remember the specific date, I'm sorry.

18 Q No, I'm not asking for the date. I'm just -- you do
19 remember --

20 A Yeah. I remember around what time that was.

21 Q Putting aside just for the moment the date of that
22 conversation, was it close in time to when you reached out to Bruce
23 Swartz?

24 A I expect it probably was, yeah.

25 Q And can you give us as much detail as you recall about the

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1 conversation you had with George Kent at the pull-aside?

2 A My recollection is that Kurt had asked me something along
3 the lines of: Have we ever done an investigation like this before?
4 Like an investigation before or something like that into, you
5 know -- or, no, I'm sorry, I just want to make sure I get this exactly
6 accurately.

7 I believe the question that Kurt asked me was: Have we ever asked
8 another country to do an investigation for us before? And I think that
9 I relayed that question to George, and that that prompted George, I
10 think, to just express his displeasure at the role of sort of Rudiani
11 and any involvement of the State Department in any conversations about
12 investigations.

13 Q Did you mean Rudy Giuliani?

14 A What did I -- I'm sorry, what did I say? I'm getting tired.

15 Q I won't repeat it. It was a combination of names.

16 VOICE: You coined a new term.

17 MS. CROFT: I'm just going to sip my Coke for a second here.

18 BY MR. GOLDMAN:

19 Q What do you recall more specifically, as specifically as you
20 can, George Kent saying to you in response to your inquiry of him?

21 A The message that I got back was, broadly, we should be staying
22 out of this, we shouldn't have anything to do with it. And I knew him
23 to be unhappy with the fact that Rudy Giuliani was playing -- I think
24 I got it right this time -- any role in this process at all.

25 Q Did he understand that the question about investigations

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1 that you asked him related to Rudy Giuliani and what he had been
2 advocating?

3 A I remember at the time asking the question in a very sort
4 of generic sense, because the question as relayed to me wasn't about
5 investigating anything in particular or anything specific. But the
6 strength of George's reaction suggested to me that George was thinking
7 of something much more specific when I asked the question.

8 Q And when he referenced Rudy Giuliani did you know --

9 A I'm not -- I'm sorry -- I'm not positive he referenced Rudy
10 Giuliani by name or if he just referenced sort of this whole
11 investigation situation, all of the conversations about investigation.

12 Q And what did you understand him to mean, whatever he said
13 about the investigation?

14 A Yeah. What I understood him to mean was that he was very
15 unhappy in the role that Rudy Giuliani was playing and that he was
16 unhappy that Kurt was talking to Giuliani.

17 Q And these were -- did you understand more specifically what
18 these investigations -- what the subject of these investigations were
19 at that point?

20 A At that point I just understood it to sort of be broadly
21 investigations into the 2016 elections. But the question that I was
22 responding to from Kurt wasn't about anything specifically.

23 Q And when you say investigation into 2016 election, do you
24 mean Ukraine --

25 A Ukrainian --

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1 Q -- interference?

2 A Ukrainian interference in the 2016 election.

3 Q And with George Kent at that meeting, did you discuss an
4 investigation into Burisma or the Bidens?

5 A No.

6 Q Did you ever discuss with George Kent --

7 A No.

8 Q -- the specifics of the investigations?

9 A No.

10 Q To your recollection, is this the only conversation you had
11 with George Kent about these investigations and Rudy Giuliani?

12 A To my recollection, yeah, that's the only conversation that
13 we had.

14 Q Okay. Did you take notes of that conversation?

15 A No, it wasn't a planned meeting or conversation, it was just
16 a pull-aside in the hallway or --

17 Q Understood.

18 A -- something like that.

19 Q If George Kent took notes of that conversation, would you
20 expect them to be accurate, to accurately reflect what you discussed
21 with him?

22 A Not necessarily.

23 Q And why is that?

24 A Not for any reasons of malice, but I know that George feels
25 very strongly about these issues, and he has a lot of emotion tied into

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1 it, and so sometimes our perceptions of things aren't the same.

2 Q So he feels very strongly against any sort of political
3 interference in foreign policy. Is that an accurate way of reflecting
4 it?

5 A He feels very strongly in all aspects of our policy with
6 regard to Ukraine.

7 Q Prior to your meeting with Mr. Kent, did you become aware
8 at any point of a potential statement that the Ukrainians might put
9 out related to a -- a potential statement about U.S. relations that
10 the Ukrainians were considering to issue?

11 A I believe I only heard one passing reference to it as an
12 outcome perhaps from a conversation between Kurt and -- I'm sorry,
13 Volker and Sondland -- that I wasn't party to. But I believe that by
14 the time I heard that passing reference it was well after the fact and
15 well after a decision was made not to produce any sort of such statement.

16 Q Do you recall where you were when you heard that passing
17 reference?

18 A I don't recall.

19 Q Were you in Kyiv in the --

20 A I don't --

21 Q -- July 26th?

22 A Oh, yeah, I was in Kyiv on July 26th, sorry.

23 Q No, no, is that when you heard this conversation, this
24 passing reference?

25 A I don't think so. I think it was well after all of that.

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1 Q And what was the passing reference that you recall hearing?

2 A I think simply that it wasn't in Zelensky's interest to make
3 a specific statement about specific investigations and tie himself to,
4 you know, the outcome of U.S. domestic politics.

5 Q Who said that?

6 A Kurt did.

7 Q And how did Sondland respond?

8 A I wasn't party to that conversation, I just heard a reference
9 to it.

10 Q Meaning Ambassador Volker referred to a conversation that
11 he had previously had with Ambassador Sondland?

12 A I believe so. In the course of talking about something else
13 he just made a reference to the fact -- or he might have been on the
14 phone or something like that. I don't remember what it was. But I
15 remember being surprised, because I wasn't aware of that conversation
16 before that.

17 Q So --

18 A Which is why --

19 Q So you didn't hear the conversation between Ambassadors
20 Volker and Sondland?

21 A Correct.

22 Q Got it.

23 A Not on the statement. Not that I recall.

24 Q You mentioned that YES conference?

25 A Uh-huh.

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1 Q Were you aware of any possibility that President Zelensky
2 might do a CNN interview or another television interview at that YES
3 conference?

4 A There was a lot of media at the conference. And, in fact,
5 Ambassador Volker did quite a lot of media himself. I was not party
6 to any specific, that I recall, any specific Ukrainian plans with regard
7 to press conferences.

8 Q Do you remember Ambassador Volker discussing either with you
9 or anyone else whether or not President Zelensky might do a television
10 interview in that September timeframe?

11 A I don't have any specific recollection, but that's not
12 something that would have stood out in that context, just because, like
13 I said, it was a media-heavy event.

14 Q I want to go back now to the conversation that we ended on
15 the last round where you were talking to Ambassador Taylor right before
16 you left to Kyiv.

17 A Uh-huh.

18 Q And where we ended is that you were relaying to him -- or
19 he was relaying to you, I think, what he had heard about the May 23rd
20 Oval meeting from Ambassador Volker. Is that right?

21 A I'm so sorry, can you ask the question again?

22 Q Sure. In that meeting that you had with Ambassador Taylor,
23 why don't you remind us what he told you that he understood occurred
24 at the May 23rd Oval meeting?

25 A I'm not sure that we discussed the May 23rd Oval meeting when

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1 I spoke with Ambassador Taylor. What I recall him saying was that he
2 broadly supported what Ambassador Volker was trying to do, which was
3 relevant to my job.

4 Q And what was that?

5 A To advance U.S.-Ukraine relations in a positive direction,
6 Increase U.S. support for Ukraine, whether it would be security
7 assistance or diplomatic means, and then to go somewhere positive in
8 terms of our negotiations -- or the Minsk -- negotiations on the
9 conflict in eastern Ukraine, and then also to continue rallying
10 European support for Ukraine.

11 Q Understood. And you've mentioned this a couple times, I
12 just want to say something at this point.

13 A Sure.

14 Q We fully understand that the vast majority of your job had
15 nothing to do with the questions that we're focused on here today. So
16 we understand that most of your conversations would relate to other
17 things.

18 A Uh-huh.

19 Q We are obviously interested in a particular aspect of your
20 experience, and so that's why we're asking these questions. We fully
21 understand that there would be other things that you would discuss,
22 particularly with Ambassador Volker.

23 So in the context of your discussion with Ambassador Taylor
24 related to Ambassador Volker, did anything related to these
25 investigation narratives, Rudy Giuliani, Ambassador Taylor's

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1 concerns, arise in connection with Ambassador Volker?

2 A In connection with Ambassador Volker, no. I think we were
3 both very confident that we understood what Ambassador Volker's views
4 were on U.S. interest in Ukraine, and that they were, as I said,
5 advancing U.S. interests.

6 Q When you were in Kyiv for the month of June, did you have
7 any discussions with Ukrainian counterparts about these investigations
8 that were in the media at that point?

9 A I did not, no.

10 Q Did you have any discussions with your colleagues about
11 conversations they may have had with Ukrainians about these
12 investigations?

13 A No.

14 Q Were you aware of whether or not, you know, that these
15 were -- these investigations were a consideration of President
16 Zelensky and his senior team when you were in Kyiv?

17 A I have no recollection of that being the case.

18 Q When did Ambassador Taylor arrive in Kyiv?

19 A Mid-June, I don't know the specific date, but about halfway
20 through my time there.

21 Q And for the time that he was there until the end, did you
22 have any discussion with Ambassador Taylor about any of the issues that
23 we've been discussing here today?

24 A No. I think my only conversation with Ambassador Taylor was
25 about the morale at the embassy.

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1 Q In --

2 A In Kyiv.

3 Q In connection to what was going on with U.S. policy or just
4 broadly?

5 A In connection to the impact of Ambassador Yovanovitch's
6 departure, and the circumstances around that, and the hit that that
7 took to morale in the embassy, and the impact of Ambassador Taylor's
8 arrival.

9 Q Were you aware of a -- so how frequently were you meeting
10 or talking to Ambassador Taylor when you were over there?

11 A Not frequently. We just encountered each other in the
12 hallway.

13 Q But you didn't have any sort of --

14 A No.

15 Q -- official meetings or discussions about policy or other
16 things that are going on?

17 A No. I don't think we had any real one-on-ones after
18 that -- after his arrival.

19 Q You arrived in D.C. on the 1st of July.

20 A No, I'm sorry, I departed Kyiv on the 1st of July. I made
21 a stop in Brussels and in Vienna on my way back.

22 Q Okay. When did you return to D.C.?

23 A My first day on the job was July 8. I think I returned the
24 7th, if that's correct.

25 Q Did you learn whether -- well, did you learn that Ambassador

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1 Volker had gone to a conference in Toronto in early July?

2 A Yes.

3 Q Do you know who else was there from the U.S. Government?

4 A I know Christopher Anderson was there.

5 Q And did you discuss this conference with Mr. Anderson?

6 A Not in great detail, but yes.

7 Q Were you aware of whether or not Ambassador Volker had a
8 private meeting with President Zelensky?

9 A Yes, I understood that he had, yes.

10 Q And what did you understand about that meeting?

11 A Only Ambassador Volker's assessment of President Zelensky
12 and his intentions with regard to reforms and so forth, the things I've
13 talked about before.

14 Q What do you mean by that?

15 A That Ambassador Volker took away from that meeting that he
16 was impressed with President Zelensky, he was impressed with the
17 seriousness, and that he was serious about combating corruption.

18 Q And that was pretty much the unanimous view of everybody who
19 met him. Is that right?

20 A That's my understanding.

21 Q And that's what you heard when you were in Kyiv in June?

22 A In Kyiv, I think there was a lot more sort of wariness about
23 Zelensky's ties to this oligarch, Kolomoisky, and his appointment of
24 Bogdan, who was Kolomoisky's lawyer. I mean, I can go into it, but
25 I don't know how interesting that is to you. There was a little more

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1 skepticism in Kyiv.

2 Q But you also understood that Zelensky had acted on some of
3 his promises of reform very quickly. Is that right?

4 A Yeah, he set a very ambitious reform agenda right at the jump.

5 Q Do you know whether or not -- were you informed at all that
6 Ambassador Volker had discussed these investigations with President
7 Zelensky at that pull-aside in Toronto?

8 A I would not have been aware of that. I was -- I am not aware.

9 Q Mr. Anderson did not relay that to you?

10 A No.

11 Q You've discussed that July 10th meeting in the Oval with
12 Ambassador Bolton, and you got a readout [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 And you also said that there was a discussion of whether or not
17 there would be an Oval Office meeting?

18 A So that was my understanding of the goal of that meeting.
19 I don't know what specifically was said about an Oval.

20 Q And who gave you this readout?

21 A Kurt did in the context of the meeting that we had after with
22 the German National Security Advisor, Hecker.

23 Q Meaning how it would affect Germany or --

24 A Right, because the Germans and French are sort of the
25 negotiators, along with Ukraine and Russia, in terms of resolving the

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1 situation in the east.

2 Q And did you get any detail about the discussion with
3 Ambassador Bolton and Danylyuk and any of the Ukrainians about that,
4 the White House meeting?

5 A Not anything that would sort of pertain to this. Sort of
6 just impressions of Andrey Yermak, impressions of Danylyuk,
7 impressions of how serious they were about reforms, all the sort of
8 normal stuff.

9 Q So Ambassador Volker did not tell you any details about the
10 discussion about getting a White House meeting?

11 A Only that they were making the case for it.

12 Q Who was making the case for it?

13 A The Ukrainians and Kurt and everyone else. We understood
14 that Bolton also favored getting the meeting.

15 Q And did you -- did Ambassador Volker say anything to you
16 about anything that Ambassador Sondland said at that meeting?

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1 [11:33 a.m.]

2 MS. CROFT: No.

3 MR. GOLDMAN: Now you were in Kyiv --

4 THE CHAIRMAN: Before you go on with that topic, if I could just
5 follow up.

6 So when Ambassador Volker gave you a readout on that July 10
7 meeting, did he tell you anything about why it ended abruptly?

8 MS. CROFT: No.

9 THE CHAIRMAN: So the only feedback you got was [REDACTED]
10 [REDACTED], but nothing about what might have upset
11 Mr. Bolton?

12 MS. CROFT: No, nothing about that, but I would also note that
13 we were with the Germans at the time.

14 THE CHAIRMAN: So this would not have been a suitable place for
15 Ambassador Volker to tell you about things that happened in that meeting
16 that were irregular, to put a diplomatic term on it.

17 MS. CROFT: Right.

18 THE CHAIRMAN: Mr. Goldman.

19 BY MR. GOLDMAN:

20 Q In this -- well, are you aware that Fiona Hill left the NSC
21 in mid-July?

22 A Yes, late July.

23 Q Do you know the date?

24 A I thought it was the transition with her successor was the
25 week of that, the week that ended with that phone call so that same

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1 week of July 25th, that was my -- that's my recollection.

2 Q Did you -- she was your former boss at the NSC?

3 A Right, uh-huh.

4 Q Did you have any conversations with her after you took this
5 job as a special assistant?

6 A I sent her a note after I took the position just to say that
7 I took it and she said congratulations, that's it.

8 Q So when you were back in D.C. in July and before she left
9 you didn't have any conversations or meetings with her?

10 A I went to her farewell, but we didn't talk about Ukraine
11 policy.

12 Q Now, you said that the -- you were in Kyiv around the time
13 of the July 25th call, and there was a meeting on the 26th with President
14 Zelensky, Ambassadors Volker, Sondland, and Taylor, and a note taker
15 and an interpreter, is that right?

16 A Yes.

17 Q Was there a premeeting that you attended before that?

18 A We attended a meeting chief of staff Bohdan.

19 Q Did you discuss the White House meeting at that meeting?

20 A Yes, yes.

21 Q And what was the nature -- can you describe with as much
22 detail as you can what that conversation entailed?

23 A It was about the prospect for some sort of touch in Warsaw,
24 as well as a potential for a meeting on the sidelines of the U.N. General
25 Assembly. And the Ukrainians, as I recall, were pushing to have an

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1 Oval meeting somewhere around, immediately before or after UNGA. And
2 we were sort of -- or Kurt was counseling them that that almost -- you
3 know, that an Oval meeting would be better diplomatically than a meeting
4 on the margins of UNGA, and that the dates are too close to each other,
5 then it could look like they are not getting their own Oval meeting,
6 but rather, they happened to be in town. Is that responsive?

7 Q Understood, yes. Was -- this meeting was the day after the
8 call, right?

9 A Yes.

10 Q And did Bohdan mention anything about the call?

11 A He said it was a very good call, very positive, they had good
12 chemistry, so the readout that I got was just that it was good.

13 Q And by that point, had you gotten a readout from any of the
14 ambassadors?

15 A No. So that meeting was the prebrief for the meeting with
16 Zelensky. So the only readout that I got was the one from Ambassador
17 Taylor based on the meeting with Zelensky so that was after that.

18 Q Understood. And at the premeeting, was there any discussion
19 of investigations?

20 A I don't recall that there was. I can double-check my notes,
21 but I don't think so.

22 Q And then -- and so you think you did take notes?

23 A I did take notes at that meeting, and I supplied them pursuant
24 to the request.

25 Q So the meeting with President Zelensky happened and you're

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1 not there?

2 A Correct.

3 Q But you then describe a readout of that meeting that you got
4 from who?

5 A From Ambassador Taylor, with Ambassador Volker.

6 Q And where were you when you got this readout?

7 A Squished between the two of them in the back of a car on our
8 way to the airport, and I was very car sick. It was very tight.

9 Q Were you able to take notes if you were squeezed in there?

10 A I tried, but I got really sick so I had to stop.

11 Q Did you review those notes before you came today?

12 A I -- I did.

13 Q And so you described a little bit about that conversation.
14 You said you didn't specifically recall anything related to Burisma
15 or the Bidens, or whether that came up in the conversation with
16 Zelensky. But you did say is that right, that Ambassador Taylor said
17 that President Zelensky told them that President Trump had mentioned
18 investigations? Is that an accurate --

19 A So in reviewing my notes, what I saw was a reference to three
20 questions, and quote no mention of B. My recollection, I believe, is
21 that my note about three questions is that that was the President
22 raising investigations, but I can't say that with 100 percent
23 certainty. And separately my note to myself about no mention of B,
24 I honestly do not remember if that was Barr, Biden, or Burisma.

25 Q And why would it be Barr?

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1 A Because I -- there had been talk at some point about the
2 Attorney General making a visit to Kyiv.

3 Q But you think it is one of three, either Barr, Biden, or
4 Burisma?

5 A I'm guessing it was one of the three.

6 Q And you said there were three questions that you understood
7 to be questions related to investigations?

8 A That the President had raised investigations multiple times.

9 Q So --

10 A I think that that is my memory of what is in my notes but
11 honestly, like I said, A, the circumstances were not ideal, and B,
12 that's not really what I was listening for.

13 Q Understood. So you do recall -- you believe that the
14 reference to three questions was that the President raised
15 investigations three times?

16 A I believe so.

17 Q And then your note right underneath that is no mention of
18 B?

19 A Correct, correct.

20 Q They are close in proximity?

21 A Yes.

22 Q So as you sit here today, you don't remember whether the B
23 related to those investigations?

24 A I don't specifically remember what the B related to. But
25 in reviewing my notes, my impression is that it would have been either,

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1 likely Biden or Barr, or maybe Burisma, but I'm not certain.

2 Q By that point, you were aware of this desire from some people
3 in the United States for Ukraine to initiate these investigations? Is
4 that right?

5 A Yes.

6 Q And you understood that these investigations one related to
7 the potentially Ukrainian interference in the 2016 election. Is that
8 one of them?

9 A Yes, yes.

10 Q And what was the other one that you understood?

11 A Into potential sort of Ukraine support for Bidens or some,
12 you know, sort of idea, some conflict of interest or something like
13 that, Biden and Burisma.

14 Q So you understood that Biden and Burisma were the same
15 investigation?

16 A Yes.

17 Q And by that point, July 25th, you knew that whatever -- did
18 you understand that whatever investigation was being advocated for
19 Burisma related to Joe Biden?

20 A Correct, yes. So regardless whichever B that is, sort of --

21 Q Understood. You said that you, at some point, thanked
22 Ambassador Volker for keeping you out of the mess, I think is your quote,
23 related to Rudy Giuliani. Is that accurate?

24 A Yeah, I don't know if I specifically used the word "mess,"
25 but just general business, yes, with Giuliani.

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1 Q And you don't have a specific recollection as to when that
2 conversation was?

3 A I do not, no.

4 Q Was it before this trip to Kyiv for where you met with
5 Zelensky on July 26th?

6 A If I had to guess, I would say probably, but I don't
7 specifically remember.

8 Q And so, you believe -- probably you said you believe that
9 Ambassador Volker was in touch with Mr. Giuliani prior to the July 25th
10 call?

11 A Yes, yes.

12 Q You feel pretty confident about that?

13 A Yeah, I heard about it, like I said, earlier on. The first
14 I heard about it was as soon as I got back from Ukraine.

15 Q When you were in Ukraine --

16 A Sorry, in June. After my June trip to Ukraine, I made a lot
17 of trips.

18 Q You heard about it pretty soon after you started the job --

19 A Exactly, exactly.

20 Q And what did Ambassador -- what did Ambassador Volker
21 respond when you said, Thank you for keeping me out of the Giuliani
22 thing?

23 A Nothing necessarily. It's sort of a non specific
24 affirmation.

25 Q When you were in Kyiv around that July 25th, 26th period,

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1 did you overhear any mention of Mr. Giuliani from any of the
2 ambassadors?

3 A Not that I specifically recall, but that doesn't mean, I
4 didn't.

5 Q Okay. Were you aware of whether Ambassador Sondland had
6 spoken to President Trump while he was in Kyiv around that time?

7 A I believe that he either did or intended to speak with the
8 President after his call with Zelensky.

9 Q And do know whether -- did Ambassador Sondland ever talk
10 about having conversations with chief of staff Mick Mulvaney?

11 A Yes, I understood Ambassador Sondland to be in touch with
12 Mick Mulvaney.

13 Q How did you understand that?

14 A From his staff.

15 Q Whose staff?

16 A I'm sorry. From Ambassador Sondland's staff.

17 Q What did they say to you?

18 A Just that he has contact with Mick Mulvaney and that he
19 somehow knew him. But I didn't have specifics on that.

20 Q And who is the staff member?

21 A So it transitioned while I was in this position, his chief
22 of staff, when I started, was [REDACTED] and then there was
23 a transition to [REDACTED], both Foreign Service
24 officers.

25 Q After this, I just have 1 minute left. After this trip to

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1 Kyiv, did Ambassador Volker ever discuss with you that Rudy Giuliani
2 was meeting with Ukrainians officials, including Andre Yermak?

3 A Not that I specifically recall. I think I read about it in
4 the newspaper, along with everybody else. I knew that -- I knew that
5 Ambassador Volker was directly in contact with both Giuliani and with
6 Yermak and, in fact, Kirk -- or Ambassador Volker talked to Andrey
7 Yermak regularly.

8 Q Do you know if he spoke to Andrey Yermak right before the
9 July 25th call?

10 A I would be surprised if he didn't. I think they spoke very
11 frequently to such an extent that I wouldn't have been aware of every
12 single time they talked at all.

13 Q And do you know whether they had any conversations other than
14 resolving the conflict in the east?

15 A I don't remember if I had -- like I said, Kurt kind of kept
16 me out of that channel of communication. So I don't recall having any
17 conversation with Kurt about his conversations with Yermak, other than
18 about trying to get an Oval and the conflict, and, sort of, what their
19 plan was for resolving the conflict in the East. Also, Yermak had a
20 role in the big prisoner exchange that happened so they would have
21 talked about that I would imagine.

22 Q Did you intentionally try to keep yourself removed from
23 Ambassador Volker's activities related to what we call the other
24 channel?

25 A The Giuliani channel.

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1 Q The Giuliani channel.

2 A Yes. I deliberately stayed out of that.

3 Q And did he respect that?

4 A Yes.

5 MR. GOLDMAN: Our time is up.

6 THE CHAIRMAN: Our time is up. What I would suggest is that we
7 take a 15 minute break, so you can eat, we have food for you. Let's
8 try to resume promptly at 1:05. And just for our member's planning
9 purposes, we'll go to 45 minutes for the minority. When we return to
10 the majority we'll go to our members for further questions. So we're
11 in recess until 1:05.

12 [Recess.]

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1 [1:16 a.m.]

2 THE CHAIRMAN: Let's go back on the record. Forty-five minutes
3 to the minority.

4 BY MR. CASTOR:

5 Q Thank you. Welcome back. Hope you had a delicious lunch.

6 A Yes. Thank you for providing it.

7 Q That was certainly not me, that was Chairman Schiff and the
8 majority.

9 A Thank you to Conrad.

10 Q I just have a couple of questions and then our Members do
11 have some ones for you.

12 You'd mentioned the influence of the oligarch Kolomoisky on
13 President Zelensky and the concern as to whether President Zelensky
14 would influenced by him when he assumed the Presidency. Can you tell
15 us what you know about that?

16 A Nothing necessarily more specific than what's in the press.
17 But Kolomoisky owned the 1-Plus-1 (ph) television channel that
18 Zelensky's television show was on, and then subsequently hired
19 Kolomoisky's attorney as his chief of staff.

20 Q Okay. And his attorney, did you say his name was Bogdan?

21 A Yes.

22 Q Does he remain as chief of staff?

23 A Yes.

24 Q Okay. And was there ever any discussion among your
25 interagency partners about monitoring that situation to see if

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1 Kolomoisky's influence would have a negative effect on Zelensky?

2 A I think not just among my interagency colleagues, but sort
3 of globally everybody who's watching Ukraine is watching that situation
4 quite closely.

5 Q And since he assumed the Presidency in May, what's been your
6 assessment of Kolomoisky's influence on Zelensky?

7 A Mixed record. We were fairly confident I think until about
8 mid-September that Zelensky was genuine in his commitment to combat
9 reform -- I'm sorry, combat corruption and remain independent of
10 Kolomoisky.

11 But Kolomoisky's appearance at the YES conference in
12 mid-September, combined, you know, with some not as strong as like -- as
13 we would like to see messages on the future of PrivatBank, have at least
14 raised I think yellow flags among those of us in the Ukraine policy
15 community.

16 Q In your time working with Lieutenant Colonel Vindman, did
17 you ever notice that he was not as involved in things -- not as involved
18 with things as you may have been when you were serving in the same role?

19 A I think from my vantage point, Alex -- sorry, Lieutenant
20 Colonel Vindman was very engaged.

21 Q Okay. So you never witnessed him being cut out of things?

22 A I think you're referring to sort of the Giuliani, sort of
23 Volker conversations. I wouldn't have had visibility on that in the
24 first place.

25 But in terms of the normal policy process, he was very engaged

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1 and, in fact, drove a very, very intense Ukraine policy agenda.

2 Q What do you mean by intense Ukraine policy agenda?

3 A Lots of meetings and lots of taskings out of each of those
4 meetings.

5 Q And who was he tasking?

6 A The interagency, as a director at the NSC normally would,
7 so State, DOD, et cetera, et cetera.

8 Q And so he was having State Department officials perform
9 certain tasks or assignments? Or what do you mean by drive?

10 A He convened a regular -- very regular schedule of sub-PCCs
11 and PCCs on Ukraine to check in on our engagement to Ukraine, our Ukraine
12 policy, and to sort of drive the overall work of the interagency.

13 Q Did Lieutenant Colonel Vindman ever express concerns to you
14 about the 7/25 call?

15 A We never spoke about it.

16 Q You indicated that you went to Dr. Hill's farewell party?

17 A Yes.

18 Q Did she express any concerns during the course of the event
19 about her current situation, about Ambassador Bolton or the President
20 or why she was leaving?

21 A I think that she was less than thrilled with the
22 circumstances of her departure. I think she wanted to leave on her
23 on terms and she might have felt a bit edged out.

24 But we never had any very direct conversation about that, just
25 sort of I got that sense from that conversation. But we did not discuss

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1 policy at any point during that event.

2 Q Who was she edged out by?

3 A Her replacement was Tim Morrison, as you know.

4 Q So Mr. Morrison had edged her out is your understanding?

5 A I think she didn't feel like she got to leave at the time
6 that she wanted to, and so --

7 Q And that was something driven by Ambassador Bolton?

8 A I don't know. I don't know the answer to that question.

9 Q Okay. Did she express any concerns about the President at
10 her farewell party?

11 A No, we didn't talk about anything like that at the party.

12 Q Okay. That didn't come up?

13 A No, no.

14 MR. CASTOR: Mr. Meadows.

15 MR. MEADOWS: Thank you, Ms. Croft.

16 I've been, as you were going through, whether it's questions by
17 the majority or the minority, we've -- I've been tracking with you,
18 and I love the foreign policy. I love the fact that you call balls
19 and strikes and it is yes/no. It's refreshing. And I just want to
20 say thank you.

21 The other thing that I want to say thank you is you have been the
22 expert on Ukraine policy during probably one of most difficult times
23 as a student of foreign policy, one of the most difficult times if you're
24 going to be a Ukraine expert. Your tenure has been at a critical,
25 critical time. And so to be able to manage that, I just want to say

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1 thank you. Our world is a safer place obviously because you have been
2 willing to serve. I want to acknowledge that as we go.

3 And what I'd like to do is kind of just go in a little bit of reverse
4 order and maybe at a 10,000-foot level, so I'm not going to drill down
5 quite as close to some of the other questions that have happened.

6 Russia invades Crimea when?

7 MS. CROFT: Spring of 2015.

8 MR. MEADOWS: The spring of 2015. At what point were you in
9 charge of Ukraine's -- the expert in terms of Ukraine policy?

10 MS. CROFT: So as I said in my opening statement, so I was covering
11 Ukraine at NATO in August -- from August 2013 until, I think, Januaryish
12 2015. Because of the events surrounding Ukraine I was pulled into the
13 front office. So I continued to track Ukraine from the perspective
14 of our U.S. mission to NATO, but then from the ambassador's office as
15 opposed to from the political section.

16 MR. MEADOWS: So at this critical time, Russia comes into Crimea,
17 you get pulled in as the expert, and says, you know, golly, fix this
18 problem with a superpower invading Ukraine.

19 MS. CROFT: Well, at the time I was a second tour political
20 officer, but I was doing my best.

21 MR. MEADOWS: And so as you come in, I know -- well, so let me
22 ask the question. Was there a lot of back and forth in terms of what
23 the proper response would be? You've got Russia being the aggressor,
24 you've got Ukraine on the defense, you have at that time, I believe,
25 the belief that Russia may even come further than where they are today.

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1 Was there a whole lot of back and forth?

2 MS. CROFT: If you mean within the U.S. interagency --

3 MR. MEADOWS: Yes.

4 MS. CROFT: -- or among NATO allies, I would say both are true.

5 MR. MEADOWS: Both are true.

6 MS. CROFT: Both are true. Both are true.

7 I think, from my perspective in Brussels, it took a while for us
8 to have a very clear sense of exactly what was happening, not just in
9 Crimea, but also in eastern Ukraine.

10 As we all know looking back on it, Russia was sort of sending in
11 what we now refer to as sort of the little green men to take this
12 territory. And since we hadn't seen anything quite like this before,
13 it took a while for us to figure out -- and I say us, the United States,
14 but also our NATO allies -- to figure out exactly what was happening
15 and how we were going to respond.

16 MR. MEADOWS: In fact, we had not seen it for decades. And so
17 this was kind of a resurgence of Russian aggression, even though in
18 their mind all they were doing was annexing a Russian part of Ukraine.
19 Would you agree with that assessment?

20 MS. CROFT: Except to the extent that this did mirror some of what
21 was happening, of course, in Abkhazia and South Ossetia in Georgia,
22 as well as arguably what's happening -- what was happening before that
23 in Transnistria in Moldova.

24 MR. MEADOWS: Okay. And so would it be fair to say that everybody
25 in the region, not just our NATO allies, not just the U.S., but everybody

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1 in the region was very nervous as to where this, I will use the term
2 politely, acquisition would ultimately stop?

3 MS. CROFT: Absolutely, I think that's fair to say.

4 MR. MEADOWS: Okay. And so as we looked at that, our U.S. policy
5 in trying to figure out a deterrent that did not get us into a superpower
6 war between two nuclear powers was probably the question of the day.
7 Is that correct?

8 MS. CROFT: I think that's accurate to say, yes.

9 MR. MEADOWS: So as they're relying on your expertise, here you
10 are, you've been at NATO, now you're in the U.S. trying to help us do
11 this, the idea of foreign assistance for Ukraine and how we can
12 essentially show support for Ukraine without doing a direct
13 confrontation with the Russians, was that part of the calculus?

14 MS. CROFT: Yes, I think so.

15 MR. MEADOWS: And so when you looked at this under the previous
16 administration, because you've served in both this administration and
17 the previous administration, so as they started to do that, would you
18 say that there was an agreement among the agencies in terms of what
19 they believed the best nonlethal deterrent to be?

20 MS. CROFT: In terms of the nonlethal deterrence, I can't speak
21 to sort of -- I think it evolved over time, but I think we landed on
22 the idea that the best nonlethal deterrent was our training efforts
23 and our efforts at defense reform, so building the capacity, if you're
24 talking in strictly the security sense, in the military --

25 MR. MEADOWS: Yeah, because you didn't focus as much on the

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1 economic or anything else.

2 MS. CROFT: Correct.

3 MR. MEADOWS: So on some of the defense side of things.

4 MS. CROFT: The defense side, yes.

5 MR. MEADOWS: So giving additional foreign aid for defense was
6 certainly on the table and something that was widely supported. Is
7 that correct?

8 MS. CROFT: Yes, yes.

9 MR. MEADOWS: So as that was widely supported, and as we looked
10 at that, it has been suggested by you and by other people that this
11 aid, as it gets approved, you know, there are certain reforms that have
12 to happen within the Ukrainian Government.

13 Would you say that sometimes those reforms were more of a footnote
14 than they were the very top thing, that they were a box we had to check,
15 but we really looked more from a national security standpoint instead
16 of saying fix corruption or you're not going to get the aid, because
17 that would be more of a secondary theme?

18 MS. CROFT: I guess it depends on which conditionality you're
19 talking about, whether it's the sort of broader conditionality as tied
20 to our -- tied to our general economic aid or specifically the defense
21 reforms.

22 MR. MEADOWS: Yeah, I'm going to stick strictly with defense,
23 because I think that that's the crux of why we're here today, is more
24 of a defense mode, putting aside the loan guarantee of Joe Biden and
25 pulling that back out, because that was actually a different type of

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1 assistance.

2 Wouldn't you agree with that? The Joe Biden thing is a -- it was
3 not military assistance as much as it was loan guarantee. Is that
4 correct?

5 MS. CROFT: I believe the conditionality that you're talking
6 about that was related to the loan guarantee, yes, that was a separate
7 conditionality.

8 MR. MEADOWS: So if we focus just strictly on the military side
9 of things, take me back to 2015-16. What were we doing at that
10 particular point? Were we saying we were going to provide -- well,
11 were Javelins off the table at that point or did you all discuss Javelin
12 support, which would be --

13 MS. CROFT: I'd sort of have to break it down package by package.

14 So we did these sort annual reviews with Ukraine and with our
15 international partners where we established, you know, what from a
16 policy perspective made the most sense to do with the money that
17 Congress was supplying for the Department -- for State and DOD to be
18 able to sort of help Ukraine build its defense capacity.

19 The conversations about whether that should include defensive
20 weapons were ongoing, and I couldn't speak to necessarily specific
21 packages, specific times, without sort of going back through notes.

22 MR. MEADOWS: Right. So the defensive methods that you're just
23 now mentioning -- and for our purposes I'm going to just say Javelins,
24 okay -- so the discussions under the previous administration as it
25 relates to whether Javelins should be provided or not was a back and

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1 forth. It said, well, should we do it, should we not?

2 And I believe from your earlier testimony you said ultimately they
3 decided not to give Javelins just because they were concerned about
4 the message that Russians might see that as provocative. And
5 "provocative" is my word.

6 MS. CROFT: Yeah, I would say -- I would say, just to be very
7 specific in terms of language or very precise in terms of language,
8 that the Ukrainian request for Javelins was not approved under the Obama
9 administration and discussions included concerns about the Russia
10 reaction.

11 MR. MEADOWS: All right. And so did you agree with that
12 decision? Were you advocating for Javelins or against Javelins?

13 MS. CROFT: I was advocating for Javelins --

14 MR. MEADOWS: Okay. And so you --

15 MS. CROFT: -- personally, but in my role.

16 MR. MEADOWS: Personally. As the Ukrainian expert you were
17 advocating for Javelins and the administration said -- ultimately said
18 no.

19 MS. CROFT: Ultimately said no. I was one of many Ukraine
20 experts advocating for Javelins. But, yes.

21 MR. MEADOWS: All right. So you're saying most of the Ukrainian
22 experts were advocating for Javelins.

23 MS. CROFT: I think broadly the Ukraine policy community that I
24 worked with was in favor of that decision.

25 MR. MEADOWS: All right. So broadly they were in favor of that.

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1 So then we fast forward a little bit to now 2017 and that issue
2 comes up again. You're saying, okay, we've got a new administration,
3 so now we're going to take another try at getting defensive weapons,
4 even though the threat was probably not as great as it was under the
5 Obama administration, just because we were so uncertain.

6 Is it correct or -- let me ask this. Is it correct to say that
7 the advance of Russian military forces and the uncertainty of that was
8 greater in 2015 and '16 than it would be in 2017 and 2018?

9 MS. CROFT: I would say that the line of contact here, to your
10 question, the line of contact was relatively static by 2017 [REDACTED]
11 [REDACTED]
12 [REDACTED].

13 MR. MEADOWS: All right. And so -- but you still thought it was
14 important that we provide Javelins as a defensive message as a deterrent
15 to possible Russian aggression?

16 MS. CROFT: Yes.

17 MR. MEADOWS: And so as you put forth that early on in the Trump
18 administration, essentially within 12 months that determination had
19 been made that, yes, we will change U.S. policy and to allow for
20 defensive weapons. Is that correct?

21 MS. CROFT: Yes. I started in July and the decision was taken
22 in December.

23 MR. MEADOWS: Okay. Were you surprised by that decision?
24 Because it's a real shift, I mean, and it's a substantial shift, from
25 a foreign policy guy, it's a real substantial shift that obviously made

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1 headlines at the time.

2 MS. CROFT: It was a big decision. I was very happy about it.
3 I don't know if I was surprised or not, but I was happy with the decision.

4 MR. MEADOWS: But you were happy about it.

5 MS. CROFT: Yes.

6 MR. MEADOWS: All right. And so we have no Javelins under the
7 previous administration. We have a decision for Javelins to move
8 forward. And this is in spite of what I think you characterized earlier
9 a deep-seated concern by the President that the Ukrainians were a
10 corrupt country.

11 MS. CROFT: Yes.

12 MR. MEADOWS: And so did you hear on more than one occasion that
13 the President felt like the Ukrainian Government was corrupt?

14 MS. CROFT: Yes.

15 MR. MEADOWS: Is that a position that Ambassador Kurt Volker held
16 as well or did -- let me rephrase it. Did you and Ambassador Kurt
17 Volker talk about the fact that the President had this deep-seated
18 concern about corruption broadly in the Ukraine?

19 MS. CROFT: Kurt and I were both present with the President in
20 his pre-brief ahead of his meeting with Poroshenko in September in which
21 the President described Ukraine as corrupt.

22 MR. MEADOWS: And was he pretty emphatic that he believed that?

23 MS. CROFT: The President?

24 MR. MEADOWS: Yes.

25 MS. CROFT: Yes.

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1 MR. MEADOWS: Okay. And so we have this deep-seated belief that
2 Ukraine is corrupt, but yet you and your team were persuasive enough
3 to convince the President to allow for the sale of Javelins to go to
4 Ukraine? That's pretty impressive. Because, I mean -- go ahead.

5 MS. CROFT: The provision, using U.S. security assistance.

6 MR. MEADOWS: Right. And so -- but at that time it was not just
7 that we were going to allow them to purchase things. We were actually
8 going to give U.S. taxpayer dollars to them in order to attain Javelins.
9 Is that correct?

10 MS. CROFT: That's correct.

11 MR. MEADOWS: So let's fast forward a little bit, because
12 Javelins gets mentioned, and you've been really the very first person
13 out of nine different witnesses to articulate what I've been trying
14 to get to for the last 70 hours.

15 But is the -- the very fact that Javelins were mentioned on a July
16 25th phone call was not part of foreign aid, it was indeed a potential
17 purchase that was going to be made by the Ukrainian government with
18 their funds. Is that correct?

19 MS. CROFT: I have no special or independent knowledge of the
20 phone call other than the transcript --

21 MR. MEADOWS: No, no, no --

22 MS. CROFT: -- publicly. So I'm with all of you --

23 MR. MEADOWS: I'm not talking about the phone call. I'm just
24 talking about the purchase of Javelins in 2019. Was that anticipated
25 that that would be American taxpayer dollars that purchased that or

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1 Ukrainian dollars that would purchase that?

2 MS. CROFT: Ukrainian national funds.

3 MR. MEADOWS: So not only have we shift from the Obama
4 administration, where they weren't providing Javelins with U.S.
5 taxpayers, then we went to 2017 where we provided Javelins according
6 to U.S. taxpayer dollars, to 2019 that says that, by the way, Javelins
7 will potentially be purchased, but no longer by U.S. taxpayer dollars.
8 Is that correct?

9 MS. CROFT: Yes, that's correct.

10 MR. MEADOWS: And so that's the official policy today, the U.S.
11 policy was that we will continue to sell them Javelins, but they would
12 have to do so with their own money. Is that correct?

13 MS. CROFT: Yeah. I'm not aware that there had been a policy
14 decision to not use security assistance funds to provide Javelins, but
15 I do know that the President expressed an interest in Ukraine purchasing
16 Javelins.

17 MR. MEADOWS: All right. So you're saying that the President has
18 expressed a concern that -- and I'll ask it really a double-edged
19 question or a two-prong question.

20 Has the President ever expressed interest in the EU carrying more
21 of their weight in terms of supporting Ukraine defense initiatives?
22 Have you -- are you aware of that?

23 MS. CROFT: I have indirectly heard him say the Europeans need
24 to step up, they need to do more, and have understood that to mean
25 security assistance.

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1 MR. MEADOWS: Do you believe that the President wants the
2 Ukrainian Government to do more in terms of their own self-defense as
3 well?

4 MS. CROFT: I believe that he does want to see Ukraine able to
5 defend itself, yes.

6 MR. MEADOWS: All right. So let me then finish up with this.
7 The meeting, the Oval Office meeting that you referred to earlier and
8 the other witnesses have referred to in terms of the Oval Office meeting
9 between President Zelensky and President Trump, is that -- it's not
10 that U.S. Ukrainian policy would be changed in that Oval Office meeting,
11 it was more of a symbolic gesture that this is a reset, that this is
12 different than the previous President, Poroshenko, and that this new
13 President is anticorruption, and it shows the level of support to the
14 world and I guess to the Ukrainian people if this meeting happened.
15 So is it more symbolic than it is policy driven?

16 MS. CROFT: I think originally -- I think originally it was both.
17 Zelensky having an Oval meeting is a powerful symbol of U.S. support
18 for Ukraine. I think that's unquestionable.

19 Later on, when the security assistance hold was put in place, I
20 think those in leadership circles -- and I agreed -- thought that if
21 Trump and Zelensky did meet face to face, that given their common
22 background, they would get along, and given that the President tends
23 to rely heavily on firsthand impressions in making policy decisions,
24 that he could potentially at least semi-reverse his position on Ukraine
25 and corruption, and that later, when we learned about the OMB hold,

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1 that resolving the President's concerns about corruption would
2 hopefully lead to lifting that hold.

3 MR. MEADOWS: Well, I know you're an expert on Ukrainian
4 analysis. I think you're an expert on Oval Office analysis, because
5 I couldn't agree more. I mean, what you're saying is, is that you
6 believed if you got the two leaders together, that what all of a sudden
7 is your belief and the broad belief that President Zelensky was going
8 to attack corruption, that he would get to see that firsthand, and that
9 would start to do away with some of the deep-seated concerns that the
10 President had as it relates to Ukrainian corruption. Is that correct?

11 MS. CROFT: That is -- that was certainly my hope, and it was not
12 a hope that I -- that I had by myself, and I think it was a reasonable
13 hope to have.

14 MR. MEADOWS: So you think that was a broader -- so it's not just
15 the expert witness Ms. Croft that believed this, you said there's
16 others -- some of your other colleagues had that same belief?

17 MS. CROFT: Yes. That's what we were working toward.

18 MR. MEADOWS: And Ambassador Volker, would he have been one of
19 those people that believed that if you could just get the two of them
20 together, that things would start to work out?

21 MS. CROFT: Yeah. I'm reluctant to speak for him, but those were
22 the conversations that he and I had.

23 MR. MEADOWS: All right.

24 Steve, I'll yield to another Member.

25 MR. CASTOR: Mr. Perry had a lot of questions.

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1 [1:42 p.m.]

2 MR. PERRY: I want to talk to you a little bit about over the last
3 couple of weeks in this room, there have been questions about bipartisan
4 support for Ukraine, generally speaking, and what things might diminish
5 bipartisan support, Republicans and Democrats supportive of our goals
6 in Ukraine. And I just -- and I want to characterize it in terms of,
7 based on your opening statement about your time with Ukraine, so it
8 should be things that are pretty clear to you. I understand you started
9 at NATO in 2013, and at the desk from 2015 to 2017. In that context,
10 was there any diminution of bipartisan Republican or Democrat support
11 for Ukraine, let's say, during 2014, where the U.S. ambassador for
12 Ukraine, Jeffrey Pyatt had a conversation with Victoria Nuland, where
13 she basically -- well, she said F the EU, referring to Brussels
14 hesitation for overthrowing the elected government in Kyiv outright,
15 if I'm reading this report correctly.

16 Did those circumstances, as you remember them, would they
17 have -- did they diminish any bipartisan support, Republicans and
18 Democrats, for our support of Ukraine?

19 MS. CROFT: I mean, I don't have any firsthand knowledge, having
20 not been on the Hill during that time, but I never saw --

21 MR. PERRY: Did you see any evidence?

22 MS. CROFT: I never saw evidence of diminished bipartisan
23 support.

24 MR. PERRY: Okay. And over a decade, prior to 2014, so that gets
25 to obviously before your time there, but allegedly spent about \$5

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1 billion on democracy promotion in Ukraine, during that period of time
2 is now known as pretty corrupt, but we kept on trying, spending \$5
3 billion over that period of time for what was described as democracy
4 promotion efforts, even though there were corruption issues, did you
5 see any evidence of a lack of bipartisan support?

6 MS. CROFT: I don't think I can sort of sign on to sort of the
7 characterization of that money being exclusively for, you know -- for
8 Democratic support, but rather economic stability. As I testified
9 earlier, it was a huge part of the picture there, and a lot of that
10 economic aid was directed as sort of helping Ukraine remain
11 economically stable during this conflict.

12 MR. PERRY: Tumultuous time. But even as you characterize, it
13 is still bipartisan support?

14 MS. CROFT: And I haven't seen a decline in bipartisan support
15 or evidence of it, in my limited capacity.

16 MR. PERRY: And when Vice President Biden went to Ukraine and then
17 it was reported at the CFR where he was shown as saying, you know, I
18 told them you need to fire the prosecutor, or we're going to withhold
19 the \$1 billion in IMF funds, or whatever that conversation was. Did
20 there continue to be bipartisan support, generally speaking, or did
21 you see any evidence or lack of bipartisan support for Ukraine during
22 that time?

23 MS. CROFT: I personally did not see any reduction in bipartisan
24 support.

25 MR. PERRY: Okay. I didn't think you did, but -- because it

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1 seems like there has been a conversation about that here, and I haven't
2 seen any either, so as the person who's been around who seems to be
3 the expert on it, I just wanted to get your take on it, and I appreciate
4 that. I want to move on to a different subject, based on something
5 you said in the last round.

6 MS. CROFT: Yeah, I'm sorry, I just want to qualify one thing.

7 MR. PERRY: Sure, go ahead.

8 MS. CROFT: I did try to be explicit in that my limited
9 capacity -- I have limited personal knowledge.

10 MR. PERRY: I understand. Yeah, but from the knowledge that you
11 had, right, I asked if you saw any evidence and --

12 MS. CROFT: In my limited capacity, I did not.

13 MR. PERRY: And again, moving on, just to set this up a little
14 bit, I am a retired Army officer, and I know that you know Lieutenant
15 Colonel Vindman well. As Army officers, there's a general theme that
16 it's mission first. We kind of take on our mission very personally,
17 and it becomes personal to us if there's some way not to accomplish
18 the mission. I mean, it's mission first, and it comes before
19 everything else and it's just kind of inbred in military officers and
20 military personnel, in general, at least as far as I'm concerned. In
21 that vein, you had mentioned that Colonel Vindman drove the policy.
22 Did you say aggressively? I can't remember exactly what you said
23 there. How did you describe it?

24 MS. CROFT: I don't remember what word I used, but he was highly
25 engaged.

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1 MR. PERRY: Okay, fair enough. Would you say he was very
2 passionate about it?

3 MS. CROFT: I couldn't speak to his emotional state. I was just
4 reflecting sort of the frequency of meetings and the number of taskings
5 and that sort of thing.

6 MR. PERRY: So you can't characterize whether he took it kind of
7 personally, and took it on as his personal --

8 MS. CROFT: I wouldn't be comfortable speaking to his emotional
9 state on that.

10 MR. PERRY: Okay. Did he ever talk to you about his frustration
11 when things weren't working out?

12 MS. CROFT: No.

13 MR. PERRY: All right. I yield to the next member.

14 MR. CASTOR: Mr. Armstrong.

15 MR. ARMSTRONG: Thank you. You were working the Ukraine desk in
16 2016, right?

17 MS. CROFT: Yes.

18 MR. ARMSTRONG: And I know there's reports afterwards and all
19 this, but at that time when Valeriy Chaly, Ukraine's ambassador, she
20 wrote letter -- I mean she wrote an op-ed in The Hill. As a member
21 of the desk, were you following some of those things?

22 MS. CROFT: He.

23 MR. ARMSTRONG: He, sorry.

24 MS. CROFT: Yes, I was vaguely tracking it.

25 MR. ARMSTRONG: How about -- and I'm going to get all of these

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1 wrong and you can correct me, Valentin Nelenchenko (ph), who is security
2 ambassador, there were some Facebook comments about the President.
3 Were you aware of these at the time when you were at the desk?

4 MS. CROFT: I'm it not aware of what you just made reference to.

5 MR. ARMSTRONG: Do you know who Serhiy Leshchenko is?

6 MR. MEADOWS: I think it is Leshchenko.

7 MR. ARMSTRONG: I told you I am going to butcher the names.

8 MS. CROFT: Oh, Leshchenko

9 MR. MEADOWS: He needs a North Carolina interpreter.

10 MR. ARMSTRONG: Well, we've got north there. In North Dakota,
11 we always say we have seven kinds of Lutherans so.

12 MS. CROFT: I was trying to work with you there, I was --

13 MR. ARMSTRONG: I appreciate it.

14 MS. CROFT: I'm aware of him. I don't know him personally.

15 ARMSTRONG: Were you aware at the time at the desk of anything
16 that was going on 2016 election regarding him?

17 MS. CROFT: I was only vaguely aware in the same sense that
18 everybody else was aware, you know, that there was, you know -- yes,
19 sort of vaguely aware.

20 MR. ARMSTRONG: Was there conversation about Ukrainian
21 Government officials, maybe in an irregular way, manifesting
22 themselves into the 2016 election?

23 MS. CROFT: Not that I was ever part of.

24 MR. ARMSTRONG: Okay. Anybody else?

25 MR. MEADOWS: Let me, Steve, come back real quick, and then I will

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1 give it back to you.

2 So as it relates to Serhiy Leshchenko, is that correct? Is that
3 better? Is it better than my North Dakota friend there? He was -- was
4 he a journalist?

5 MS. CROFT: He's a former MP.

6 MR. MEADOWS: Okay. And so he's -- was he an MP in 2016, do you
7 recall?

8 MS. CROFT: I honestly -- I don't recall the timeline. I was
9 focused more on security assistance at the time, so there were other
10 folks that were responsible for tracking internal politics.

11 MR. MEADOWS: So let me ask one final question, what with U.S.
12 Ukraine policy, at this point -- as with the previous administration,
13 there was some things that you wanted to happen. I'm certain that
14 there's probably things that you would like to happen. Other than an
15 Oval Office meeting, is there anything that you believe that we could
16 do currently to help with the Ukraine-U.S. relationship?

17 MS. CROFT: I think it's very important that Ukraine remain on
18 the agenda of the -- of the U.S. foreign policy agenda. I think it
19 is important our senior leadership continue to acknowledge the support
20 for Ukraine is in the U.S. national interest. I think I certainly would
21 like to see us step up our security assistance. I think we have done
22 a lot. And I think, in terms of our security assistance, we get a lot
23 of bang for our buck.

24 The evolution of Ukraine's armed forces over the last 5 years has
25 been absolutely remarkable, and I think that's a credit to bipartisan

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1 congressional support for security assistance and conditioning that
2 on defense reforms, which have moved in a very positive direction. I
3 also personally feel it is important that we remain -- that the United
4 States continue to have a leadership role in the negotiations and the
5 conflict in the east.

6 I think we have a unique opportunity to make forward progress on
7 that with the -- both the popular support that Zelensky has, and Ukraine
8 and in Russia, as well as a demonstrated willingness to take political
9 risks in order to make progress. The United States has played an
10 incredibly, I think, valuable role in both keeping our European
11 partners united with us on our Ukraine policy, and maintaining our
12 sanctions regime, while at the same time, engaging in shuttle
13 diplomacy. And while acknowledge that the shuttle diplomacy has been
14 stalled, I think we have a progress -- an opportunity to make progress
15 in our coordination, on the one hand, with Ukraine in coordination with
16 France and Germany, and then on the other hand, Russia. And I think
17 we are best positioned to do that if we continue to have a senior level
18 official that is empowered to engage.

19 MR. MEADOWS: So we need to have someone replace Ambassador Kurt
20 Volker then?

21 MS. CROFT: That's my personal view, yes.

22 MR. MEADOWS: And -- I will yield back. I thank you. I really
23 want to close by saying thank you for being so candid, and thank you
24 for helping us, I believe, understand the whole process better.

25 MS. CROFT: Thank you.

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1 BY MR. CASTOR:

2 Q Do you think this investigation has harmed or done some
3 damage to bilateral relations?

4 A I think, too, in my personal view in U.S.-Ukraine relations,
5 I think that those relationship -- that relationship, I think,
6 continues to remain strong. And I think as long as U.S. support for
7 Ukraine continues, that will not be diminished. I think it's a
8 question of looking to the future to make sure that U.S. support
9 continues.

10 Q Were you on the Ukraine desk during the Vice President
11 Biden's visit to Ukraine where he made the comments about relieving
12 the prosecutor Shokin of his duties?

13 A Yes. But I'm going to tell you right now, it was a long time
14 ago, and my memory is going to be a little bit fuzzy from that time?

15 Q As we have discussed with the holdup in aid in July, August,
16 September of this year, there was a relatively developed interagency
17 set of meetings and contacts about how the aid was held up from July
18 18th to September 11th. And I was just wondering if you have any
19 recollection of whether there was a robust interagency process relating
20 to the loan guarantees?

21 A I would not have participated in that process at the time,
22 because it wasn't in my portfolio, and the desk officer at that level
23 wouldn't necessarily have participated in that.

24 Q Do you remember if there were PCCs on the topic, or is that
25 something that would ordinarily be outside of a PCC process?

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1 A I don't recall.

2 Q Did you happen to be on that trip?

3 A No.

4 Q Did you get involved with any of the preparation for the
5 visit?

6 A For a visit like that, it would typically be all hands on
7 deck. So I think we all probably did support it, but I don't have
8 specific memories.

9 Q Do you have any recollection of whether there was a concern
10 that given Hunter Biden's role with the Burisma company and the Vice
11 President's engagement that there was a potential conflict of interest?

12 A No, not that I was aware of.

13 Q I will just -- I'm going to refer to Vice President Biden's
14 remarks, you know, he was relating this at a Council on Foreign
15 Relations speech in January 2018. He said, I remember going over
16 convincing our team -- others to convincing that we should be providing
17 for loan guarantees. And I went over to try, yes, the 12th, 13th time
18 to Kyiv. Do you remember your time on the desk was the Vice President
19 going to the Kyiv like 12 and 13 times?

20 A I don't remember how many times the Vice President went.

21 Q Does that sound like the right -- right number?

22 A I would be guessing and drawing from very old memories.

23 THE CHAIRMAN: Counselor, can you identify what you're reading
24 from?

25 MR. CASTOR: This is former VP's remarks to council of foreign

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1 relations on January 23rd, 2018.

2 THE CHAIRMAN: Right. But what are you reading from? What is
3 reporting his comments?

4 MR. CASTOR: These are his comments.

5 THE CHAIRMAN: In The Washington Post or the New York Times?

6 MR. CASTOR: It was a video.

7 THE CHAIRMAN: So you transcribed his comments?

8 MR. CASTOR: It was transcribed, yes.

9 THE CHAIRMAN: By whom? I'm just trying to understand what
10 you're reading to the witness.

11 MR. CASTOR: This is a transcription of what he said on the video.

12 THE CHAIRMAN: By members of the minority staff?

13 MR. CASTOR: What's that?

14 THE CHAIRMAN: By members of the minority staff?

15 MR. CASTOR: Did we have a transcriber? It was just reported in.

16 THE CHAIRMAN: Okay. We just don't know the accuracy what's read
17 to you, that's why we're asking.

18 MR. CASTOR: Have you seen the video?

19 MR. MEADOWS: Do transcribers stay anonymous?

20 THE CHAIRMAN: That's perfectly fine with me. We are just trying
21 to identify what's being purported to speak for the Vice President.

22 MR. CASTOR: We have some copies. I can get some copies.

23 THE CHAIRMAN: The witness is asking a question, I want to
24 understand what you were referring to.

25 BY MR. CASTOR:

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1 Q Anyway, I will jump to the end, and he said, you know, I looked
2 at them and said I'm leaving in 6 hours and if the prosecutor is not
3 fired, you're not getting the money. And then he used some colorful
4 language. And said, and he got fired. And I'm just trying to ask you
5 whether you have any recollection of this, whether this refreshes your
6 recollection. Are these types of, like, loan guarantees easily -- are
7 these types of deal easily broken or not broken by, like, one visit
8 like this?

9 A I don't have any sort of specific memories of being involved
10 in that process. And I'm not an expert on how loan guarantees --

11 Q Okay. Have you had a recollection of these set of events
12 before, or is this the first time you're hearing of the Vice President's
13 statements recounting what happened?

14 A I'm not entirely sure I understand your question, but this
15 is the first time I've heard what you read aloud.

16 Q So you've never seen the video?

17 A I don't -- I don't know the video you're referring to, so --

18 Q I will mark it as an exhibit.

19 Did we have any exhibits today?

20 MR. GOLDMAN: No, we did not.

21 MR. JORDAN: Ms. Croft is it likely there was some kind of process
22 that was undertaken before the Vice President -- before Vice President
23 Biden went to Ukraine and made this demand or could he have just done
24 it?

25 [Minority Exhibit No. 1

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1 [2:00 p.m.]

2 MR. JORDAN: If I could Steve, did you have more?

3 On the July 18th meeting, I think you said earlier today that,
4 referencing Mr. Kent, Ambassador Kent, you said -- or Secretary Kent,
5 excuse me, I heard there was a hold --

6 MS. CROFT: Deputy Assistant Secretary Kent, or DAS Kent.

7 MR. JORDAN: "I heard there was a hold on Ukraine" is I think the
8 statement you said, that he made that statement at this meeting. I
9 think you said you were participating via video and he made that
10 statement. Is that right?

11 MS. CROFT: That wasn't a verbatim account of that moment, but
12 he raised that he -- he raised that he had heard about a hold.

13 MR. JORDAN: And he had heard about it from whom? Did he hear
14 about it from OMB, or where did he get that information, do you know?

15 MS. CROFT: I don't specifically recall.

16 MR. JORDAN: Thank you, and thanks again for being here.

17 MR. CASTOR: Our time is up.

18 THE CHAIRMAN: I think we're going to break and then go to the
19 next witness. Thank you very much for your testimony.

20 I did have actually one clarification I wanted to ask for the
21 record. You mentioned in your car sick notes that you took, that there
22 was no mention of B. Do you recall whether when you wrote that note,
23 you were referring to no mention of B by Zelensky, no mention of B by
24 Taylor, as you're writing down the notes, or what that notation meant?

25 MS. CROFT: I don't specifically recall what I meant when I wrote

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1 that.

2 THE CHAIRMAN: Okay. All right. We will recess, and as soon as
3 the next witness is available, we will resume.

4 MS. CROFT: Thank you.

5 MR. MACDOUGALL: Mr. Chairman, is Ms. Croft excused?

6 THE CHAIRMAN: You are excused for today, yes, and we don't
7 expect -- my lawyers can tell you what the terminology is in terms of
8 the subpoena, but yes, you are excused.

9 MS. CROFT: Thank you. Thank you, everybody.

10 [Whereupon, at 2:01 p.m., the deposition was concluded.]

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1 CERTIFICATE OF COURT REPORTER

2

3 UNITED STATES OF AMERICA)

4 DISTRICT OF COLUMBIA)

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